

**TOWN PLANNING BOARD**

**Minutes of 413th Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 5.3.2010**

**Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Professor David Dudgeon

Mr. Edmund K.H. Leung

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

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

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

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

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

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

Secretary

**Absent with Apologies**

Mr. David W.M. Chan

Mr. Tony C.N. Kan

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

**In Attendance**

Assistant Director of Planning/Board  
Miss H. Y. Chu

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 412th RNTPC Meeting held on 12.2.2010

[Open Meeting]

1. The draft minutes of the 412th RNTPC meeting held on 12.2.2010 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) Approval of Draft Plans

2. The Secretary reported that on 2.2.2010, the Chief Executive in Council (CE in C) approved the following plans under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and approval of the plans would be notified in the Gazette on 12.3.2010:

- (a) South West Kowloon Outline Zoning Plan (OZP) (to be renumbered as S/K20/24);
- (b) Ping Che and Ta Kwu Ling OZP (to be renumbered as S/NE-TKL/14);
- (c) Urban Renewal Authority (URA) Prince Edward Road West/Yuen Ngai Street Development Scheme Plan (DSP) (to be renumbered as S/K3/URA2/2); and
- (d) URA Shanghai Street/Argyle Street DSP (to be renumbered as S/K3/URA3/2).

(ii) Reference Back of OZPs

3. The Secretary also reported that on 2.2.2010, the CE in C referred the following OZPs to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance and the reference back would be notified in the Gazette on 12.3.2010:

- (a) North Point OZP No. S/H8/22; and

- (b) Tseung Kwan O OZP No. S/TKO/17.

### **General**

[Mr. Wilson Y.L. So, Assistant Director/New Territories (AD/NT), was invited to the meeting at this point.]

### **Agenda Item 3**

Stacking Height of Containers in Open Storage Yards in the New Territories  
(RNTPC Paper No. 2/10)

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4. With the aid of a Powerpoint presentation, Mr. Wilson Y.L. So, AD/NT, presented the Paper and covered the following aspects :

#### **Background**

- (a) On 9.10.2009, in considering planning application (No. A/YL-HT/645) for temporary open storage of containers and logistics center at Ha Tsuen, there were discussions on the stacking height of containers and its impact on the surrounding area. Subsequently, the application was approved with conditions, and the Planning Department was requested, in consultation with the relevant departments and the operators of the industries, to review the current stacking height of containers.

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

- (b) As stated in the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ under Section 16 of the Town Planning Ordinance (TPB Guidelines No. 13E), for container storage/repair sites that would cause significant visual intrusion to surrounding or adjoining residential uses in rural areas, the stacking height of containers was recommended to be restricted to a maximum of 3 units. For safety reason, the stacking height of the materials stored

within 5m of the periphery of the application site should not exceed the height of the boundary fence. The stacking height of maximum 8 container units had taken into account the general guidelines promulgated by the then Committee on the Cleaning Up of Black Spots in the New Territories in 1995.

#### The Need for a More Stringent Control

- (c) Comments from the relevant Bureau/Departments had been sought. The Transport and Housing Bureau considered that the current practice should be maintained. The Lands Department, Buildings Department and Fire Services Department had no specific comments on the stacking height of containers.
  
- (d) As far as occupational safety was concerned, the Labour Department did not specify the maximum stacking height of containers, but required the duty holders to develop, implement and maintain the system of works as set out in the Code of Practice on Mechanical Handling Safety in Container Yards (“CoP”) which set out practical measures to ensure the safe stacking of containers with due consideration to various factors. Limiting the stacking height was one of the factors to be taken into consideration in order to reduce the wind effect on containers. On the visual aspect, the Chief Town Planner/Urban Design and Landscape of Planning Department pointed out that the stacking height was operation-driven. Assuming the same demand, a reduction of the stacking height might increase the total storage area. In view of this, the visual improvement accrued from a reduction of the stacking height had to be carefully considered against the cumulative landscape and visual impacts on the rural landscape.

#### Discussions with the Trade

- (e) Initial discussions with the operator/representative of the trade showed that stacking height of containers on site was mainly determined by operational needs. The maximum stacking height for containers filled with goods was lower than that of empty containers due to the limitation

of the equipment. The stacking height limit of maximum 8 units imposed by the then Task Force (Black Spot) would not result in adverse visual impact. Tightening the requirement on visual ground would neither be necessary nor justified. Occupational safety was of greater importance and the trade had always observed the CoP issued by the Labour Department.

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

### The Review

#### *Safety Aspect*

- (f) The CoP of the Labour Department provided guidelines for safety issues in container yards operation. Under the CoP, a firm, flat, well-drained surface, clear of obstructions and projections on the ground for supporting containers should be provided. There were on-site management measures to be carried out to reduce the wind effect on containers.

#### *Visual Aspect*

- (g) Lowering of stacking height of containers might not be the most effective way to address the visual impact. A reduction in stacking height would lead to a horizontal increase in container storage area if the same storage capacity was to be attained. This might result in cumulative landscape and visual impact on the rural landscape, and lead to a further proliferation of container yards in the New Territories.
- (h) In designating areas for open storage or port back-up uses (OS/PBU) and classifying Category 1 or 2 areas under TPB Guidelines No. 13E, possible visual impact should have been duly taken into consideration at the planning stage. Significant visual intrusion to surrounding areas due to open storage of containers should not arise. As for Category 3 and 4 areas, potential adverse visual impact due to approved open storage of containers would be low, as no new planning permission would be granted unless it was related to sites with previous planning approvals.

Recommendation

- (i) Blanket reduction in the stacking height of containers was not recommended. The potential visual impact would be considered in assessing planning application. In areas adjoining village houses clusters, the applicant should propose suitable layout design of the container yard for the consideration of the Board. For example, appropriate areas should be earmarked for the provision of access and marshalling areas; the ends of containers should be oriented to face pavements/roads; and containers could be stacked in stepped profile near the periphery or at the visually sensitive or side of the container yard.
  
- (j) For cases that would be recommended for approval, the following guidelines should be considered when imposing approval conditions for container yards with adjoining residential uses:
  - (i) The materials stored within 5m of the periphery should not exceed the height of the boundary fence.
  
  - (ii) Notwithstanding (i), a minimum buffer distance of 10m should be set aside from the boundary of the container yard directly facing the residential structure, within which the maximum stacking height of container should be restricted to 3 units.
  
  - (iii) Taking the proposed scheme of the container yard including the submitted layout into consideration, under no circumstances would the maximum stacking height of containers be allowed to exceed 8 units.

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

- (k) Subject to the Committee's endorsement, TPB Guidelines No. 13E would be updated to reflect the proposed measures when opportunity arose. The message would also be relayed to the operators in the regular liaison meeting between the Planning Department and the trade. Prospective

applicant was also encouraged to make use of pre- or post-submission meeting(s) with the relevant District Planning Officer to better understand the requirement for preparing the technical submissions in making the planning application.

5. While agreeing with the recommendation, a Member raised concern on how the operation of the container yards could be monitored, particularly with regard to the public safety aspect. Another Member opined that the higher stacking height for empty containers appeared to be more dangerous especially for isolated stack at the time of strong wind. Mr. Wilson So responded that the maximum stacking height of containers in open storage yards had to be justified on two main aspects, namely, occupational safety and visual impact. The trade was aware of the importance of occupational safety and the CoP issued by the Labour Department provided a useful guidance on safety issues in container yard operation. In fact, it would be difficult to rely on the Town Planning Ordinance to ensure the safety of the operation. On the aspect of visual impact, through the planning application system, the applicant should propose suitable layout design of the container yard to address the Board's concern. If the application was approved, suitable approval conditions could be imposed and revocation clause could also be included to monitor the compliance of the approval conditions.

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

6. Mr. Ambrose Cheong asked if the access and marshalling areas as mentioned in para. 5.5 of the Paper should be provided within the container storage site, and about the orientation of the ends of containers as suggested in the same paragraph. Mr. Wilson So replied that the proposal for the provision of access and marshalling areas should be made within the container yard site and the containers should be arranged with the ends facing external pavements or roads so as to reduce the wall effect of container stacks, but would not affect the pavements or roads.

7. After further deliberation, the Committee decided to agree to the proposed guidelines as stated in paragraph 6.1 (a) to (c) of the Paper and that the Town Planning Board Guidelines No. 13E would be updated to include the proposed guidelines when opportunity arose.





proposed development should not affect existing footpath and access road. Another public comment was submitted by a local resident who objected to the application due to its close proximity to the nearby houses which would affect the privacy of the neighbours and there was also a loss of greenery of the area; 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 Consideration of Application for NTEH/Small House in the New Territories” in that the Site was located within the village ‘environs’ and there was a general shortage of land in meeting Small House development in the “Village Type Development” zone. The land available could not fully meet the future Small House demand of Ho Chung Village. The use under application was in line with the planning intention of the “Residential (Group D)” zone. The proposed residential development was considered not incompatible with the surrounding land uses which comprised low-rise village houses. Regarding the public comment, the consultation of the planning application was conducted in accordance with the TPB Guidelines PG-No. 30 on “Publication of Applications for Amendment of Plan, Planning Permission and Review and Submission of Comments on Various Applications under the Town Planning Ordinance”. Besides, the proposed development would not affect the existing footpath and access road.

9. Members had no question on the application.

#### Deliberation Session

10. 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 5.3.2014, 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 to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to 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 applicants 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 the Water Supplies Department's standards. The water main in the vicinity of the site could not provide the standard fire-fighting flow;
- (b) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department regarding the provision of screen planting along the site boundary; and
- (c) to liaise with the District Lands Officer/Sai Kung, Lands Department on lease matter.

**Agenda Item 5**

**Section 16 Application**

[Open Meeting]

A/SK-PK/166

Proposed 5 Houses

(New Territories Exempted Houses - Small Houses)

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

Lots 1090 sA (part), 1090 sB (part), 1090 sC (part), 1090 sD (part),

1090 sE, 1090 sF and 1090 RP (part) in D.D. 217 and adjoining

Government land, Kau Sai San Tsuen, Sai Kung

(RNTPC Paper No. A/SK-PK/166B)

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12. The Committee noted that the applicant requested on 19.2.2010 for a deferment of the consideration of the application for two months to allow time to arrange meetings with the concerned Government departments to resolve some technical issues on the tree preservation proposal.

13. 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 a further two months were allowed for preparation of the submission of further information and as a total of 5 months had been allowed, no further deferment would be granted unless under very special circumstances.

[The Chairperson thanked Ms. Ann O.Y. Wong, STP/SKIs, for her attendance to answer Members' enquires. Ms. Wong left the meeting at this point.]

**Sha Tin, Tai Po and North District**

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

**Agenda Item 6**

**Section 12A Application**

[Open Meeting]

Y/NE-KTS/3                      Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/12 from “Agriculture” to “Other Specified Uses” annotated “Rural Use” or “Comprehensive Development Area”, Various Lots in D.D. 92 and Adjoining Government Land, Kwu Tung South, Sheung Shui  
(RNTPC Paper No. Y/NE-KTS/3B)

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14.            The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng had declared interests in this item as they had current business dealings with SHK. As the Paper was on the applicant’s request to defer consideration of the application, Members agreed that Mr. Yap and Mr. Cheng were allowed to stay in the meeting.

15.            The Committee noted that the applicant requested on 24.2.2010 for a deferment of the consideration of the application for two months to prepare supplementary information to address the outstanding departmental comments.

16.            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 three months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that a further two months were allowed for preparation of the submission of further information, and as a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 7**

**Section 12A Application**

[Open Meeting]

Y/TP/13

Application for Amendment to the Draft Ting Kok Outline Zoning Plan No. S/NE-TK/16 and Approved Tai Po Outline Zoning Plan No. S/TP/21 from “Green Belt”, “Conservation Area”, “Village Type Development” and “Government, Institution or Community” to “Green Belt”, “Government, Institution or Community”, “Government, Institution or Community(1)” (“G/IC(1)”), “Village Type Development”, “Other Specified Uses” annotated “Comprehensive Development and Conservation Enhancement Area” (“OU(CDCEA)”) and an area shown as “Road” and Proposed New Sets of Notes for the Proposed “OU(CDCEA)” and “G/IC(1)” zones, Various Lots in D.D. 23 and D.D. 26 and Adjoining Government Land, Shuen Wan, Tai Po (RNTPC Paper No. Y/TP/13A)

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17. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with CM Wong & Associates Ltd, which was the consultants for the applicant. As the Paper was on the applicant’s request to defer consideration of the application, Members agreed that Dr. Lau was allowed to stay in the meeting.

18. The Committee noted that the applicant requested on 28.1.2010 and 24.2.2010 for a deferment of the consideration of the application for two months in order to allow time for the preparation of further information in support of the application.

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

19. 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 three 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 8**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

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Presentation and Question Sessions

20.      Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the social welfare facility (drug rehabilitation and recreation centre);
- (c)    departmental comments – no objection from concerned Government departments was received;
- (d)    the District Officer(North), Home Affairs Department (DO(N), HAD) advised that the Chairman of Sheung Shui District Rural Committee, the concerned North District Council member and the New Territories Kwu Tung Kei Lun Village Neighbourhood Welfare Association raised objection to the application on the grounds of public order, noise nuisance, traffic and possible impacts to the youngsters of the local villages. The locals further said that other actions would be taken if the applied use did not cease. During the statutory publication period, one public comment was received from a member of North District Council objecting to the application mainly on the grounds of public order and possible impacts on the youngsters of the local villages; 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 site had previously been approved for the same drug rehabilitation and recreation centre (DRRC) by the Committee. As compared with the latest approved scheme under Application No. A/NE-KTS/254, there were increases in site area from 750m<sup>2</sup> to 755m<sup>2</sup> and total GFA from 200.2m<sup>2</sup> to 330m<sup>2</sup>. The applicant had obtained Beat Drugs Fund from the Commissioner for Narcotics to rebuild all the existing dilapidated structures to fulfill the licensing requirements of the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance to continue providing treatment and rehabilitation services. The proposed development which was small in scale and of low-rise design was considered not incompatible with the surrounding rural and village environment. No extensive clearance of existing natural vegetation would be involved. The application generally complied with the TPB Guidelines for Application for Development within “Green Belt” zone (TPB PG-10). Regarding the public comments, the use under application was small in scale and the impacts/disturbance to the locals would unlikely be significant. Having considered that the application site had already been occupied by temporary structures for the same DRRC use since 1997, the possibility of reverting the site to a “Green Belt” would be rather slim. In view of this, there was no objection to give a permanent approval to the current application.

[Dr. James Lau left the meeting temporarily at this point.]

21. Referring to the site photos in Plan A-4, the Chairperson asked whether the drug rehabilitation center was in operation. Ms Doris Ting replied that since 1997, the drug rehabilitation center had been operating in the existing temporary structures on the site. The applicant intended to rebuild the structures in 2002 when the first application was approved. However, the necessary funding for the rebuilding had not been obtained at that time. The applicant claimed that fund was recently available for the rebuilding works.

Deliberation Session



22. 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 5.3.2014, 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 design and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to liaise with the District Lands Officer/Yuen Long, Lands Department on modification of the Short Term Tenancy;
- (b) to apply to the Director of Social Welfare for a Certificate of Exemption for the drug rehabilitation and recreation centre;
- (c) to note the comments from the Chief Building Surveyor/New Territories West, Buildings Department that:
  - (i) the granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the Buildings Ordinance or other enactment might be taken if contravention was found;

- (ii) formal submission by an authorized person for any proposed development was required under the Buildings Ordinance; and
  - (iii) if the application site did not abut a street of not less than 4.5m wide, development intensity of the site should be deemed determined under Building (Planning) Regulation 19(3) at building plan submission stage;
- (d) to note the comments from the Director of Environmental Protection that a proper on-site treatment facilities should be provided/implemented to handle the sewage and wastewater generated from the development according to the ProPECC Practice Note on 'Drainage Plans subject to Comment by the Environmental Protection Department' (PN 5/93), and the discharge from such facilities should meet the requirements as stipulated in the Water Pollution Control Ordinance;
- (e) to note the comments from the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
- (i) the application site was located within WSD flood pumping gathering ground; and
  - (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (f) to note the comments of the Director of Fire Services that the applicant should observe the recommendations regarding the fire services installations proposal and Chapter 6 of the Code of Practice for Drug Dependent Persons Treatment and Rehabilitation Centre at Appendix IV;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the provision of 2m wide planting strip for landscape buffer along the existing road and softening the structure was strongly recommended to reduce the landscape impact on the existing

green belt; and

- (h) to liaise with the local residents to address their concerns on the proposed development.

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/55                      Proposed 4 Houses  
  (New Territories Exempted Houses - Small Houses)  
  in “Agriculture” zone,  
  Lots 1870 S.E, 1870 S.F, 1870 S.G, 1891 S.E and 1894 S.I in D.D. 39,  
  Shek Kiu Tau Village, Sha Tau Kok Road  
  (RNTPC Paper No. A/NE-LK/55)

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#### **Presentation and Question Sessions**

24.            Ms. Doris S.Y. Ting, STP/STN, informed the meeting that a letter received from the applicant on 4.3.2010 was tabled at the meeting. The applicant intended to clarify that the suspected unauthorised dumping of sand and mud was carried out by the adjacent land owner who was building a house in his own lot and the applicant promised that he would remove the sand and mud as soon as possible. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 4 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 a good arable land with good irrigation water supply and accessibility and had a high potential for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories, Transport Department (AC

for T/NT, TD) had reservation on the proposed development as NTEHs/Small Houses should be confined within “Village Type Development” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Although the traffic associated with the proposed development was not expected to be significant, such development, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;

- (d) two public comments were received during the statutory publication period. While one of the public comments supported the application, another public comment from Designing Hong Kong Limited objected to the application as the proposed developments fell within an area which lacked a plan for a sustainable village layout to ensure the health and well being of current and future residents and a quality urban design. Failure to ensure a sustainable layout before approval might further deteriorate the living environment of the villages; and
- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed Small Houses generally complied with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” for assessing planning applications for NTEH/Small House development in that both the application site and the footprint of the proposed Small Houses fell entirely within the village ‘environs’ of Ma Tseuk Leng, Wo Tong Kong, Shek Kiu Tau and Ma Tsuek Leng San Uk Ha Villages, and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the same villages. Hence, sympathetic consideration could be given to the application. Regarding the comments from DAFC, the application site was close to the boundary of the “V” zone and the proposed NTEHs were not incompatible with the adjacent village setting and surrounding environment of a rural character. Regarding the comments from AC for T/NT, TD, the site was accessible by a pedestrian track from

Sha Tau Kok Road – Wo Hang Section and the traffic associated with the proposed development would not be significant. Regarding the public comment received on the lack of a plan for a sustainable village layout, concerned departments had no adverse comment on the application.

25. Members had no question on the application.

#### Deliberation Session

26. 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 5.3.2014, 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 proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that for provision of water supply to the proposed developments, 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 the WSD's standards;

- (b) to note the Director of Fire Services' comment that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (c) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed developments, the applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works; and
- (d) to note the Chief Town Planner, Urban Design and Landscape, Planning Department's comment that landscape planting should be proposed along perimeters of the application site for enhancing the greening and screening of the proposed development.

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting]

A/NE-LYT/413      Temporary Training Centre (Adventure Training Centre)  
for a Period of 3 Years in "Agriculture" zone,  
Lots 1442 and 1444 RP in D.D. 76 and adjoining Government Land,  
Sha Tau Kok Road, Fanling  
(RNTPC Paper No. A/NE-LYT/413)

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28.                The Committee noted that the applicant requested on 25.2.2010 for a deferment of the consideration of the application for two months to allow more time to prepare supplementary information to address the Government department's concerns.

29.                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/NE-LYT/414      Renewal of Planning Approval for Temporary Public Vehicle Park  
for Private Cars and Light Goods Vehicles under  
Application No. A/NE-LYT/352 for a Period of 3 Years  
in “Agriculture” zone,  
Lot 1495 S.B RP in D.D. 76, Ng Uk Tsuen, Sha Tau Kok Road,  
Fanling  
(RNTPC Paper No. A/NE-LYT/414)

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#### **Presentation and Question Sessions**

30.            Ms. Doris S.Y. Ting, STP/STN, 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 public vehicle park for private cars and light goods vehicles under Application No. A/NE-LYT/352 for a period of 3 years;

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

- (c) departmental comments –no objection from concerned Government departments was received;

- (d) one public comment indicating ‘no comment’ was received during the statutory publication period; 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 development generally complied with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPG PG-No.34A) in that the application site was the subject of one previously approved planning application (No. A/NE-LYT/352) for the same use and all the approval conditions for the previous planning application had been complied with. The current application was the same as the previous application No. A/NE-LYT/352 in terms of the applied use, site area, boundary and the number of parking spaces for private cars and light goods vehicles. Although the development was not in line with the planning intention of the “Agriculture” zone, the application site had been used as a public vehicle park since 2007 and it was unlikely that the applicant would use the site for agricultural activities. The development would unlikely cause adverse traffic, drainage and landscape impacts on the surrounding areas.

31. Members had no question on the application.

#### Deliberation Session

32. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.3.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing trees within the application site should be maintained at all times during the planning approval period;
- (b) the existing vehicular access, parking and manoeuvring spaces within the application site should be maintained at all times during the planning



approval period;

- (c) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.9.2010;
- (d) in relation to (c) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2010;
- (e) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) if any of the above planning conditions (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the District Lands Office/North, Lands Department's comments on the following:
  - (i) to apply to his office a Short Term Waiver for the regularization of the unauthorized site office erected on the application site; and
  - (ii) to amend the application site boundary and to apply to his office for a Short Term Tenancy to regularize the illegal occupation of Government land if applicable;
- (b) to note the Chief Engineer/Development(2), Water Supplies Department's comment that the application site was located within the flood pumping gathering ground;

- (c) to note the comments of the Chief Engineer/Drainage Projects, Drainage Services Department's comment that a copy of the layout plan of the application site should be submitted to her office for reference before commencement of construction works;
- (d) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances; and
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorised Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future.

[Dr. James Lau returned to join the meeting at this point.]

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/334      Renewal of Planning Approval for Temporary Open Storage of Building Materials under Application No. A/NE-TKL/295 for a Period of 3 Years in "Agriculture" zone, Lots 965 RP (Part) and 966 RP in D.D. 82, Ping Che Road, Ping Che (RNTPC Paper No. A/NE-TKL/334)

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Presentation and Question Sessions

34. Ms. Doris S.Y. Ting, STP/STN, 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 building materials under Application No. A/NE-TKL/295 for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application since a large piece of peach blossom cultivation, many sugar cane and banana tress were being cultivated in its vicinity. Agricultural activities in the vicinity were active and the application site with large piece of abandoned land and good accessibility was considered possessing high potential for agricultural rehabilitation. The Project Manager/New Territories North and West, Civil Engineering and Development Department (PM/NTN&W, CEDD) advised that the application site fell within Ping Che/Ta Kwu Ling New Development Area (NDA). In view that the site formation works for the NDAs development were tentatively scheduled to commence in 2014/15 subject to review under the North East New Territories (NENT) NDAs Study, he suggested that the effective period of permission for the application should be granted to a date not later than the year of 2013;

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

- (d) the District Officer/North, Home Affairs Department (DO/N, HAD) advised that he had consulted the concerned locals. The Vice-chairman of Ta Kwu Ling District Rural Committee, Indigenous Inhabitants Representative (IIR) and Residents Representative (RR) of Lei Uk objected to the application on the grounds that the development of the future NENT NDA should not be affected and the open storage use would affect Ping Che Road where there were many lorries parking along the roadsides; the application site was close to the village and the traffic noise would affect the residents, IIR and RR of Tong Fong had no comment on the application.

During the statutory publication period, no public comment was received; 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 application site fell within Category 2 area under the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No.13E). The application generally complied with the TPB PG-No.13E and Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPG PG-No.34A) in that there were previous approvals for the same use on the application site and the applicant had complied with all the approval conditions of the two previous planning applications. The current application was the same as the previous application No. A/NE-TKL/295 in terms of the applied use, site area, boundary and the development parameters. Although the development was not in line with the planning intention of the "Agriculture" zone under the prevailing outline zoning plan, it is noted that the site fell within Ping Che / Ta Kwu Ling NDA and the future use of the site would be subject to review under the NENT NDA Study. Regarding the comments from DAFC, the application site had been paved and used for open storage since 2001, it was unlikely that the applicant would use the site for agricultural activities. Regarding the public comment on the potential impact on the NDA, the granting of a temporary planning approval for three years until 5.3.2013 would not frustrate the future Ping Che/Ta Kwu Ling NDA development and concerned Government departments had no adverse comment on the application.

35. Members had no question on the application.

#### Deliberation Session

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

temporary basis for a period of 3 years until 5.3.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m and 7:00 a.m was allowed on the application site during the planning approval period;
- (b) the stacking height of the materials stored within five metres of the periphery of the application site should not exceed the height of the boundary fence at any time during the planning approval period;
- (c) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.9.2010;
- (d) in relation to (c) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2010;
- (e) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2010;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2010;
- (g) the submission of proposals on water supplies for fire fighting and fire service installations (FSI) within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2010;
- (h) in relation to (g) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB

by 5.12.2010;

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

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

- (a) to note the District Lands Office/North, Lands Department's comment to either set back the occupation boundary or to include Lot No. 967 (Part) to reflect the actual occupation situation;
- (b) to note the Chief Engineer/Development(2), Water Supplies Department's comment that the application site was located within the flood pumping gathering ground;
- (c) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the

Buildings Ordinance. Authorised Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future;

- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that when compared with the implemented and accepted landscape works for the previous application, 12 numbers of trees were found missing on application site and that replacement planting was required; and
- (f) to note the comments of the Director of Fire Services regarding the FSI proposal:
  - (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
  - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008;
  - (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839-1:2002 + A-2:2008 and FSD Circular Letter 1/2009. One actuation point and one audio warning device should be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
  - (iv) a modified hose reel system supplied by a 2m<sup>3</sup> FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans;

- (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; and
- (vi) for those structure(s) over 230m<sup>2</sup>, sprinkler system should also be provided in addition to the above-mentioned provisions (i) to (v), to the entire building in accordance with BS EN 12845: 2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet, sprinkler control valve group should be clearly marked on plans.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/693                      Proposed Conversion for Office and Other Ancillary Uses  
in “Industrial (1)” zone,  
5/F and 6/F, Informtech Industrial Centre,  
10-12 Yuen Shun Circuit, Siu Lek Yuen, Sha Tin  
(RNTPC Paper No. A/ST/693)

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#### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed conversion for office and other ancillary uses;
- (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(Sha Tin);  
and

[Dr. James Lau returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The application was for conversion of 5/F and 6/F of an existing vacant industrial building for office and other ancillary uses. It was intended to support and complement the proposed medical and healthcare industries cum testing and certification to be set up on the lower floors of the same industrial building. The proposed office and other ancillary uses were considered compatible with the proposed medical and healthcare industries. The proposed office and other ancillary uses would have no adverse traffic, fire safety and environmental impacts on the area. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

39. Noting that the applicant was seeking a permanent approval of the applied use and the considerable investment involved, a Member asked for further clarification on PlanD's recommendation to grant a temporary planning permission for three years. Mr. W. K. Hui explained that the granting of a temporary approval of three years was a prudent approach to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardised. The Secretary supplemented that it was the Committee's practice to grant temporary approval for using individual premises within an industrial building in an "I" zone for non-industrial uses. However, such practice had not been applied for converting a whole industrial building for non-industrial use.

#### Deliberation Session

40. The Chairperson said that it was the policy initiative in the 2009-10 Policy

Address to encourage the revitalization of industrial buildings, under which the owners who opted to use the entire industrial building for non-industrial uses would be exempted from paying waiver fee for the change of use to those in conformity with the relevant OZP for the life of the building. In order to tie in with the new policy initiative, consideration could be given to grant approval to the applied use for the life time of the building. The Secretary supplemented that the Committee had previously granted approval for the conversion of a whole industrial building in Yau Tong area for commercial use for the life time of the existing building. In response to the Chairperson's query, Mr. W. K. Hui replied that the subject industrial building was under single ownership but he was not sure if the owner intended to make application under the industrial building revitalization policy. Mr. Hui explained that though the applicant claimed that the applied office use at 5/F and 6/F was to support the future medical research centre at G/F to 4/F of the same building, the applicant could still rent it out to other office users once he had obtained planning permission for the applied use.

41. The Chairperson said that if the applied office use was only granted a temporary approval of three years, the applicant would not be able to benefit from the new policy initiative. However, if a life time permission was granted for office use on the upper two floors, the owner could apply for wholesale conversion of the existing building, together with the medical center at the lower floors under the new policy initiative. Members generally agreed that planning permission could be granted to the applied use for the life time of the existing building.

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

42. A Member asked if the planning permission of the application granted for the life time of the building could be restricted to the applicant himself as the permission was granted on the basis of single ownership of the building. This would prevent the applicant from selling off part of his building after obtaining the permission of the application for the life time of the building, thus defeating the intention of encouraging wholesale conversion. The Secretary explained that the revitalization policy would allow individual owners of the same building to apply jointly for using the whole building for non-industrial uses. It might not be appropriate to grant the permission to the applicant on a personal basis. Besides being unprecedented, it had been the practice that planning permission in Hong Kong ran with land,

rather than with the applicant. In view of this Member's concerns, she suggested that consideration be given to restrict the lower floors for non-industrial uses. Members generally agreed that the application would be approved for the life time of the existing building on the condition that the uses on the floors other than the application premises (i.e. 5/F and 6/F) were column 1 uses excluding industrial use or uses that were permitted by the Board. Otherwise, the application should only be granted on a temporary basis for a period of three years according to the existing practice of the Board.

43. 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 5.3.2014, 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 lower floors (G/F to 4/F) of the industrial building (Informtech Industrial Centre) should be restricted to Column 1 uses except industrial use specified in the "Industrial" ("I") zone or to uses permitted by the Board;
- (b) if planning condition (a) was not complied with, the permission should be valid on a temporary basis for a period of three years until 5.3.2013, and if planning condition (a) was not complied with after the said period, the approval hereby given should cease to have effect and should on the same date be revoked without further notice;
- (c) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2010;
- (d) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2010; and
- (e) if any of the above planning conditions (c) or (d) was not complied with by

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

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

- (a) In connection with condition (a) above, the applicant should be advised that the approval was granted on the understanding that the use of the lower floors being used for non-industrial Column 1 uses or uses permitted by the Board of the “I” zone. If the lower floors were used for industrial purposes, the approval would only be valid for 3 years;
- (b) to note the comments of the District Lands Officer/Shia Tin, Lands Department that should the application be approved, the applicant was required to seek a temporary waiver from Lands D to implement it. The waiver if approved would be subject to such terms and conditions including payment of necessary fees as might be considered necessary by the Government; and
- (c) to note the comments of the Chief Building Surveyor/New Territories East (2) & Rail, Buildings Department that the proposed conversion constituted a material change in the use of the building and was subject to Section 25(1) of the Buildings Ordinance.

**Agenda Item 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/694                      Renewal of Planning Permission for Temporary Public Vehicle Park  
(excluding Container Vehicle) under Application No. A/ST/648  
for a Period of 3 Years in “Residential (Group A)” zone,  
Section A of Sha Tin Town Lot No. 229,  
Car Park Block of May Shing Court, Sha Tin  
(RNTPC Paper No. A/ST/694)

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45. The Secretary reported that as the application was submitted by the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item:

Mrs. Ava Ng as the Director of Planning	Being a member of the Strategic Planning Committee (SPC) of the HKHA
Mr. Simon Yu Assistant Director (New Territories), Lands Department	Being an alternate member for the Director of Lands who was a member of the HKHA
Mr. Andrew Tsang as the Assistant Director (2) of Home Affairs Department	being an alternate member for the Director of Home Affairs who was a member of the SPC of the HKHA
Mr. Y. K. Cheng	Spouse was Chief Architect of Housing Department
Prof. Edwin Chan	Being a member of HKHA Sub-Committee Building Committee
Mr. Edmund Leung	Having current business dealings with the Housing Department

46. The Committee noted that Mr. Andrew Tsang had tendered apologies for not attending the meeting. Mrs Ava Ng, Mr. Simon Yu, Mr. Y. K. Cheng, Prof. Edwin Chan and Mr. Edmund Leung had left the meeting temporarily during the discussion and determination on this item. As the Chairperson had declared interest, Members agreed that the Vice-chairman should chair the meeting for this item.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning permission for temporary public vehicle park (excluding container vehicle) under Application No. A/ST/648 for a period of three years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) the District Officer (Sha Tin), Home Affairs Department (DO/ST, HAD) had sought the opinion of the application from nearby local representatives. Mr. Leung Wing-hung, a Sha Tin District Council (DC) member gathered the views of residents and suggested that the car parking spaces of May Shing Court should be used by the vehicle owners of May Shing Court residents only and if there was plan to rent the car parking spaces to the public, priority should be given to residents of May Shing Court so as to provide sufficient car parking spaces to them. The May Shing Court Owner's Corporation and Mei Chung Court Owner's Corporation had no comments on the application. During the statutory publication period, one public comment was received. The comment was made by Sha Tin District Councillor Mr. Tang Wing Cheong who suggested that only surplus parking spaces should be leased to non-residents and residents of May Shing Court should have priority in renting the parking spaces while a suitable number of temporary parking spaces should be reserved for visitors to May Shing Court; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The application was to seek renewal of a temporary approval granted for the same use under application No. A/ST/648. The application generally complied with the TPB Guidelines on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No.34A). Renewal of the planning permission

for three years was considered reasonable so that the vacant parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed. Regarding the public comment, an approval condition that the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport was recommended.

48. Members had no question on the application.

#### Deliberation Session

49. In response to Mr. Ambrose Cheong's suggestion of including the three conditions proposed by the applicant as detailed in para. 2(e) of the Paper as the planning approval conditions, the Secretary said that the condition proposed by the PlanD in paragraph 12.2 of the Paper had been imposed on a number of similar planning applications approved by the Committee in the recent years. Members agreed to adopt the approval condition proposed by the PlanD so as to maintain consistency with the approval condition of other similar planning applications.

50. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.3.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that priority should be accorded to the residents of May Shing Court in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

[Mrs Ava Ng, Mr. Y. K. Cheng, Prof. Edwin Chan and Mr. Edmund Leung returned to join the meeting at this point.]

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

**Agenda Item 15**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/695                      Shop and Services in “Industrial” zone,  
Workshop G2, LG/F, Valiant Industrial Centre,  
Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/695)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the shop and services;
- (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(Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The shop and services uses were considered not incompatible with the adjoining units on the ground floor of the same industrial building. The site was small in size (with a GFA of only about 40.69 m<sup>2</sup>) and would not result in a significant loss of industrial floor space. Also, the aggregate commercial floor area on the street level of the subject industrial building would not exceed the maximum permissible limit of 460 m<sup>2</sup>. In view of the small scale of the applied use and its nature of operation, no adverse environmental, hygienic



and infrastructural impacts on the surrounding areas were anticipated. The use of the premises as shop and services was in line with the 'Town Planning Board Guidelines for Use/Development within "Industrial" Zone' (TPB PG-No. 25D). A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

52. Members had no question on the application.

### Deliberation Session

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.3.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2010;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2010; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the

Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;

- (c) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from other workshops by compartment walls having a fire resisting period of not less than two hours;
- (e) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans; and
- (f) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises', which was promulgated by the TPB in September 2007, for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

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

**Agenda Item 16**

**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)

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55. The Secretary reported that the application was submitted by the subsidiaries of Sun Hung Kai Properties Ltd (SHK). Messrs. Donald Yap and Y.K. Cheng having current business dealings with SHK had declared interests in this item. The Secretary also reported that the World Wild Fund for Nature (WWF) Hong Kong had submitted comments on the application and Professor David Dudgeon had declared interests on this application as he was a member of the Management and Development Committee of WWF. Dr. C. N. NG had also declared an interest in this item as the Conservancy Association also submitted comments on the application and Dr. NG was a Director of the Conservancy Association.

[Mr. Donald Yap, Mr. Y. K. Cheng, Professor David Dudgeon and Dr. C. N. NG left the meeting temporarily at this point.]

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary ecological enhancement works for a period of three years;

[Mr. Simon Yu returned to join the meeting at this point.]

- (c) departmental comments – the Director of Environmental Protection (DEP) objected to the application. As the proposed works were to be carried out at the ecologically sensitive areas of Sham Chung, more details should be provided on the construction works, programme, design and the likely impacts that the proposed works would bring to the coastal protection area and the ecologically sensitive river within the site. The proposed works would likely be considered as a Designated Project under the Environmental Impact Assessment Ordinance (EIAO). It was more appropriate to have a proper EIA to address the environmental impacts and the required mitigation measures before the application was considered. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the applicant only gave a broad outline for the proposed ecological enhancement plan. A more detailed proposal and impact assessment should be provided for assessment of the proposal. There was no long-term management and funding arrangement for the ecological enhancement works. There should be monitoring programme for the created/ enhanced habitats to assess their performance. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. On visual aspect, development details of the proposed facilities included in the submission were not clear and the applicant were required to provide clarification to confirm that the proposed building structures were in comparable development scale and height with the surroundings. On design aspect, taking into account the ecological value, natural and tranquil setting of the subject area, addition of building structures in the area should be carefully planned and minimized to avoid any possible impacts on the natural environment unless with strong justifications. In addition, there was no information relating to the operation, management and maintenance of the ecological enhancement scheme in the submission. Further, the effectiveness of this temporary ecological enhancement scheme and the long-term follow up works were unclear. As regards the landscape aspect, there was no justification or design details to justify the scale and alignment of the boardwalk and viewing deck. The landscape impacts of the facilities during construction and operation stages could not be assessed.

There was insufficient information on environmental assessment of the existing landscape resources and no maintenance and management plan for the enhanced ecology and habitats;

- (d) the District Officer/Tai Po, Home Affairs Department (DO/TP, HAD) advised that the IIRs of Sham Chung and the Sai Kung North Rural Committee had been consulted. The IIRs of Sham Chung supported the application. During the statutory public inspection period, a total of 36 public comments, comprising 31 standard letters from the IIRs and local villages of Sham Chung, were received. 33 commenters, including the IIRs and local villagers of Sham Chung, supported the application for the reasons that the measures and proposal to upgrade the local environment were welcome. The land quality of the mangrove and swamp areas in the “Coastal Protection Area” (“CPA”) was very poor and had been in lack of proper management for a long time. The proposed development could help improve the large area of unattended sites in the locality, enhance the surrounding environment and provide some facilities for ecological education. The mangrove areas within the villages and the ecological environment of the other areas could also be protected in an organised way. The villagers hoped that the individual Government departments and environmental groups could refrain from disputes but work together to improve the village surrounding environment, enhance preservation of mangroves in the “CPA” of Sham Chung, encourage the development of ecotourism and implement the long-term environmental management measures as soon as possible. Three commenters, including The Conservancy Association, WWF Hong Kong and Kadoorie Farm & Botanic Garden Corporation (KFBG), expressed concern on the application as follows:

- the s.16 application, though in a right direction, did not include all restoration works needed in Sham Chung. The application site was not the most seriously affected area and the target of restoration should be on the core part. As one of the 12 priority sites under the New Nature Conservation Policy, no development should be considered in Sham Chung except under the merits of the management agreement or Private-Public Participation.
- the application should be deferred until the applicant could provide more comprehensive and solid information to demonstrate scientifically what and how net conservation gain could be brought about by the proposed enhancement measures;
- Sham Chung was of high ecological value but had been subject to deliberate environmental degradation. Any proposed land uses should be accorded high priority to restore the ecological value of Sham Chung. However, the applicant's proposed enhancement plan was largely a landscape proposal of obscured conservation benefits;
- the planning statement did not state clearly about the aim and management objectives of the proposed enhancement work. KFBG would object to the application if the proposed ecological enhancement work was to serve as a landscape garden for the applicant's proposed resort development;
- the proposed type of freshwater wetland was inappropriate. The planning statement indicated that the future wetland would appear like the Wetland Park, which was a type of wetland that was completely different from the original freshwater wetland that existed in Sham Chung; and

- should the aim of the proposed enhancement works be to restore the disturbed wetlands to its original state prior to destruction, the project proponent should consult relevant parties regarding the condition of the original state. Also, the proposed planted species should be the same as the original state of the freshwater marsh.

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 10 of the Paper. As Sham Chung was one of the 12 priority sites for enhanced conservation, any proposed uses, even on a temporary basis, should be carefully planned to protect the natural environment. There was no detailed information or any long-term ecological proposal for enhancement of the area. Any possible adverse impacts that might arise from the proposal could be permanent and irreversible. In this regard, the DEP objected to the application. There was no ecological impact assessment nor EIA provided in the submission to demonstrate that there would be conservation benefit brought about by the proposed temporary “ecological enhancement” works. Also, missing from the application were details on the planting and construction works, programme, design and the likely impacts that the proposed works on the coastal protection area and the ecologically sensitive river within the site. There was also no information provided in the submission relating to the operation, management and maintenance of the ecological enhancement scheme. The DEP advised that the proposed temporary ecological enhancement works would likely be considered as a Designated Project under the EIAO. The mitigation measures required to protect the ecological important areas might affect the design, layout and implementation of the project. Since the DEP was not in a position to confirm that the proposed works would not bring about insurmountable impacts on this area of high ecological value, it was not appropriate for the Committee to approve the application at this juncture. Both the DAFC and the CTP/UD&L of PlanD had reservation on the application from nature conservation, urban design and landscape point of view. Since the application was submitted in August

2008, the Committee had allowed the applicant more than one year to submit further information. Despite the extended period of time granted, the applicant had failed to demonstrate that genuine effort had been made to address the concerns raised by relevant Government departments or to come up with an acceptable ecological enhancement scheme for the Sham Chung area.

57. Members had no question on the application.

#### Deliberation Session

58. The Chairperson remarked that as a number of Government departments had adverse comments on the proposed scheme, there was no sufficient reason to give permission.

59. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the applicant had failed to demonstrate that the proposed temporary ecological enhancement works would not have any adverse ecological, environmental, visual and landscape impacts on the surrounding environment, in particular the coastal protection area and the ecological sensitive river within the site; and
- (b) no details had been submitted on the operation, management and maintenance of the proposed ecological enhancement works.

[Mr. Donald Yap, Professor David Dudgeon and Dr. C. N. NG returned to the meeting at this point.]



**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/398 Proposed House (New Territories Exempted House - Small House)  
in “Village Type Development” and “Green Belt” zones,  
Lot 1070 S.D in D.D.9, Tai Wo Village, Kau Lung Hang, Tai Po  
(RNTPC Paper No. A/NE-KLH/398)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments –no objection from concerned Government departments was received;

[Mr. Y. K. Cheng returned to join the meeting at this point.]

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer(Tai Po);  
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The proposed Small House development met the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that more than 50% of the proposed Small House footprint (i.e. 63.5%) fell within the “Village Type Development” (“V”) zone and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the villages. The application site fell

within the upper indirect water gathering ground and the proposed Small House would be able to be connected to the planned sewerage system in the area. A portion of the application site was currently used as an existing local track but the proposed Small House footprint would not affect this track. The proposed Small House was generally compatible with the surrounding rural environment and was unlikely to have any significant adverse environmental, landscape, drainage and traffic impacts.

61. By referring to the site photo in Plan A-3, a Member asked if the access road would be blocked as the application site had encroached onto the road. Mr. W. K. Hui drew Member's attention to Plan A-2 which showed that the footprint of the Small House would not fall on the road. He further explained that the Director of Drainage Services would replace that portion of the track by a new vehicular access to the immediate north of the site but the programme of replacement of the access road was not available. Mr. Ambrose Cheong advised that the subject access road was not managed by the Transport Department. The Chairperson said that in order to avoid affecting users in the surrounding, the applicant should be advised to maintain the existing access road passing through the application site until the new vehicular access was in place.

#### Deliberation Session

62. 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 5.3.2014, 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.

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

- (a) to maintain the existing access road passing through the application site until the new vehicular access was in place;
- (b) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (c) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (d) the applicant should closely liaise with Chief Engineer/Drainage Project, Drainage Services Department (DSD) for coordination of drainage project works under Contract No. DC/2006/09 – Drainage Improvement Works in Kau Lung Hang, Yuen Leng, Nam Wa Po and Tai Hang areas and Construction of Ping Kong Drainage Channel;
- (e) the applicant should ensure that there would be no traffic and other impacts on the road widening works of the project, ‘Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling - Stage 2’ in future and note that the scheme details of the Stage 2 works were gazetted on 3.7.2009. The applicant was advised to carry out his own Environmental Impact Assessment for the development taking into account the noise, air or traffic impact, if any, from the said project;

- (f) the applicant should treat and dispose the sewage generated from the proposed Small House in the interim period if the proposed house was completed before the completion of DSD's sewers. It was required to discharge the sewage to the newly constructed public sewers, all in accordance with the requirements of Environmental Protection Department;
- (g) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (h) the applicant should continue to pay attention on the latest development of the proposed sewerage scheme. DSD would also keep all the relevant Village Representatives informed of the latest progress; and
- (i) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department.

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/300            Proposed House (New Territories Exempted House - Small House)  
in "Village Type Development" and "Green Belt" zones,  
Government land in D.D. 27, Sha Lan Village, Tai Po  
(RNTPC Paper No. A/NE-TK/300)

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#### **Presentation and Question Sessions**

64.            Mr. W. K. Hui, DPO/STN, asked Members to note a typo error on the para. 2(b), which should be amended to read 'as there is no land available within the village for Small House development, ....'. He then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application on the ground that although the site contained no significant trees, the surrounding rural landscape was already disturbed. The proposed Small House fell almost entirely within “Green Belt” (“GB”) zone and the wooded slope to the north was still intact providing buffer between the two villages. The approval of the application would set an undesirable precedent to other similar Small House applications in the area leading to encroachment of village developments onto the “GB” zone. This would defeat the purpose of establishing the “GB” zone and render an unfavourable environment to the preservation of the existing wooded slope. As there was no space for implementation of landscape planting, should the application be approved, approval condition on the landscape proposal was not applicable;
- (d) one public comment was received during the statutory publication period. The public comment, submitted by the Designing Hong Kong Limited, objected to the application for reason that the area was zoned “GB” and there was a lack of a plan for a sustainable village layout for the area; 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 land available could not fully meet the future Small House demand. The proposed development complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the application site fell entirely within the village ‘environs’, and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of Sha Lan, Shuen Wan Chan Uk, Lei Uk and Chim Uk Villages. Regarding CTP/UD&L’s comment, the proposed Small House was considered not incompatible with the existing village setting with existing village houses found to the south

of the site and there were no existing trees on the subject application site.

65. Members had no question on the application.

#### Deliberation Session

66. 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 5.3.2014, 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 proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.

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

- (a) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that public sewerage connection was available for the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal method for the development. There was no existing public stormwater drains available for connection in the vicinity of the site. The applicant was required to submit and implement a drainage proposal for the site to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant/owner was

required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner 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) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (c) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the applicant was required to submit a Geotechnical Planning Review Report (GPRR) to assess the geotechnical feasibility of the proposed development. A GEO Advice Note, which set out the essential contents of a GPRR, was attached in Appendix VII of the Paper. The applicant was reminded to make necessary submission to the District Lands Officer to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP 147. If such exemption was not granted, the applicant should submit a site formation plan to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[The Chairperson thanked Mr. W. K Hui, DPO/STN, Ms. Doris S.Y. Ting, STP/STN, for their attendance to answer Members' enquires. Mr. Hui and Ms. Ting left the meeting at this point.]

[Mr. Rock Chen left the meeting temporarily at this point.]

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

### **Tuen Mun and Yuen Long District**

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

#### **Agenda Item 19**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/393                      Shop and Services (Fast Food Shop and Real Estate Agency)  
   in "Industrial" zone,  
   Unit 1A, G/F, Hang Wai Industrial Centre, 6 Kin Tai Street, Tuen Mun  
   (RNTPC Paper No. A/TM/393)

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##### **Presentation and Question Sessions**

68.            Mr. W.M. Lam, STP/TMYL, informed the Committee that further information submitted by the applicant on 2.3.2010 on the confirmation of the compliance of the proposal with Buildings requirement had been tabled. He then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the shop and services (fast food shop and real estate agency);
- (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(Tuen Mun); 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 current application was in general compliance with the ‘Town Planning Board Guidelines for Use/Development within “Industrial” Zone’ (TPB PG-No. 25D) in that there was a need for shop and service use to serve the public in the locality and it had no adverse traffic and fire safety impacts. The applied use was small in scale and it would not adversely affect the traffic conditions in the local road network. No adverse impacts on the environment and infrastructure of the area were anticipated. The applied fast food shop and real estate agency were considered not incompatible with the adjoining units on the ground floor of the same building. Although the applicant had applied for a permanent use, in order not to jeopardize the planning intention of industrial use for the subject premises, it was proposed that approval of the application on a temporary basis of 3 years would be more appropriate.

69. Members had no question on the application.

#### Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.3.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2010;

and

- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval condition and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to note the District Lands Officer/Tuen Mun's comments that he should apply to his office for a new waiver permitting shop and services (fast food shop and real estate agency) uses to effect the planning proposal and the new waiver, if approved, would be subject to such terms and conditions to be imposed;
- (d) to note the Director of Fire Services' comments that the proposed 'fast food shop' should only be licensed and operated as 'food factory' or as 'factory canteen'. A fast food shop licensed and operated as a 'general restaurant' or 'light refreshment restaurant' would not be accepted; and
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the fast food shop and real estate agency should be separated with walls of fire resistance period of not less than 2 hours. The travel distance of both premises should comply with Building (Planning) Regulation (B(P)R) 41. The total capacity of the fast food shop should be less than 30 persons. Otherwise, two fire exits should

be provided in accordance with B(P)R 41 and Table 2 of the Means of Escape Code. Both premises should comply with barrier free access provisions in accordance with B(P)R 72. If non-exempted works were involved, plans should be submitted by the authorized person to the Building Authority for approval and to apply for consent to commence works under the provisions of the Buildings Ordinance.

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/26            Temporary Place of Recreation (War Game Playground)  
for a Period of 3 Years in “Agriculture” zone,  
Lots 24RP (part), 26RP(part), 27RP, 28(part), 29, 30(part),  
31(part), 32(part), 34(part), 35(part) in D.D. 135 and  
adjoining Government land, Pak Nai, Yuen Long  
(RNTPC Paper No. A/YL-PN/26)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary place of recreation (war game playground) for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had concern on the cumulative adverse traffic impact induced on Nim Wan Road if all the 14 vehicles and the coaches were arriving around the same period. The loading and unloading activities should be confined within the site. No vehicles should queue back onto/from the public road. The Director of Agriculture,

Fisheries and Conservation (DAFC) did not support the application as the subject site had high potential for agricultural rehabilitation. If the applicant could ensure that the activities conducted inside the game area would not affect the ponds nearby, he had no comment from fisheries point of view. The fences installed could be easily removed and hence were inadequate to prevent the war game activities from adversely affecting the surrounding ecological habitats. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the submitted landscape proposal could not fully address his concern regarding the landscape impact caused by the proposed development;

- (d) two objections from a Member of the Yuen Long District Council (YLDC) and the Kadoorie Farm and Botanic Garden Corporation were received during the statutory publication period. The YLDC member objected to the application for the reason that war game activities would generate more vehicular traffic to the local road which was already very narrow and would result in potential danger. The Kadoorie Farm and Botanic Garden Corporation objected to the application on the grounds that war game playground contradicted the pond filling intention of the previous application (No. A/YL-PN/1) for education farming and education centre approved by the Committee in 1999. Approval of the application would set an undesirable precedent for similar applications using this approach to legitimise farmland degradation; and

[Mr. Rock Chen returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. In fact, the general planning intention for the Sheung Pak Nai & Ha Pak Nai Area was mainly to encourage agricultural uses and preserve the natural environment. The DAFC did not support the application from the agricultural development point of view as the site had high potential for agricultural rehabilitation. No strong

planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. Approval of the application would set an undesirable precedent for other similar uses to proliferate in the area. The cumulative effect of approving such applications would result in a general degradation of the environment of the area. As such, the war game playground was not compatible with the existing land uses in this rural setting and would have adverse impacts on the rural landscape character of the area. There was no information in the submission to demonstrate that the proposed development would not have adverse traffic, ecological and drainage impacts on the surrounding area. There were two public comments received objecting to the application on grounds of adverse traffic impact and setting an undesirable precedent for similar applications using the same approach to legitimise farmland degradation.

73. Members had no question on the application.

#### Deliberation Session

74. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into the “AGR” zone frustrating the planning intention of the zone;
- (b) the proposed development was incompatible with the tranquil rural character of the surrounding area;

- (c) no information had been included in the submission to demonstrate that the development would have no adverse traffic, ecological, landscape and drainage impacts on the surrounding area; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate in the area. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

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

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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#### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary logistics centre and open storage of containers for a period of 3 years;
- (c) departmental comments – the Chief Town Planner/Urban Design and

Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as the site was located in a rural setting and adjacent to the “Green Belt” (“GB”) zone. The open storage of containers would inevitably cause degradation in the rural landscape character of the area;

- (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. Since the rejection of the last application No. A/YL-HT/408 in 2005, the slip road between Ha Tsuen Road and Kong Sham Western Highway had been opened up to container vehicle traffic on 18.7.2008 (west-bound) and 28.11.2008 (east-bound) respectively. The infrastructure improvement provided new planning circumstances for consideration of the current application. A ‘Turn Right’ traffic sign at the junction of Ha Tsuen Road was erected to ensure that container vehicles would not turn left into Ha Tsuen Road upon leaving the site. In this regard, the Assistant Commissioner for Transport/New Territories of Transport Department considered the impact of this development on the traffic of Ha Tsuen Road to be limited and therefore had no objection to the application. On the environmental aspect, noting that no container vehicle leaving the site would turn left to Ha Tsuen Road and that there would be no repairing, maintenance or other workshop activity on-site, and considering that there was no sensitive receiver in close proximity of the site, the Director of Environmental Protection considered that the current application could be tolerated. Regarding the CTP/UD&L’s concern, the applicant had proposed container stacking in stepped height profile along the western periphery of the site to minimize the visual impacts and there was no residential dwelling near the site. The current application was in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB

PG-No.13E) in that there was no objection from locals and no adverse comment from concerned Government departments except CTP/UD&L whose concerns could be addressed by way of imposing approval conditions. The approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “Recreation” zone since there was no known programme/intention to implement the zoned use.

76. Members had no question on the application.

#### Deliberation Session

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.3.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 8:00 p.m. to 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of containers stored on the site should not exceed 8 units, with a stepped height profile along the western periphery of the site, as proposed by the applicant, during the planning approval period;
- (d) no storage of materials within 5m from the peripheral fencing of the site, as proposed by the applicant, during the planning approval period;
- (e) no cutting, dismantling, cleansing, repairing and workshop activity, as proposed by the applicant, should be permitted on the site during the planning approval period;



- (f) no left turn of container vehicles into Ha Tsuen Road upon leaving the site during the planning approval period;
- (g) no structure, as proposed by the applicant, should be erected on the site during the planning approval period;
- (h) in relation to (g) above, the removal of all existing structures on-site, including converted containers for office use, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2010;
- (i) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.9.2010;
- (j) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2010;
- (k) in relation to (j) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2010;
- (l) the provision of fencing of the 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 5.9.2010;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) was not complied with by the above specified date, the approval hereby given

should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) prior planning permission should have been obtained before commencing the container storage use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and his office reserved the right to take enforcement action against the previously proposed temporary office if erected on the lot. Vehicular access to the site would require passing through private land and Government land (without maintenance works by his office) leading from Ha Tsuen Road. His office did not guarantee right-of-way;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities

accordingly;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; formal submission of any proposed new works for approval under the BO was required; if the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
  
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

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

**Agenda Item 22**

**Section 16 Application**

[Open Meeting]

A/YL-HT/636 Proposed Temporary Logistics Transport Transit Centre with Vehicle Parking Facilities for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 51(Part), 54(Part), 55-58, 60-67, 71, 140(Part), 141(Part), 143(Part), 144-146, 148(Part), 149(Part), 150(Part), 151, 152(Part) and 157(Part) in D.D. 125, Lots No. 3213 RP(Part), 3219(Part), 3220, 3221 S.A(Part), 3221 S.B, 3222, 3223, 3224(Part), 3225 S.A(Part), 3225 S.B(Part), 3226-3232, 3234(Part) and 3235(Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/636)

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79. The Committee noted that the applicant requested on 10.2.2010 for a deferment of the consideration of the application for two months to allow time for him to prepare responses to amend the proposed layout and vehicular access to address the concerns of the Director of Environment Protection and the Chief Town Planner/Urban Design and Landscape of Planning Department.

80. 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 as a total of 6 months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 23**

**Section 16 Application**

[Open Meeting]

A/YL-HT/658

Temporary Open Storage of Containers and Container Repairing Area for a Period of 3 Years in “Recreation” zone, Lots No. 365 (Part), 370 S.B(Part), 383 (Part), 386 (Part), 387, 388 (Part), 389, 390, 391, 392 (Part), 393, 394 (Part), 395 (Part), 396 (Part), 399 (Part), 400 (Part), 401 (Part), 402 (Part), 403, 404, 405, 406 (Part), 407 (Part), 408, 409, 410, 411, 412, 413, 416 (Part), 423 (Part), 424 (Part), 425, 426, 427 (Part), 428 (Part), 430 (Part), 447 (Part), 450 (Part), 451 (Part), 452 (Part), 453 (Part), 454 (Part), 455, 456, 457 (Part), 458 S.A (Part), 458 S.B (Part), 458 S.C (Part), 459 S.A, 459 S.B, 460, 461, 462, 463, 464, 465, 466, 467, 468 S.A (Part), 468 S.B (Part), 472 (Part), 488 (Part) and 489 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/658)

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81. The Committee noted that the applicant requested on 11.2.2010 for a deferment of the consideration of the application for two months to allow time to respond to comments from relevant Government departments.

82. 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 as a total of 3 months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 24**

**Section 16 Application**

[Open Meeting]

A/YL-HT/662 Temporary Open Storage of Left-hand-drive Vehicles, Construction Materials and Heavy Machineries with Workshops and Scrap Metal Area for a Period of 3 Years in “Undetermined” zone, Lots No. 1824 S.A RP (Part), 1824 S.B RP (Part), 1824 S.C (Part), 1827 S.B (Part), 1827 S.B ss.1, 1828 (Part), 1838 (Part), 1843 (Part), 1844 (Part), 1845 (Part), 1846 (Part), 1848 and 1849 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/662)

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83. The Committee noted that the applicant requested on 19.2.2010 for a deferment of the consideration of the application for two months to allow time for him to prepare further information to address traffic issues of the application.

84. 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 25**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/663            Temporary Open Storage of Containers and Logistics Vehicles  
Back-Up Centre with Loading/Unloading Spaces for a Period of 3  
Years in “Comprehensive Development Area” zone, Lots No. 3167  
S.A (Part), 3167 S.B (Part), 3168 (Part), 3169 (Part), 3170 (Part), 3177  
(Part), 3305 RP (Part), 3306 (Part), 3312 S.A (Part), 3314 (Part), 3315  
S.A and 3315 RP (Part) in D.D.129 and Adjoining Government Land,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/663)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of containers and logistics vehicles back-up centre with loading/unloading spaces for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application according to the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP) as there were sensitive uses along the access road (Ping Ha Road) and environmental nuisance was expected. The site was not the subject of any pollution complaint from 2007 to 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

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

- (e) the Planning Department (PlanD)'s views –PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The applied use was not incompatible with the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which was predominantly occupied by open storage yards. Besides, the approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the zoned use on the OZP. Regarding DEP's concern, no environmental complaint against the site over the past three years was received despite that the applied use had been in operation for some time. Nevertheless, approval conditions on restrictions on operation hours and the stacking height of containers had been recommended to address the potential environmental problem. The development was in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) in that there was no adverse comment from concerned Government departments and DEP's concerns could be addressed by way of approval conditions. Due to the demand for open storage uses in the area, the Committee/the Board had recently approved a number of similar applications within the same “CDA” zone. Approval of the subject application was in line with the Committee's previous decisions. Nevertheless, since the last approval (Application No. A/YL-HT/425) was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance.

86. Members had no question on the application.

#### Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.3.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :



- (a) no night-time operation from 11:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of containers stored on the site should not exceed 8 units during the planning approval period;
- (d) no material was allowed to be stored/dumped within 1m of the tree trunk of any tree on the site during the planning approval period;
- (e) the implementation of the accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.6.2010;
- (f) the submission of a landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.6.2010;
- (g) in relation to (f) above, the implementation of the landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2010;
- (h) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 5.6.2010;
- (i) in relation to (h), the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 5.9.2010;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to

have effect and should be revoked immediately without further notice;

- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) 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
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) shorter compliance periods were granted in order to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; and his office reserved the right to take enforcement action under the conditions of the Short Term Waiver No. 3054 should any irregularity be found;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of

Environmental Protection to minimize any potential environmental nuisance;

- (f) to note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the access road to the site was located near Ping Ha Road which was within the works limit of Contract No. CV/2006/01 “Ping Ha Road Improvement Works (Ha Tsuen Section)”, the construction works of which had already commenced in December 2007 for completion in end 2010. The ingress/egress route to/from the site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation thereof;
- (g) to note the comments of the Director of Fire Services on the requirements of formulating the fire service installation proposals as stated in Appendix V of the Paper; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as offices and workshops were considered as temporary structures and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

**Agenda Item 26**

**Section 16 Application**

[Open Meeting]

A/YL-LFS/198            Proposed House (New Territories Exempted House - Small House)  
in “Village Type Development” and “Green Belt” zones,  
Lot No. 1135 S.C in D.D. 129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/198)

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89.            The Committee noted that the applicant requested on 10.2.2010 for a deferment of the consideration of the application for two months to allow time for him to prepare further information.

90.            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 as a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

[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 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/342      Temporary Open Storage of Motorcycles for Sale  
for a Period of 12 Months  
in “Other Specified Uses” annotated “Railway Reserve” zone,  
Lots 433 S.B (Part), 433 S.C (Part), 1736 S.C and  
1738 (Part) in D.D. 107 and Adjoining Government Land,  
San Tam Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/342)

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**Presentation and Question Sessions**

91.            Mr. Kepler S.Y. Yuen, 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 motorcycles for sale for a period of 12 months;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures located to the north, east and south of the site and environmental nuisance was expected. There was no environmental complaint received in the past three years;
- (d) a public comment was received from the village representative of Sha Po Tsuen during the statutory publication period. The commenter objected to the application on the grounds that previous illegal filling of land involving an extensive area in the vicinity would cause adverse environmental and ecological impacts. Besides, there were many warehouses in the surrounding areas, which gave rise to blockage of drains thereby affecting the livelihood of the villagers and causing serious flooding problem; and

- (e) the Planning Department (PlanD)'s views –PlanD considered that the temporary use could be tolerated for a period of 12 months based on the assessments given in paragraph 12 of the paper. The proposed development was considered not incompatible with the surrounding land uses which comprised mainly open storage yards, vehicle repair workshop etc. While the “OU (Railway Reserve)” was primarily intended for reservation of land for railway development, the exact alignment and development programme of the Northern Link had yet to be finalised and temporary approval would not jeopardize the long-term planning intention of the “OU(Railway Reserve)” zone. The application was considered in line with Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) in that relevant departments except DEP had no adverse comment on the application. Previous and similar approvals (A/YL-KTN/262 and 327) for similar temporary open storage uses at or adjacent to the site had also been approved and approval of the application was in line with the Board’s previous decision. Regarding DEP’s concern, the residential structures were separated from the site by vacant land, an orchard, an open storage yard and a proposed restaurant of which the latter two uses were covered by planning permissions. Moreover, no environmental complaint had been received by DEP in the past three years. Approval conditions restricting the operation hours and types of activities within the site were recommended. Regarding the public comment on environmental, ecological and drainage grounds, appropriate approval conditions to minimize the potential environmental and drainage impacts of the development were recommended.

92. Members had no question on the application.

#### Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 5.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy vehicles exceeding 24 tonnes were allowed for the operation of the site at any time during the planning approval period;
- (e) the existing boundary fencing should be maintained at all times during the planning approval period;
- (f) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (g) the 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 5.6.2010;
- (h) in relation to (g) 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 5.9.2010;
- (i) 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 5.6.2010;
- (j) in relation to (i) 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 5.9.2010;

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

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

- (a) to resolve any land issues relating to the development with the concerned owners of the site;
- (b) to note the District Lands Officer/Yuen Long's comments that the site was situated on Old Schedule Agricultural Lots held under Block Government Lease under which no structure was allowed to be erected without prior approval from his office. Converted containers for site office and storage use were noted. The site also included some Government land and his office had no permission for its occupation. His office reserved the right to take lease enforcement and control action against these irregularities. The registered owner of the subject lots and occupier should apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on the site. Should no STW and STT application be received/approved and any irregularities persist on the site, his office, on review of the situation, would take appropriate lease enforcement and control action against the registered owner and the occupier according to the prevailing programme. Besides, the site was accessible to San Tam



Road via a short distance of open government land (GL) and private land without maintenance works to be carried out thereon by his office. San Tam Road and this portion of GL were affected by a Drainage Services Department (DSD)'s project namely "Yuen Long and Kam Tin Sewerage and Sewage Disposal Package 1A-1T – Kam Tin Trunk Sewerage, Phase 1". DSD should be consulted on this aspect;

- (c) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the access proposal should be submitted to Transport Department (TD) for agreement. If TD agreed, a run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath. At present, there was no HyD standard run-in on the site. HyD was/should not be responsible for the maintenance of the proposed access connecting the captioned lot and San Tam Road;
- (d) to note the Chief Engineer/Railway Development 1-1, Railway Development Office, Highways Department's comments that as the site was located within the administrative route protection boundary of Northern Link, further extension of the application would be subject to the condition that the application would vacate the site at the time of railway development;
- (e) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the Director of Fire Services' comment on the fire service installations (FSIs) proposal as indicated in Appendix V of the Paper. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration; and

- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. 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.

### **Agenda Item 28**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/487      Proposed Three New Territories Exempted Houses (Small Houses)  
in "Agriculture" zone,  
Lot 456 RP in D.D. 103, Ko Po Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/487)

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#### **Presentation and Question Sessions**

95.      Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed three New Territories Exempted Houses (Small Houses);
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) advised that Small House (SH) application should be lodged by an individual indigenous villager who solely owned the application lot. The applicant was a company which was not eligible for SH grant. His office would not consider the Small House application even it had obtained planning permission. The Director of Environmental Protection (DEP) considered that the proposed houses were located close to major roads like Kam Tin Road with industrial uses nearby. The future residents of the

proposed houses would unavoidably be subject to adverse road traffic noise impact and “Industrial/Residential” interface problem. As such, the subject site for proposed houses developments was highly undesirable from the environmental planning perspective. He considered that imposition of planning condition could not resolve the environmental problems;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer(Yuen Long); and
- (e) the Planning Department (PlanD)’s views –PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to reserve land for agricultural purposes. No strong planning justification had been provided in the submission for a departure from the planning intention. The applicant failed to demonstrate that the proposed NTEHs would not be subject to adverse environmental impact. There was no general shortage of land in meeting the demand of Small House development in the nearest “Village Type Development” (“V”) zone of Ko Po Tsuen. As the applicant (i.e. Tomorrow View Limited) was also not an indigenous villager, DLO/YL advised that the applicant was not eligible for Small House grant and his office would not consider the SH application even if it had obtained planning permission. In view of DLO/YL’s advice, the proposed NTEHs would not be implementable.

96. Members had no question on the application.

#### Deliberation Session

97. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone which was to reserve land for agricultural purposes. No strong planning justification had been provided in the submission for a departure from the planning intention;
- (b) the proposed development was incompatible with the surrounding environment predominated by open storage yards, workshops, parking lot and roads. The applicant failed to demonstrate that the development would not be subject to adverse environmental impact; and
- (c) the applicant failed to demonstrate in the submission that the proposed New Territories Exempted Houses were to meet the housing need of the indigenous villagers and could be implemented under the prevailing Small House Policy.

**Agenda Items 29 and 30**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/605            Proposed Land Filling for the Development of a New Territories Exempted House in “Village Type Development” zone, Lot 2724 S.C in D.D. 111, Wang Toi Shan, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/605)

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A/YL-PH/606            Proposed Land Filling for the Development of a New Territories Exempted House in “Village Type Development” zone, Lot 2724 S.D in D.D. 111, Wang Toi Shan, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/606)

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

Presentation and Question Sessions

99. Mr. Kepler S.Y. Yuen, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed land filling for the development of a New Territories Exempted House for each of the application;
- (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) for both applications; 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 Papers. The proposed land filling was to facilitate the development of a NTEH within each of the site. The development of a NTEH was always permitted within the “V” zone, and the proposed land filling was of limited scale. There were no adverse environmental, ecological and drainage impacts on the area. The technical concerns on the submission and implementation of drainage facilities and landscape and tree planting proposals could be addressed through appropriate approval conditions as recommended.

100. Noting the application site of Application No. A/YL-PH/606 had encroached onto an adjacent stream course as shown in Plan A-2, a Member asked whether the house development would affect the stream. By referring to Drawing A-1, Mr. Kepler Yuen explained that the land filling area would not affect the stream course. It would cover only the northern portion of the site so as to raise the level of the site to that of the adjacent playground. As shown on Drawing A-2, a retaining wall would be constructed along the side of the stream course to contain the extent of the land filling area. The Chairperson asked

whether relevant approval condition should be imposed to safeguard the existing stream course from being affected by the land filling works. The Secretary said that an approval condition could be added to safeguard any adverse impact of the land filling works on the adjacent stream course.

#### Deliberation Session

101. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 5.3.2014, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed.

102. The permission for Application No. A/YL-PH/605 was subject to the following conditions :

- (a) the submission and implementation of drainage facilities proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of a landscape and tree planting proposal to the satisfaction of the Director of Planning or of the TPB.

103. The permission for Application No. A/YL-PH/606 was subject to the following conditions :

- (a) the land filling works should not create any adverse impact on the adjacent stream course;
- (b) the submission and implementation of drainage facilities proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of a landscape and tree planting proposal to the satisfaction of the Director of Planning or of the TPB.

104. The Committee also agreed to advise the applicant of Application No. A/YL-PH/605 of the following :

- (a) to note the District Lands Officer/Yuen Long's (DLO/YL) comments that no structures were allowed to be erected on the lot without prior approval from his office pursuant to the lease restriction. His office would reconsider the SH application upon the applicant's successfully obtaining planning permission in respect of the lot;
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of the site formation works, including construction of retaining wall for approval under the Buildings Ordinance was required unless the work was covered by a certificate of exemption under the Buildings Ordinance (Application to the New Territories) Ordinance Cap. 121 issued by the Director of Lands;
- (c) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the stability of the existing and proposed geotechnical features, including registered and unregistered features, affect and be affected by the proposed development had to be checked accordingly;
- (d) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should submit a drainage proposal to demonstrate that all the existing flow paths as well as the runoff falling onto and passing through the site would be intercepted and disposed of via proper discharge points;
- (e) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that his office recommended in the previous application that the *Celtis sinensis* (朴樹) at the northeastern corner of the site with straight trunk should be preserved. Since the last planning application, the *Celtis sinensis* had deteriorated probably due to improper tree removal works and the lack of mitigation measures on tree

preservation. The lost trees should be compensated;

- (f) to note the Director of Fire Services' comments that for any future New Territories Exempted House (NTEH) applications within the areas, emergency vehicular access (EVA), fire hydrant and fire service installations would be required in accordance with the 'NTEH – A Guide to Fire Safety Requirements' issued by Lands Department. Detailed fire safety requirements on EVA, fire hydrant and fire service installations would be formulated upon the receipt of formal application for NTEH referred by DLO/YL; and
- (g) to note the Director of Agriculture, Fisheries and Conservation's comments that the applicant should avoid disturbance to the watercourse adjacent to the site during land filling, especially in terms of surface runoff. Mature trees in very poor condition were found within the site boundary. Should tree felling be involved, prior approval from DLO/YL should be sought.

105. The Committee also agreed to advise the applicant of Application No. A/YL-PH/606 of the following :

- (a) to note the District Lands Officer/Yuen Long's (DLO/YL) comments that no structures were allowed to be erected on the lot without prior approval from his office pursuant to the lease restriction. His office would reconsider the Small House application upon the applicant's successfully obtaining planning permission in respect of the lot;
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of the site formation works, including construction of retaining wall for approval under the Buildings Ordinance was required unless the work was covered by a certificate of exemption under the Buildings Ordinance (Application to the New Territories) Ordinance Cap. 121 issued by the Director of Lands;
- (c) to note the Head of the Geotechnical Engineering Office, Civil Engineering



and Development Department's comments that the stability of the existing and proposed geotechnical features, including registered and unregistered features, affect and be affected by the proposed development had to be checked accordingly;

- (d) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should submit a drainage proposal to demonstrate that all the existing flow paths as well as the runoff falling onto and passing through the site would be intercepted and disposed of via proper discharge points;
- (e) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the large Albizia lebbek (大葉合歡) on-site had deteriorated probably due to improper tree removal works and the lack of mitigation measures on tree preservation. The lost trees should be compensated;
- (f) to note the Director of Fire Services' comments that for any future New Territories Exempted House (NTEH) applications within the areas, emergency vehicular access (EVA), fire hydrant and fire service installations would be required in accordance with the 'NTEH – A Guide to Fire Safety Requirements' issued by Lands Department. Detailed fire safety requirements on EVA, fire hydrant and fire service installations would be formulated upon the receipt of formal application for NTEH referred by DLO/YL; and
- (g) to note the Director of Agriculture, Fisheries and Conservation's comments that the applicant should avoid disturbance to the watercourse adjacent to the site during the construction and land filling, especially in terms of surface runoff. Mature trees in very poor condition were found within the site boundary. Should tree felling be involved, prior approval from DLO/YL should be sought.

**Agenda Item 31**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/256            Temporary Open Storage of Iron Sheets, Iron Bars and Wooden Frames for a Period of 3 Years in “Agriculture” zone, Lots 2260 (Part) and 2261(Part) in D.D. 118, Tai Tong, Yuen Long (RNTPC Paper No. A/YL-TT/256)

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**Presentation and Question Sessions**

106.            Mr. Kepler S.Y. Yuen, 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 iron sheets, iron bars and wooden frames for a period of 3 years;
- (c)    departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential dwellings in the vicinity of the site, and environmental nuisance was expected. There were dwelling units in the vicinity of the site and the access road. The nearest one was about 10m to the southwest of the site. As traffic of heavy vehicles was anticipated, the proposed use might cause noise nuisance to the sensitive receivers (SRs) in the vicinity. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation on the application. The site was located on the flat valley floor in the southeast of Yuen Long. The area was predominately rural with ribbon developments comprising low-rise village houses and temporary structures clustered along the main local distributors. The site was sandwiched between the “Conservation Area” (“CA”) zones where the woodland and the green hillsides were found and preserved. Existing landscape features such as the woodland, streams, and hillsides added to the existing rural landscape quality of the area. Despite that there were

similar open storage yards and warehouses in the area, many of these sites were operating without valid planning permission. Proliferation of these uses would further degrade the landscape quality of the area and thus should be discouraged;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone on the OZP which was to reserve land for agricultural purposes. The proposed development was incompatible with the surrounding area which was generally rural in character. The scattered open storage yards/warehouses nearby within the subject “AGR” zone were mostly suspected unauthorized developments subject to enforcement action to be taken by the Planning Authority. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The proposed development was not in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) in that there was no previous planning approval granted for the site. There was insufficient information in the submission to demonstrate that the development would not cause adverse environmental and landscape impacts on the surrounding areas. Two areas of some 28.22 ha were zoned “Open Storage” (“OS”) on the approved Tai Tong OZP No. S/YL-TT/14 to cater for the demand of land for open storage. There was no information in the submission to demonstrate why suitable sites within these “OS” zones could not be made available for the applied development. No planning approval had so far been granted for similar uses in the subject “AGR” zone. Approval of the application would set an undesirable precedent for other similar uses to proliferate into the zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the

area.

107. Members had no question on the application.

#### Deliberation Session

108. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone on the Outline Zoning Plan (OZP) which was to reserve land for agricultural purposes. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) in that there was no previous planning approval granted for the site and there were adverse departmental comments on the impacts brought about by the proposed development;
- (c) the applicant failed to demonstrate in the submission that the development would not cause adverse environmental and landscape impacts on the surrounding areas;
- (d) two areas were zoned “Open Storage” (“OS”) on the Tai Tong OZP to cater for the use under application. There was no information in the submission to demonstrate why suitable sites within these “OS” zones could not be made available for the proposed development; and
- (e) approval of the application would set an undesirable precedent for other similar uses to proliferate into the zone. The cumulative effect of approving such similar applications would result in a general degradation of the

environment of the area.

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

**Agenda Item 32**

Any Other Business

109. There being no other business, the meeting was closed at 5:00 p.m..