

TOWN PLANNING BOARD

**Minutes of 416th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 23.4.2010**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Dr. W.K. Lo

Mr. Stephen M.W. Yip

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. T.K. Choi

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. Y.K. Cheng

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Ms. Anita W.T. Ma

Dr. W.K. Yau

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

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Town Planner/Town Planning Board
Ms. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 415th RNTPC Meeting held on 9.4.2010

[Open Meeting]

1. The draft minutes of the 415th RNTPC meeting held on 9.4.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-TK/8 Application for Amendment to the
Approved Ting Kok Outline Zoning Plan No. S/NE-TK/15
from “Green Belt” to “Village Type Development”,
Lots 297 S.A ss.1, 297 S.A ss.6 and 297 S.B ss.9 in D.D. 26,
Shuen Wan Lei Uk, Tai Po
(RNTPC Paper No. Y/NE-TK/8)

Presentation and Question Sessions

3. Mr. W.K. Hui, District Planning Officer/Shua Tin, Tai Po and North (DPO/STN), and Ms. Lisa L.S. Cheng, Senior Town Planner/Shua Tin, Tai Po and North (STP/STN) of the Planning Department (PlanD), and Mr. Hui Kwan-ye, the applicants’ representative, were invited to the meeting at this point.

4. The Chairperson extended a welcome and explained the hearing procedures. The Chairperson then invited Ms. Lisa L.S. Cheng, STP/STN, to brief Members on the background to the application. With the aid of a Powerpoint presentation, Ms. Cheng presented the application as detailed in the Paper and made the following main points :

- (a) the application was for the rezoning of the site (about 300m²) from “Green Belt” (“GB”) to “Village Type Development” (“V”) on the Ting Kok Outline Zoning Plan (OZP) to facilitate the development of two New Territories Exempted Houses (NTEHs – Small Houses);
- (b) the applicant’s justifications were detailed in paragraph 2 of the Paper;
- (c) the application site formed part of a previous rezoning request (No. Z/NE-TK/10) to rezone a larger site of about 927m² from “GB” to “V” for Small House developments. This rezoning request was not agreed by the Committee on 3.12.2004 for the reasons that the “GB” zoning was considered appropriate; there was insufficient information to demonstrate that there would be no adverse drainage impacts on the area; land was available within the “V” zone to fully meet the outstanding Small House applications and partly meet the future 10-year Small House demand; and undesirable precedent would be set with cumulative effect resulting in further encroachment of “GB” area and general degradation of the natural environment in the area;
- (d) the application site was also the subject of four previous planning applications (No. A/NE-TK/161, 162, 214 and 216) for proposed NTEH (Small House) submitted by the same applicants of the current rezoning application. These applications were all rejected by the Town Planning Board (TPB) on review in 2003 and 2007 for the reasons of being not in line with the planning intention of “GB” zone; not complying with the interim criteria for consideration of application for NTEH/Small House in the New Territories (interim criteria) in that the sites were located outside both the “V” zone and the village ‘environs’ (‘VE’) of a recognized village; and setting of undesirable precedent with cumulative effect resulting in a

general degradation of the natural environment;

- (e) departmental comments – the District Lands Officer/Tai Po (DLO/TP) did not support the application as the site was outside the ‘VE’ of any recognised villages. The Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation on the application. He considered that the proposed development should be confined within the “V” zone as far as possible. Although traffic associated with the proposed development was not expected to be significant, such development if permitted would set an undesirable precedent for similar applications and the resulting cumulative adverse traffic impact could be substantial. The Director of Agriculture, Fisheries and Conservation had no comment on the ecological assessment report submitted by the applicant which concluded that no adverse ecological impact would be anticipated in view of the small scale of the proposed development and the implementation of good site practice and appropriate mitigation measures. However, he considered that as there was a general presumption against development within the “GB” zone, approval of the application might set a bad precedent in the area;

- (f) during the statutory publication period, a total of 32 public comments, including the Designing Hong Kong Limited, the Chairman of Owners’ Committee of Treasure Sport Garden representing a total of 18 owners, the land owner of Lot 297B9 under application and the nearby residents, were received. They all objected to the application on the grounds that there should be a plan for a sustainable village layout for the area; the application violated the planning intention of the “GB” zone; approving the application for house development would set an undesirable precedent resulting in serious damages to the natural environment; many sites had already been planned for house developments in Lei Uk and Chim Uk Villages or nearby areas; Shuen Wan was a place with high conservation value; and the land owner of Lot 297B9 pointed out that they had not been informed of the application and questioned whether the use of the lot could be changed without the land owners’ consent; and

(g) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper which were summarised below :

- the site was located at the fringe of the “GB” zone in Shuen Wan area. Clusters of villages within the “V” zone were found to the east and south of the site. To its further north was Shuen Wan fresh water marsh zoned as “Conservation Area” (“CA”) on the OZP. The “GB” zoning, covering the application site and the surrounding areas, was considered appropriate to serve as a buffer between the “V” and the “CA” zones. Approval of the application would result in piecemeal extension of the “V” zone and undermine the planning intention and integrity of the “GB” zone;
- according to DLO/TP's record, the number of outstanding Small House applications and the 10-year Small House demand forecast for Shuen Wan Sha Lan, Chan Uk, Lei Uk and Chim Uk were 103 and 190 respectively. Although the land available within the “V” zone of the same villages (i.e. about 3.58 ha or equivalent to about 143 Small House sites) could not fully meet the future Small House demand, there was still undeveloped land available within the concerned “V” zone which should be developed first before considering extensions. Moreover, there was provision for application for Small House development in the “GB” zone under the planning permission system. About 20 planning applications involving about 27 Small Houses had been approved within the concerned ‘VE’ since 1990. The applicants might consider finding alternative sites within the concerned ‘VE’ for Small House development;
- no similar rezoning application for Small House development had been approved in the vicinity of the site. Approval of the application would set an undesirable precedent for similar applications with cumulative impacts on traffic, infrastructure and the environment; and

- there were local objections mainly from the nearby residents raising concerns on the environmental impacts on the surrounding areas. As regards the public comment submitted by the land owner of Lot 297B9, the TPB Guidelines No. 31 on satisfying the ‘owner’s consent/ notification’ requirements stipulated that an applicant should either obtain the consent of or notify each and every ‘current land owner’ of the application site in writing if he was not the ‘current land owner’ or the sole ‘current land owner’, or demonstrate that reasonable steps had been taken to obtain/give the necessary owner’s consent/notification. For the subject application, the applicants were two of the four ‘current land owners’ involved in the application and they had sent notice to the other two ‘current land owners’. Hence, the requirements as set out in TPB Guidelines No. 31 had been met.

5. The Chairperson then invited the applicants’ representative to elaborate on the justifications for the application. Mr. Hui Kwan-yea made the following main points:

- (a) the current application was supported by the Tai Po Rural Committee and Mr. Lo Sam-shing, the concerned Tai Po District Councillor;
- (b) the area within the ‘VE’ of Shuen Wan Lei Uk and Chim Uk Villages for Small House development had been greatly reduced due to the resumption of land by the Government for the widening of Ting Kok Road. Moreover, the ‘VE’ of the villages concerned had included portions of Plover Cove, which were not land areas available for Small House development. At present, the land supply within the “V” zone of Shuen Wan Lei Uk Village was insufficient to meet the Small House demand of the village. He pointed out that the boundaries of the “V” zone in the form of straight lines were too rigid and could not reflect the real situations on site;
- (c) it was noted that 27 out of the 32 public comments were in the form of standard letter signed by the residents of Tai Po. These commenters were not indigenous villagers and their objection reasons were solely based on

their own interests. The two applicants of the subject rezoning application were indigenous villagers of Shuen Wan Lei Uk Village, who applied to build Small Houses on their own land so that they could live closer to their family members. Their right to build Small House in accordance with the Small House Policy should not be deprived;

- (d) with regard to the PlanD's rejection reason that the proposal would result in piecemeal extension of the "V" zone, Mr. Hui Kwan-yeek pointed out that the applicants had difficulties in amalgamating more land to be included in the current application to avoid piecemeal rezoning. However, the ecological and environmental review studies conducted by the applicants had confirmed that the proposed Small House developments would not generate any adverse impacts on the surrounding areas. In addition, if the application was agreed by the Committee, approval conditions could be imposed on the applicants to ensure that no adverse impacts would be caused by the proposed development; and
- (e) if the application was not agreed by the Committee, the PlanD and the Lands Department should take the initiative in reviewing the boundaries of the "V" zone and the 'VE' of the concerned villages so that there would be adequate land supply to meet the Small House demand of indigenous villagers.

6. In response to a Member's enquiry on the applicants' need for accommodation, Mr. Hui Kwan-yeek said that the applicants were currently living with their father in a congested living environment. He reiterated that the proposed Small Houses were not for sale, but for the habitation of the applicants and their family members.

7. Another Member referred to the aerial photograph (Plan Z-3) of the Paper and asked about the situation of an area within the "GB" zone, which was not covered by any vegetation, to the south-west of the application site. Referring to Plan Z-1b of the Paper, Mr. W.K. Hui, DPO/STN, said that within the area concerned, a number of Small Houses had been approved by the Committee under section 16 of the Town Planning Ordinance. The area had been cleared for Small House development.

8. A Member said that as set out in paragraph 8.1.2(b) of the Paper, AC for T/NT had reservation on the application on the grounds of cumulative traffic impacts. This Member enquired whether there were proposed or committed Small House developments in the vicinity of the site. In response, Mr. W.K. Hui, DPO/STN said that the proposed Small House developments that had been approved by the Committee were located to the south-west of the application site. Mr. Hui also said that there was no requirement for providing vehicular access and car parking space for Small House development. In this regard, AC for T/NT did not object to the subject rezoning application, but commented that Small House development should be confined within the “V” zone where the necessary traffic and transport facilities had been planned or provided for.

9. As the applicants’ representative had no further points to make and Members had no further questions to raise, the Chairperson informed him that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in his absence and inform the applicants of the Committee’s decision in due course. The Chairperson thanked the applicants’ representative as well as PlanD’s representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

10. A Member enquired on the planning policy with respect to the provision of land for Small House development. The Chairperson explained that in the plan making process, “V” zone would be designated on the rural OZPs to provide suitable land for Small House development by taking into account factors like land use compatibility, site topography, natural environment and landscape characteristics as well as the 10-year Small House demand forecast for the villages concerned. PlanD would monitor the situation and conduct land use review to examine the land supply within the “V” zones and propose to adjust the zoning boundaries where necessary. The zoning boundaries should be reviewed in a comprehensive manner instead of on a piecemeal basis. The Secretary added that there was provision for application for Small House development within the “GB” zone under section 16 of the Town Planning Ordinance. According to the interim criteria, which were adopted by the TPB as the basis for considering Small House applications in the rural area, sympathetic consideration might be given if not less than 50% of the proposed Small House

footprint fell within the 'VE' of a recognised village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the same village. However, as the application site fell outside both the "V" zone and the 'VE' of any recognised villages, approval from the TPB was required for the zoning amendment of the site.

11. In response to a Member's enquiry, Mr. Simon K.M. Yu of Lands Department said that the 'VE' boundary was drawn up by including the area within 300 feet of the last small house built in 1972 of a recognized village. The Lands Department would consider Small House applications if the proposed Small House fell within the 'VE' of a recognized village. If the proposed Small House fell within the 'VE' but outside the "V" zone, planning permission would be required from the TPB.

12. Members generally agreed that there were no strong justifications for the rezoning proposal. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate.

13. After further deliberation, the Committee decided not to agree to the application for zoning amendment and the reasons were:

- (a) the current "Green Belt" zoning for the site was considered appropriate having regard to the existing rural character; and
- (b) the proposal would result in piecemeal extension of the "Village Type Development" ("V") zone and set an undesirable precedent for other similar applications in the area with cumulative impacts on traffic, infrastructure and the environment. Land currently available within the "V" zone should be developed first before considering further expansion.

Sai Kung and Islands District

Agenda Item 4

[Open Meeting]

Proposed Amendments to the

Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/17

(RNTPC Paper No. 6/10)

14. The Secretary reported that one of the proposed amendments to the Tseung Kwan O Outline Zoning Plan (TKO OZP) related to the proposed South East New Territories Landfill Extension project, which was under the purview of the Environmental Protection Department (EPD). The Committee noted that Mr. C.W. Tse of EPD had tendered apologies for not attending the meeting. Noting that the proposed amendments also involved a Fire Services Training School cum Driving Training School, Mr. Stephen M.W. Yip asked whether he was required to declare an interest as he was a Fire Safety Ambassador of Tuen Mun District. The Committee considered Mr. Yip's interest indirect and agreed that he could stay in the meeting.

15. Mr. Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Mr. Wilfred C.H. Cheng, Senior Town Planner/Sai Kung and Islands (STP/SKIs), and the following representatives of the concerned Government departments and their consultants were invited to the meeting at this point:

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| Mr. Lawrence Lau | - Principle Environmental Protection Officer (Waste Facilities), EPD |
| Mr. Tom Lai | - Senior Environmental Protection Officer (Waste Facilities), EPD |
| Mr. S.C. Wong | - Chief Fire Officer (Headquarters), Fire Services Department (FSD) |
| Mr. W.K. Yau | - Senior Divisional Officer (Planning Group), FSD |
| Mr. Vincent Lee | - Project Manager, Architectural Services Department |
| Mr. Frank Wan | - ERM Hong Kong Ltd. |
| Mr. Antony Wong | - Hyder Consulting Ltd. |
| Mr. Robin Li | - Jacobs China Ltd. |

16. With the aid of a Powerpoint presentation, Mr. Ivan M.K. Chung, DPO/SKIs, presented the proposed amendments to the TKO OZP as detailed in the Paper and covered the

following main points:

- (a) as detailed in paragraphs 3 and 4 and Appendix II of the Paper, proposed amendments to the OZP were summarised as follows:

*Proposed South East New Territories Landfill Extension (SENTLFX)
in and adjoining Area 137*

- the “SENT Landfill Extension – Feasibility Study” commissioned by EPD had studied the engineering feasibility and assessed the environmental impacts of the project on an identified site (about 15.6 ha) within TKO Area 137 and a piece of land (about 5.19 ha) in the Clear Water Bay Country Park adjoining Area 137 for the proposed landfill extension;
- the Environmental Impact Assessment Report for the proposed SENTLFX was approved by the Director of Environmental Protection in May 2008 and the concerned environmental permit was granted in August 2008. Legislative process to excise the affected area from the Clear Water Bay Country Park would be completed in 2010;
- the proposed SENTLFX would commence receiving waste in 2014 and operate for about six years. After the decommissioning and restoration of the landfill, the long-term planning intention of the site was for open space use;
- to facilitate the SENTLFX project, it was proposed to rezone the site in Area 137 from “Other Specified Uses” annotated “Deep Waterfront Industry” to “Open Space (2)” (“O(2)”), and to extend the planning scheme boundary to incorporate a site to be excised from the Clear Water Bay Country Park into the TKO OZP and zone the site to “O(2)”. These zoning amendments would permit landfill use in the interim and reflect the long-term planning intention of the sites after decommissioning and restoration of the landfill for open space use. Moreover, it was proposed to rezone the existing SENT Landfill (about

87.66 ha) in Area 101 from “O” to “O(2)” to achieve a consistent statutory planning control for both the sites occupied by the existing landfill and the proposed extension;

Proposed Fire Services Training School (FSTS) cum Driving Training School (DTS) in Area 78

- the existing FSTS at Pat Heung, Yuen Long was established in 1968. In order to enhance the operational skills and capabilities of the fire-fighters and to better ensure their occupational safety, it was necessary to provide the FSD with advanced and purpose-built training facilities with safety measures for simulating realistic fire ground situations and incidents of various natures. However, in-situ redevelopment of the FSTS at Pat Heung was considered not feasible due to insufficiency of space for the proposed facilities;
- a territorial site search in 2009 identified a site in TKO Area 78 and the ex-Burma Lines Military Camp in Queen’s Hill, Fanling for the proposed FSTS. The site in TKO (16.11 ha) was considered more suitable because it was on existing cut platforms with little natural vegetation; site formation and infrastructure works for the area were underway; and it was at a distance from the populated areas;
- FSD also proposed to co-locate the existing DTS at Yau Tong Fire Station with the FSTS because driving training at the drill yard of Yau Tong Fire Station was often interrupted by operational training of the fire station. A well-equipped DTS was necessary so that driving training could be properly conducted in a controlled environment. The co-location of the FSTS and DTS would allow for better site utilization and enhance cost efficiency;
- technical assessments carried out by FSD on the traffic, environmental, drainage, sewerage, ecology, landscape and visual, and air ventilation impacts indicated that the proposed FSTS cum DTS would not create adverse impacts on the surrounding areas;

- the proposed FSTS cum DTS site in TKO Area 78 fell within an area mainly zoned “Residential (Group C) 2” (“R(C)2”) and “R(C)3” for residential development, “Government, Institution or Community (4)” (“G/IC(4)”) for two proposed secondary schools, “G/IC(5)” for a proposed fresh water service reservoir and a proposed lookout point, and small strips of land zoned “R(C)4” and shown as ‘Road’ on the TKO OZP. According to the advice of concerned Government bureaux and departments, the two proposed secondary schools, the proposed fresh water service reservoir and the proposed lookout point were no longer required;

- to facilitate the proposed FSTS cum DTS development, it was proposed to rezone the subject site to “G/IC(7)”. Developments within Area (a) of the “G/IC(7)” zone as demarcated on the OZP would be restricted to a maximum building height (BH) of 100mPD (i.e. 20-30m above the site level ranging from 70 to 80mPD), which was the same as the maximum BH for the existing “R(C)2” and “R(C)3” zones, except a Fire Services rescue training tower up to 114mPD (i.e. 40m above the site level of 74mPD). Developments within Area (b) of the “G/IC(7)” zone would be restricted to a maximum BH of 120mPD (i.e. 10m above the site level of 110mPD), which was the same as the maximum BH for the existing “G/IC(5)” zone;

Proposed Private Hospital and Undesignated “G/IC” Site in Area 78

- to take forward the Government’s policy of promoting private hospital development as announced in the 2008-2009 Policy Address, four sites were identified in Wong Chuk Hang, Tai Po, TKO and Lantau for such purpose. The site in TKO (about 3.5 ha) was located at the south-western part of Area 78 and currently zoned “R(C)4” on the OZP. It was on an existing platform with open view and would not cause disturbance to the natural environment. Site formation and infrastructure works in Area 78 were underway;

- according to the Secretary for Food and Health's advice, the proposed private hospital should be 8 storeys in order to allow adequate room and flexibility for the future design and construction of hospital blocks, and the general standard floor-to-floor height adopted by the Hospital Authority for the planning of hospital facilities was 4.5m. Therefore, the height of the proposed private hospital would be 36m;
 - subsequent to the reservation of sites for the proposed FSTS cum DTS and the proposed hospital, the remaining land (2.55 ha) within the current "R(C)4" zone was proposed as an undesignated "G/IC" site to cater for future unforeseen GIC needs. Given the planned development of FSTS cum DTS and private hospital in its vicinity, this site was considered to be more suitable for GIC development in terms of land use compatibility; and
 - it was proposed to rezone the above two sites from "R(C)4" to "G/IC(8)" with a maximum BH of 106mPD (i.e. 36m above the site level of 70mPD);
- (b) as detailed in paragraph 5.1 and Appendix III of the Paper, amendments to the Notes of the OZP were proposed to reflect the above zoning amendments;
- (c) as detailed in paragraphs 6.1 and 6.2 and Appendix IV of the Paper, opportunity was taken to revise the Explanatory Statement (ES) of the OZP to take into account the proposed amendments and reflect the latest planning circumstances of the OZP. Besides, a new paragraph 3.3 was proposed to be added, which was a general clause to clarify that areas restricted for garden, slope maintenance and access road purposes should not be taken into account in plot ratio/site coverage calculation; and
- (d) comments of the concerned Government bureaux and departments had been incorporated into the proposed amendments as appropriate. The Sai Kung District Council would be consulted prior to or during the exhibition of the

draft OZP.

17. With the aid of a fly-through animation, Mr. Tom Lai of EPD briefed Members on the surrounding land uses of the proposed landfill extension site in Area 137, and illustrated the perspective image of the existing SENT Landfill and its proposed extension after decommissioning and restoration.

18. With the aid of a Powerpoint presentation, Mr. W.K. Yau of FSD presented the proposed development of a new FSTS which were summarised as follows:

- (a) while the number of fire incidents in Hong Kong had decreased in the past two decades, the proliferation of high-rise buildings with mixed occupancies within these buildings had increased the difficulties in fire-fighting. Apart from building fires, fire-fighters also had to tackle different types of incidents, including major traffic accidents, high angle rescues, tunnel accidents, building collapses and aircraft accidents. In order to enhance the operational skills and capabilities of fire-fighters, provision of advanced and purpose-built training facilities for fire-fighters was required;
- (b) many overseas fire services training schools such as those in Singapore, Sweden, the United Kingdom and the Mainland China were equipped with a range of specialised simulators and training grounds to provide simulation-based training. Such training facilities included 'burn house' for the simulation of different types of building fires, road traffic/railway accident training facilities, ruined building and rubble ground for urban search and rescue training, fuel spillage fire simulator, and bulk gas storage simulator, etc.; and
- (c) the existing FSTS in Pat Heung was built more than 40 years ago and most of the training facilities could not cope with the changing training needs. The existing FSTS site was only 2.89 ha in area and there was insufficient space to accommodate the new training facilities. Besides, further expansion of the site was not feasible due to site constraints. According to

FSD's assessment, the new FSTS would require an area of about 11 ha. The site in Area 78 was considered suitable for the development of a new FSTS as it was relatively flat, at a distance from populated areas and not covered by natural vegetation.

19. Members had the following main views and questions:

- (a) whether the Transport Department (TD) had raised concern on the traffic impact of the various proposed uses/facilities on the subject sites, particularly the hospital and the landfill extension, on Wan Po Road which was the only access to these proposed uses/facilities;
- (b) when would the sites in Area 78 be ready for development;
- (c) some of the sites proposed for rezoning in Area 78 were originally intended for residential use, whether the rezoning proposals would affect the flat supply in TKO;
- (d) what would be the use of the existing FSTS site in Pat Heung when the training school thereat was relocated to TKO;
- (e) whether there were other alternative sites for the proposed FSTS;
- (f) the proposed landfill extension would be a great concern to the local community. Whether the Government had consulted the Sai Kung DC on this proposal;
- (g) according to the EIA for the proposed landfill extension, residual odour impact was anticipated. Whether there were any measures and application of new technologies to minimise its odour impact on local residents; and
- (h) whether the Government had any collaboration plan with the gas companies in making a better use of the gas to be released from the landfill extension.

20. Mr. Ivan M.K. Chung, DPO/SKIs, made the following points:

- (a) the traffic impact assessments conducted for the various proposed uses/facilities had demonstrated no significant traffic impacts, and TD had no objection/adverse comment on the proposed uses/facilities from the traffic point of view. As the southern part of TKO, which was served by Wan Po Road, was mainly planned for industrial uses with sufficient road capacities, significant traffic impact of the proposed uses/facilities on the subject sites on Wan Po Road and the surrounding areas was not anticipated;
- (b) according to the works programme of the Civil Engineering and Development Department, the infrastructure works for the subject sites in Area 78 would be completed around 2012/2013;
- (c) the rezoning proposals would not affect the flat supply in TKO as there were other residential sites planned in the southern part of TKO Town Centre to meet the housing demand in the coming years;

Mr. S.C. Wong of FSD made the following points:

- (d) the existing FSTS site in Pat Heung would be returned to the Government upon relocation of the training school to TKO;
- (e) the PlanD had conducted a territorial site search for the new FSTS, and the site in TKO Area 78 and the ex-Burma Lines Military Camp in Queen's Hill, Fanling were identified as potential sites for the proposed FSTS. Based on the assessment of the two sites, the site in Queen's Hill was not preferred as it was close to village clusters, and would require extensive site formation works and removal of existing heavy vegetation on the site;

Messrs. Lawrence Lau and Tom Lai of EPD made the following points:

- (f) the EPD had been in close communication with the Sai Kung DC (DC)

since 2005, that was before the commencement of Environmental Impact Assessment (EIA) process for the proposed landfill extension project. The DC would be consulted on the proposed after-use of the landfill site upon its restoration for open space purpose. The DC's objection to the proposed landfill extension site was noted. In response, the EPD had explained to the DC Members and local residents on the need for the landfill extension, the assessment results of the EIA and the mitigation measures to meet the requirements under the EIA Ordinance;

- (g) in view of the concern of the DC Members and local residents, a series of measures had been implemented to further mitigate the odour problem at the existing SENT Landfill. Such improvement measures included providing a movable cover for the special waste trench that emitted relatively strong odour; covering non-active landfilling areas by additional temporary impermeable liner; and installing extra landfill gas extraction wells and mobile landfill gas flare units. It was also planned to provide new measures to mitigate the odour problem, including provision of a full-body vehicle washing facility to improve the hygienic conditions of the vehicles exiting from the landfill; construction of boundary walls along the landfill site boundary to minimise any odour, noise or visual impacts on the surrounding areas, particularly the nearby industrial estates; and application of 'Posi-shell Cover' on top of the soil cover to the disposed waste after the daily operation. At the meeting of the DC's Housing and Environmental Hygiene Committee on 18.3.2010, the DC Members were briefed on the odour control and management measures for the SENT Landfill and indicated their appreciation of the Government's efforts in minimising the odour nuisance; and

- (h) the Government was liaising with the landfill contractor and the gas company on a landfill gas utilisation scheme at the SENT Landfill, which would involve building a treatment plant in the landfill to convert surplus landfill gas into towngas and convey the produced towngas into the distribution grid for use by TKO residents. It was anticipated that the utilisation scheme would be finalised in the near future.

21. Referring to the ES of the OZP, the Secretary informed the meeting that in line with the current practice adopted by the Town Planning Board (the Board), “G/IC” sites, apart from providing facilities to serve the community or for specific purposes, would also function as breathing space and provide visual relief in the area concerned. Such a planning intention for the “G/IC” zone should also be included in the ES of the TKO OZP to better explain the BH control imposed on the “G/IC” sites. Members agreed.

22. The Chairperson informed Members that if the proposed amendments were agreed by the Committee, the amended OZP would be exhibited for public inspection and consultation under the Town Planning Ordinance (the Ordinance). In accordance with the relevant provisions of the Ordinance, the public would have the right of submitting representation in respect of the amendments to the OZP, and the representations would be heard by the Board.

23. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/17 and that the Amendment Plan No. S/TKO/17A (to be renumbered as S/TKO/18 upon exhibition) at Appendix II and its Notes at Appendix III of the Paper were suitable for exhibition under section 5 of the Town Planning Ordinance; and
- (b) agree to adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper as an expression of the planning intentions and objectives of the Town Planning Board (TPB) for the various land use zonings of the OZP, and that the revised ES was suitable for exhibition together with the OZP and its Notes under the name of the TPB.

[The Chairperson thanked Mr. Ivan M.K. Chung, DPO/SKIs, Mr. Wilfred C.H. Cheng, STP/SKIs, and the representatives of concerned Government departments and their consultants for their attendance to answer Members’ enquiries. They all left the meeting at this point.]

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/179 Proposed House (New Territories Exempted House— Small House)
in “Agriculture” zone,
Lots 389 S.A (part), 389 RP (part), 390 S.A (part), 390 S.B (part),
390 RP (part) and Adjoining Government land in D.D. 244,
Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/179)

24. Mr. Stephen M.W. Yip said that he was an advisor of the Sai Kung Rural Committee but did not involve in the subject application. The Committee noted that Mr. Yip had no direct involvement in the application and agreed that he could stay in the meeting.

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

Presentation and Question Sessions

25. Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House— Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not support the application as the site was good agricultural land suitable for rehabilitation. The Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation on the

application but did not raise objection. He pointed out that, although traffic associated with the proposed development was not expected to be significant, approval of the application would set an undesirable precedent for similar applications in future, and the resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape perspective in that the application site was close to the “Green Belt” (“GB”) zone which was covered with mature trees, and Small House development without tree planting would adversely affect the landscape character of the “Agriculture” area;

- (d) during the statutory publication period, one public comment was received from a Sai Kung District Councillor expressing concern on the access road; and
- (e) the PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. According to the interim criteria for consideration of application for NTEH/Small House in the New Territories, sympathetic consideration might be given to the application as 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. As compared with the previous rejected application (No. A/SK-HC/174), the site area had been reduced from 132.9m² to 65.03m² and the footprint of the NTEH was shifted eastward to avoid encroaching onto the lower indirect water gathering ground in the current application. Hence, the issue regarding possible pollution risk to the water quality in the previous application had been addressed and the Water Supplies Department had no objection to the application. Besides, the applicant had proposed to provide a septic tank for the proposed Small House to which the Environmental Protection Department and the Drainage Services Department had not raised any objection. Since the site was confined to the footprint of a NTEH and that no car parking space was proposed, there was no strong reason to refuse the application on traffic

grounds. Regarding CTP/UD&L, PlanD's reservation on the application as it was close to the "GB" zone which was covered with mature trees, it should be noted that tree planting within and adjoining the site was not practicable due to site constraint, and the site did not directly adjoin the "GB" zone and there was still a buffer in between the site and the "GB" zone. For the public comment raising concern on the access road, the applicant did not propose any car parking space nor access road, and no objection was raised by AC for T/NT.

26. In response to a Member's enquiry on advisory clause (b) in paragraph 12.2 of the Paper, Ms. Ann O.Y. Wong said that as the application site fell within the boundary of Ho Chung Archaeological Site, the Antiquities and Monuments Office (AMO) of Leisure and Cultural Services Department would normally request to enter the site to conduct an archaeological survey prior to the commencement of construction works by the applicant. While the details and timing of conducting the archaeological survey rested between the AMO and the applicant, incorporation of this advisory clause would serve to ensure that the applicant was informed of the AMO's requirement well in advance.

Deliberation Session

27. 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 23.4.2014, 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 condition :

- the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the Director of Water Supplies' comments that for the provision of water supply to the development, the applicant might need to extend his/her

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

- (b) to provide the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department with sufficient time and let the staff of the AMO enter the application site to conduct an archaeological survey prior to the commencement of construction works.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/109 Proposed Public Utility Installation (Irrigation Pipeline)
in "Coastal Protection Area" and "Other Specified Uses" annotated
"Waterworks Pumping Station" zones and area shown as 'Road',
Government Land in D.D. 316L, Pui O, Lantau Island
(RNTPC Paper No. A/SLC/109)

Presentation and Question Sessions

29. Mrs. Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (irrigation pipeline) with a diameter of 100mm and a total length of about 650m (about 125m of which to be laid underground);

- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The application site was located along a stream in Pui O. The surrounding areas were mainly cultivated and fallow agricultural land, without any proper provision of irrigation facilities. The proposed irrigation facility in support of agricultural related activities in the area was not incompatible with the planning intention of the “Coastal Protection Area” zone. According to the applicant, to facilitate maintenance operations and to minimize disturbance to the existing site conditions as well as the stability of a gabion wall along a section of the stream, about 525m of the pipeline would be laid above ground, whereas two sections of the pipeline (in the south) would be laid underground along the trail in order to avoid causing obstruction to pedestrian traffic and encroaching onto private land. The proposed irrigation pipeline was small in scale, and the laying of a section of the pipeline underground at a depth of about 600mm would not involve extensive clearance of vegetation and excavation of land. The proposal would unlikely cause any adverse impact on the surrounding areas.

30. Members had no question on the application.

Deliberation Session

31. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 23.4.2014, 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.

32. The Committee also agreed to advise the applicant to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that in order to maintain the natural environment, consideration should be given to lay the proposed pipeline underground if possible.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/I-LI/15 Proposed Eating Place, Shop and Services and
Minor Relaxation of Building Height Restriction
in "Residential (Group C)" zone,
Lot 528 in D.D. 10 and adjoining Government Land,
Sok Kwu Wan, Lamma Island
(RNTPC Paper No. A/I-LI/15A)

33. The Committee noted that the applicant's representative requested on 9.4.2010 for a deferment of the consideration of the application for one month in order to allow time to address the comments of Civil Engineering and Development Department.

34. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of further information, and as a total of 3 months had been allowed, no further deferment would be granted unless under very special circumstances.

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

Sha Tin, Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Mr. W.W. Chan, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), and Ms. Lisa L.S. Cheng, STP/STN of the Planning Department, were invited to the meeting at this point.]

Agenda Items 8 and 9

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/391 Proposed Two Houses
(New Territories Exempted Houses – Small Houses)
in “Agriculture” zone,
Lots 843 S.A and 843 S.B in D.D. 9,
Tai Wo Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/391A)

A/NE-KLH/392 Proposed Two Houses
(New Territories Exempted Houses – Small Houses)
in “Agriculture” zone,
Lots 845 S.A, 845 S.B, 846 S.B and 846 S.C in D.D. 9,
Tai Wo Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/392A)

Presentation and Question Sessions

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

36. Ms. Lisa L.S. Cheng, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (b) the proposed two houses (New Territories Exempted Houses (NTEHs) – Small Houses) at each of the application site;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural and nature conservation points of view as the sites had high potential for rehabilitation of agricultural activity and there was a natural stream (Kau Lung Hang Ecologically Important Stream (EIS)) in the vicinity of the sites. The “AGR” zone could act as a buffer to the EIS from the built-up area of “Village Type Development” (“V”) zone. The Assistant Commissioner for Transport/New Territories had reservation on the applications as approval of the applications would set undesirable precedents for similar applications in future and the resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications from the landscape planning point of view as approval of the applications would encourage similar Small House applications in the area upsetting the existing landscape pattern;
- (d) during the statutory publication period, a public comment was received from the Designing Hong Kong Limited raising objection to the applications on the ground that there was a lack of a sustainable village layout plan for the area which was zoned “AGR” to ensure the health and well being of current and future residents and a quality urban design; and
- (e) PlanD’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Papers. The applications met the interim criteria for consideration of application for NTEH/Small House in the New Territories in that the footprints of proposed Small Houses under the applications were entirely within the village ‘environs’ (‘VE’) of Tai Wo Village, and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Tai Wo Village. The proposed Small Houses under the applications were within the upper indirect water gathering ground (WGG), and the Drainage Services

Department advised that the proposed Small Houses would be able to be connected to the planned public sewerage system in the area via adjacent lots of the application sites. In this regard, both the Environmental Protection Department and the Water Supplies Department had no objection to the applications provided that the proposed Small Houses would be connected to the planned public sewerage system. It was considered that the proposed Small Houses under the applications were not incompatible with the surrounding rural environment and village setting. To address DAFC's concerns on the potential impacts on the EIS, approval conditions requiring the applicants to connect the foul water drainage system to the planned public sewerage system and to provide protective measures to ensure that no pollution or siltation occurred in the WGGs were recommended in paragraphs 12.2 (d) and (e) of the Papers. Approval condition was also recommended in paragraph 12.2 (a) of the Paper to address CTP/UD&L, PlanD's concern. Regarding the public comment against the proposed Small House development, concerned Government departments including the Environmental Protection Department and the Drainage Services Department had no adverse comment on the application.

37. Members had no question on the applications.

Deliberation Session

38. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 23.4.2014, and after the said date, each permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

Application No. A/NE-KLH/391

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

installations to the satisfaction of the Director of Fire Services or of the TPB;

- (c) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) 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; and
- (e) 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.

Application No. A/NE-KLH/392

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

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

Application No. A/NE-KLH/391

- (a) the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
- (c) before execution of Small House grant document, to register a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewerage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (d) to obtain prior written consent and agreement from the District Lands Officer/Tai Po before commencing work as the proposed sewerage connection to future public sewerage system might affect Government land;
- (e) to note the Director of Agriculture, Fisheries and Conservation's comments that the Practice Note for Authorized Persons and Registered Structural Engineers No. 295 on 'Protection of Natural Streams/Rivers from Adverse Impacts arising from Construction Works' issued by the Buildings Department, in particular Appendix B on 'Guidelines on Developing Precautionary Measures during the Construction Stage', should be followed;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department (DSD)'s comments that there was no existing public stormwater drain available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicants were required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicants should also be liable for and should indemnify claims and demands arising out of damage or nuisance

caused by a failure of the systems;

- (g) to consult the Environmental Protection Department regarding the sewerage treatment/disposal aspects of the development and the provision of septic tanks;
- (h) to make proper sewer connection from the proposed Small Houses to the public sewerage at their own cost;
- (i) to note the Chief Engineer/Project Management, DSD's comments that the applicants should continue to pay attention to the latest development of the proposed sewerage scheme. DSD would keep all the relevant Village Representatives informed of the latest progress;
- (j) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments set out in paragraph 4 of Appendix IV of the Paper;
- (k) for the provision of water supply to the proposed development, the applicants might need to extend their inside services to the nearest suitable Government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (l) to note that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (m) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (n) to note the Director of Electrical and Mechanical Services' comments that the applicants should approach the electricity supplier for the requisition of

cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site;

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

Application No. A/NE-KLH/392

- (a) the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
- (c) each applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewerage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (d) to note the Director of Agriculture, Fisheries and Conservation’s comments that the Practice Note for Authorized Persons and Registered Structural Engineers No. 295 on ‘Protection of Natural Streams/Rivers from Adverse Impacts arising from Construction Works’ issued by the Buildings Department, in particular Appendix B on ‘Guidelines on Developing Precautionary Measures during the Construction Stage’, should be followed;

- (e) to note the Chief Engineer/Mainland North, Drainage Services Department (DSD)'s comments that there was no existing public stormwater drain available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicants were required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicants should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (f) to consult the Environmental Protection Department regarding the sewerage treatment/disposal aspects of the development and the provision of septic tanks;
- (g) to make proper sewer connection from the proposed Small Houses to the public sewerage at their own cost;
- (h) to pay continuing attention to the latest development of the proposed sewerage scheme. DSD would keep all the relevant Village Representatives informed of the latest progress;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments set out in paragraph 4 of Appendix IV of the Paper;
- (j) for the provision of water supply to the proposed development, the applicants might need to extend their inside services to the nearest suitable Government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (k) to note that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (l) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (m) to note the Director of Electrical and Mechanical Services' comments that the applicants should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site;
- (n) prior to establishing any structure within the application site, the applicants and their contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (o) the applicants and their contractors should observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/397 Proposed Three Houses
(New Territories Exempted Houses - Small Houses)
in "Village Type Development" and "Agriculture" zones,
Lots 315 S.E, 315 S.F and 315 S.G in D.D.9,
Kau Lung Hang San Wai, Tai Po
(RNTPC Paper No. A/NE-KLH/397A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed three houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment from the village representatives of Kau Lung Hang Village was received raising objection to the application on the grounds that the site was not suitable for Small House development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development of three Small Houses met the interim criteria for consideration of application for NTEH/Small House in the New Territories in that the footprints of the proposed Small Houses fell entirely within the village 'environs' of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai, and there was a general shortage of land in meeting the demand for Small House development in the "Village Type Development" zone of the villages concerned. The application site fell within the upper indirect water gathering ground, and the Drainage Services Department advised that the proposed Small Houses would be able to be connected to the planned sewerage system via the adjacent Lot 315E. In this regard, both the Environmental Protection Department and the Water Supplies Department had no objection to the application.

41. Members had no question on the application.

Deliberation Session

42. 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 23.4.2014, 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 fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) 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; and
- (e) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) to resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (b) the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;

- (c) adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
- (d) each applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewerage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department (DSD)'s comments that there was no existing public stormwater drain available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicants were required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicants should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (f) to consult the Environmental Protection Department regarding the sewage treatment/disposal aspects of the development and the provision of septic tanks;
- (g) to make proper sewer connection from the proposed Small Houses to the public sewerage at their own cost;
- (h) to note the Chief Engineer/Project Management, DSD's comments that the applicant should continue to pay attention to the latest development of the proposed sewerage scheme. DSD would keep all the relevant Village Representatives informed of the latest progress;
- (i) for the provision of water supply to the proposed development, the applicants might need to extend their inside services to the nearest suitable

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

- (j) to note that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (k) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (l) to note the Chief Engineer/Development(2), Water Supplies Department's comments set out in paragraph 4 of Appendix IV of the Paper;
- (m) to note the Director of Electrical and Mechanical Services' comments that the applicants should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site;
- (n) prior to establishing any structure within the application site, the applicants and their contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (o) the applicants and their contractors should observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/401 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lots 116 S.A and 116 RP in D.D. 9, Kau Lung Hang Village,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/401)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the proposed development was located in the vicinity of Kau Lung Hang Ecologically Important Stream (EIS) and partially encroached onto the “Green Belt” (“GB”) zone. Any pollution from the development might cause adverse ecological impact to the EIS;
- (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 set out in paragraph 12 of the Paper. The application met the interim criteria for consideration of application for NTEH/Small House in the New Territories in that not less than 50% of the proposed Small House footprint (i.e. 77.5%) fell within the “Village Type

Development” (“V”) zone and the application site fell entirely within the village ‘environs’ of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai, and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the villages concerned. Although the application site fell within the upper indirect water gathering ground and was about 20m from an EIS, the proposed Small House would be able to be connected to the planned sewerage system in the area.

45. A Member said that there were many structures within the “GB” zone and questioned whether the “GB” zoning for that area was appropriate. Ms. Lisa L.S. Cheng, STP/STN, said that the “GB” zoning for the land in the immediate vicinity of the Kau Lung Hang EIS would help protect this area from development. Mr. W.K. Hui, DPO/STN, supplemented that the designation of this “GB” zone was intended to serve as a buffer area between the villages to its south and the foothill to its north, and the boundary of the “V” zone was drawn up by taking into account such factors as local topography and Small House demand forecast. The buffer area had become smaller as more Small House developments had taken place in the “GB” zone. PlanD would monitor the situation and undertake a review of the “GB” zone as necessary.

46. In reply to another Member’s question, Mr. W.K. Hui, DPO/STN, said that the footprint of the proposed Small House was mainly within the “V” zone as proposed by the applicant. If the application was approved, the applicant would be required to build the Small House in accordance with the approved scheme.

Deliberation Session

47. 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 23.4.2014, 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 occurred 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.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewerage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (d) to note the Director of Agriculture, Fisheries and Conservation's comments that the Practice Note for Authorized Persons and Registered Structural Engineers No. 295 on 'Protection of Natural Streams/Rivers from Adverse Impacts arising from Construction Works' issued by the Buildings

Department, in particular Appendix B on ‘Guidelines on Developing Precautionary Measures during the Construction Stage’, should be followed;

- (e) to make proper sewer connection from the proposed Small House to the public sewerage at the applicant’s own cost;
- (f) to note the Chief Engineer/Project Management, Drainage Services Department (DSD)’s comments that the applicant should continue to pay attention on the latest development of the proposed sewerage scheme. DSD would keep all the relevant Village Representatives informed of the latest progress;
- (g) to note the Chief Engineer/Development(2), Water Supplies Department’s comments set out in paragraph 4 of Appendix V of the Paper;
- (h) to note that water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (i) to note the Director of Fire Services’ comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department.

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-LT/401 Proposed Two Houses (New Territories Exempted Houses)
in “Agriculture” zone,
Lots 228 (Part), 230 and 231 (Part) in D.D.16 and
Adjoining Government Land, Lam Kam Road, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/401)

49. Ms. Lisa L.S. Cheng, STP/STN, reported that the applicant's representative submitted a letter on 21.4.2010 requesting for a deferment of the consideration of the application for two months in order to allow sufficient time for the preparation of further information and responses to address the outstanding departmental comments. The letter had been tabled at the meeting for Members' reference.

50. The Secretary informed Members that, according to the Town Planning Board (TPB) Guidelines No. 33 on 'Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance', a request for deferment either by the applicant or the Planning Department up to two months would normally be granted by the TPB. In considering a deferment request, the TPB would take into account all relevant factors, including the reasonableness of the request, duration of the deferment, and whether the right or interest of other concerned parties would be affected. Members noted that this was the first request for deferment submitted by the applicant and the period of deferment was two months. The Secretary said that the request complied with the requirements as set out in the TPB Guidelines No. 33.

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/444 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lot 567 S.A ss.1 in D.D. 32 and Adjoining Government Land,
Ha Wong Yi Au Village, Tai Po
(RNTPC Paper No. A/TP/444)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the Small House Development as it would likely be subject to rail noise impact from the nearby East Rail;
- (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 set out in paragraph 12 of the Paper. The application 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 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 same village. The proposed Small House was considered compatible with

the rural environment and the nearby village houses. In view of its small scale, the proposed development would unlikely cause significant adverse environmental, drainage and traffic impacts on the surrounding areas. To address DEP's concern, an advisory clause on the provision of suitable mitigation measures against the rail noise impact was recommended.

53. Members had no question on the application.

Deliberation Session

54. 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 23.4.2014, 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 fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and provision of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that submission should be made to the District Lands Office to verify if the application site satisfied the exemption criteria for site formation works as stipulated in the Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) APP-56. 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;

- (b) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that part of the proposed house falling within the waterworks reserve should be excluded from the proposed site area;
- (c) for the 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;
- (d) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that there were no existing public stormwater drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the subject site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (e) to consult the Environmental Protection Department regarding the sewage treatment/disposal facilities of the proposed development;
- (f) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (g) to provide suitable mitigation measures against the noise impact from the

railway.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/697 Shop and Services (Fast Food Shop) in “Industrial” zone,
Unit 7C, L1 Floor, Wah Yiu Industrial Centre,
30-32 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/697)

Presentation and Question Sessions

56. Mr. W.W. Chan, 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 (fast food shop);
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (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 had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The fast food shop under application was considered not incompatible with the adjoining units on the ground floor of the same industrial building which were occupied by mixed industrial and commercial uses. The fast food shop was small in size (about 13.26m²) and would not result in a significant loss of industrial floor space. In view of its small scale and the

nature of operation, no adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated. According to the Town Planning Board (TPB) Guidelines No. 25D, the limit on aggregate commercial floor space limits on fire safety concerns did not apply to fast food counter which was sited at street level without seating accommodation and licensed as food factory. In this regard, Fire Services Department had no objection to the application. The fast food shop under application was also in line with TPB Guidelines No. 25D as it had direct discharge to street and would not adversely affect the traffic conditions in the local road network. As a customer waiting area would be provided at the fast food counter for the queuing of customers so that the queuing would not obstruct pedestrian flow on public footpaths, the Transport Department had no objection to the application. If the application was approved, a temporary approval of 3 years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to monitor the supply and demand of industrial floor space in the area. Besides, since the last approval (Application No. A/ST/677) was revoked due to non-compliance with the approval condition on the submission of fire safety measures to the satisfaction of the Director of Fire Services or of the TPB, shorter compliance periods were proposed to monitor the progress of compliance. Moreover, the applicant would be advised that should he fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

57. In reply to a Member's questions, Mr. W.W. Chan, STP/STN, said that the applicant was required to apply for a food business licence from the Food and Environmental Hygiene Department (FEHD) to operate the fast food shop. Mr. Chan also pointed out that Application No. A/ST/677 was revoked as the applicant failed to comply with the approval condition on the submission of fire safety measures.

58. In response to this Member's enquiry on enforcement matters, the Chairperson said that apart from seeking planning permission from the TPB for the fast food shop use, the applicant was also required to apply for a temporary waiver from the Lands Department

(LandsD) to permit the applied use. The LandsD would take enforcement action against uses which did not comply with the lease. The FEHD would also take appropriate enforcement action in accordance with the provisions of the relevant Ordinance.

Deliberation Session

59. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.4.2013, 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 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2010;
- (b) the implementation 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 23.10.2010; 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.

60. 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 3 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) should the applicant fail to comply with the approval conditions again

resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;

- (d) to apply to the District Lands Officer/Shia Tin for a temporary waiver to permit the applied use;
- (e) to note the Chief Building Surveyor/New Territories East(1) & Licensing Unit, Buildings Department's comments 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. Building safety requirements would be formulated upon receipt of food premises licence application, where appropriate;
- (f) to note the Assistant Commissioner for Transport/New Territories' comments that customers should only queue up inside the subject premises and should not obstruct pedestrian flow on public footpaths;
- (g) to note the Director of Fire Services' comments that the proposed fast food shop should only be licensed as a 'food factory' or as a 'factory canteen'. A fast food shop licensed and operated as a 'general restaurant' or 'light refreshment restaurant' would not be accepted. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority; and
- (h) 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.

63. The Secretary also informed the meeting that Mr. Yeung Cheung-li, a Sha Tin District Council Member, and the Incorporated Owners (IO) of Mountain Shore launched a petition against the application in the afternoon. A copy of the letter to the TPB was tabled at the meeting for Members' reference.

Presentation and Question Sessions

64. Mr. W.W. Chan, STP/STN, said that the letter received in the petition from the IO of Mountain Shore was generally the same as the one received by the District Officer (Sha Tin), a copy of which was attached at Appendix IV of the Paper. He also said that replacement of page 4 of the Paper had already been sent to Members before the meeting, and advisory clause (a) in paragraph 11.2 of the Paper should be deleted. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) (letting of surplus monthly vehicle parking spaces to non-residents) for a period of 3 years. Mountain Shore comprised five residential blocks on top of a 2-storey car park podium. The 85 surplus parking spaces for private car were on the UG/F of the car park, the vehicular access of which was via the car park at G/F. The car park accommodated a total of 375 parking spaces for private cars and 40 parking spaces for motor-cycles. According to the applicant, the average occupancy rate over the past six-month period from June to November 2009 was ranging from 64.3% to 67%;
- (c) departmental comments – the District Lands Officer/Sha Tin advised that the proposal conflicted with the lease conditions, which required the provision of spaces for the parking of motor vehicles belonging to residents/occupants of the buildings on the subject lot and their visitors at a rate of not less than one space for every 3 residential units. The Assistant Commissioner for Transport/New Territories had no objection to the application subject to the conditions that the residents' demand on parking spaces should always be met before the surplus car parking spaces were let to

the public; and the 85 parking spaces under application should be the maximum number of spaces to be let to the public;

(d) during the statutory publication period, a total of 786 public comments were received including two Sha Tin District Councillors, the IO of Mountain Shore enclosing 1 331 signatures, a Mr. Chan enclosing 61 signatures, and 778 comments from the residents of Mountain Shore. All the comments objected to the application for the following main reasons:

- letting of the car parking spaces to non-residents violated the Deed of Mutual Covenant of Mountain Shore and deprived the residents' right in the choice of car parking spaces;
- there was no separate access for the outsiders using the car park, and they had to pass through the private area of the development. It was not fair to the residents to share the maintenance cost with the outsiders using the car park;
- the car park was well connected to the residential portion of the development. Outsiders using the car park could enter the residential portion and cause security problem;
- there was no need to let the car parking spaces to outsiders as there were many temporary car parks in the vicinity and the nearby developments had their own car parks;
- residents chose to park their cars in the temporary open-air car parks in the vicinity as the parking fee of these car parks was less than that of Mountain Shore. The large number of surplus parking spaces in the subject car park was due to the high parking fees, which should be lowered to attract residents using the car park;
- the proposal would affect the interests of the residents of Mountain Shore. The letting of parking spaces to outsiders would pose noise,

air, hygiene and road safety problems, worsen the security and cause management problems; and

- HKHS was not the sole current owner of the subject lot and consent from other owners or notification to other owners should be obtained before the application could be considered;
- (e) the District Officer (Sha Tin) advised that an objection letter from the IO of Mountain Shore was received (attached at Appendix IV of the Paper); and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The proposed change of the existing ancillary car park in Mountain Shore to public vehicle park use by letting surplus monthly vehicle parking spaces to non-residents would not involve any new development or redevelopment of the application site. The applicant indicated that the occupancy rate of the car park was about 64% to 67% over the period from June to November 2009. However, there was no breakdown on the occupancy rate between parking spaces for private car and motor-cycle. Many public comments (178 in total) objected to the application mainly on the grounds that the monthly rent for the car parking space was too high and the residents chose not to park their cars at Mountain Shore. In this regard, the applicant had not explained why there was a high level of vacancy and how the residents of Mountain Shore would be given the highest priority in the letting of monthly vehicle parking spaces in Mountain Shore. There was no information to demonstrate that the level of service of the car park to the residents would not be compromised. The applicant failed to demonstrate that the parking demand of the residents had been adequately met. Moreover, the access to the car park would be via the internal road and open area of Mountain Shore. The letting of car parking spaces to non-residents would pose security and management problems and cost implications to the residents as they had to share the repair and maintenance costs for the internal roads within the development. The applicant had not addressed these problems. There were strong local

objections to the proposal with 786 public comments received raising objection to the application.

65. In reply to the Chairperson's question, Mr. W.W. Chan, STP/STN, said that the surplus parking spaces were located at the UG/F of Mountain Shore, which was the upper floor of the 2-storey car park podium and was not accessible from the street level. Out of the total number of 786 public comments received, 178 of them indicated that the monthly rent for car parking space in Mountain Shore was too high so that they did not rent a parking space there. Mr. Chan also said that the applicant had been notified on the large number of public comments received which objected to the application and the major concerns of the commenters included residents' parking demand and management problem. However, no response was received from the applicant to address such concerns.

66. In response to a Member's query, the Chairperson said that there was no provision under the Town Planning Ordinance for the applicant of a section 16 application to attend the TPB meeting and present at the meeting. However, the applicant could submit further information to address comments raised by Government departments or public commenters.

67. This Member noted that legal opinion was sought by a public commenter (Appendix II(2) of the Paper) on the right of HKHS to let the remaining car parking spaces in Mountain Shore to persons not residing there, and enquired on the Government's stance on this legal opinion. Mr. W.W. Chan, STP/STN, clarified that the legal opinion was related to the Deed of Mutual Covenant of Mountain Shore which was not a relevant planning consideration for the assessment of the current application.

Deliberation Session

68. A Member asked if 'security and management problems' from the proposed public vehicle park as mentioned in paragraph 11.1 (b) of the Paper were relevant planning reasons for rejecting the application. The Secretary said that land use compatibility was an important factor for the consideration of a planning application. For instance, if a non-domestic use was proposed within a residential development, the provision of a separate access and an independent lift and staircases to be used by different users would warrant a

favourable consideration by the TPB as it could help avoid causing nuisance/disturbance to the residents of the same development.

69. After some discussions, Members generally agreed that the applicant should provide more information to address the concerns raised in the public comments and to demonstrate that the residents' parking demand had been adequately met, and that the proposed letting of surplus parking spaces to non-residents would not cause nuisance/disturbance to the residents of the subject development. Members then went through the reasons for rejecting the application as stated in paragraph 11.1 of the Paper and agreed that they should be suitably amended to reflect Members' views as stated above.

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

- (a) the car park of Mountain Shore was intended for meeting the car parking demand of its residents. There was no evidence in the current submission to show that the residents' parking demand had been adequately met; and
- (b) as the access to the subject car park would be via the internal roads of Mountain Shore, the proposed public vehicle park would cause nuisance/disturbance to its residents. There was no information in the submission to address these problems.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/80 Temporary Public Vehicle Park (Excluding Container Vehicle)
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-Residents)
for a Period of 3 Years in "Residential (Group B) 2" zone,
Car Park Levels 2 & 3, Park Belvedere,
188 Ma On Shan Road, Ma On Shan
(RNTPC Paper No. A/MOS/80)

71. The Secretary reported that the application was submitted by the Hong Kong Housing Society (HKHS) and the following Members had declared interests in this item:

- | | |
|--|---|
| Mrs. Ava S.Y. Ng as the Director of Planning | - being a member of the Supervisory Board of HKHS; |
| Mr. Walter K.L. Chan | - being a member of the Executive Committee of HKHS; |
| Mr. Simon Yu as the Assistant Director of Lands Department | - being an alternate member for the Director of Lands who was a member of the Supervisory Board of HKHS; |
| Mr. Timothy K.W. Ma | - being a member of the Supervisory Board of HKHS; and |
| Messrs. B.W. Chan and Y.K. Cheng | - being members of HKHS. |

72. The Secretary said that as both the Chairperson and the Vice-Chairman had declared interests in this item, according to the Town Planning Board (TPB)'s Procedure and Practice, the Chairperson should continue to chair the meeting out of necessity. Members agreed. The Committee noted that Mr. Y.K. Cheng had tendered apologies for not attending the meeting, Mr. B.W. Chan had already left the meeting, and Messrs. Walter K.L. Chan, Simon Yu and Timothy K.W. Ma had left the meeting temporarily for this item.

Presentation and Question Sessions

73. Mr. W.W. Chan, STP/STN, said that advisory clause (a) in paragraph 11.2 of the Paper should be deleted. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) (letting of surplus monthly vehicle parking spaces to non-residents) for a period of 3 years. Park Belvedere comprised four residential blocks on top of a 3-storey car park podium. The 191 surplus private car parking spaces and 25 surplus motor-cycle parking spaces were on Levels 2 and 3 of the car

park, the vehicular access of which was via the internal road of the development. The car park accommodated a total of 441 parking spaces for private car and 69 parking spaces for motor-cycle. According to the applicant, the average occupancy rate over the past six-month period from May to October 2009 was ranging from 37.8% to 39.4%;

- (c) departmental comments – the District Lands Officer/Shu Tin advised that the proposal conflicted with the lease conditions, which required the provision of spaces for the parking of motor vehicles belonging to residents/occupants of the buildings on the subject lot and their visitors at a rate of not less than one space for every two residential units. The Assistant Commissioner for Transport/New Territories had no objection to the application subject to the conditions that the residents' demand on parking spaces should always be met before the surplus parking spaces were let to the public; and the 191 private car parking spaces under application should be the maximum number of parking spaces to be let to the public;
- (d) during the statutory publication period, a total of 2 960 public comments were received including two Sha Tin District Councillors, the Incorporated Owners (IO) of Park Belvedere, Sandwich Class Housing Association, a member of the IO of Cascades (another Sandwich Class Housing development in Ho Man Tin), 122 residents of Cascades in the form of standard letter, 291 residents of Sunshine Grove (another Sandwich Class housing development in Sha Tin) in the form of standard letter, 952 residents of Park Belvedere, and 1 137 residents of Park Belvedere in a standard form. All the public comments objected to the application on the following main grounds:
- letting of car parking spaces to non-residents violated the Deed of Mutual Covenant for Park Belvedere and the proposal would deprive the residents' right in the choice of car parking spaces;
 - there was no separate access for the outsiders using the car park, and they had to pass through the private area of the development. It was

not fair to the residents to share the maintenance cost with the outsiders using the car park;

- the car park was well connected to the residential portion of the development. Outsiders using the car park could enter the residential portion and cause security problem;
- there was no need to let the car parking spaces to outsiders as there were many temporary car parks in the vicinity and the nearby developments had their own car parks;
- residents chose to park their cars in the temporary open car parks in the vicinity as the parking fee of these car parks was less than that of Park Belvedere. The large number of surplus parking spaces in the subject car park was due to the high parking fees which should be lowered to attract residents using the car park;
- if there were surplus parking spaces, they should be sold to the residents of Park Belvedere, or converted into recreational facilities or bicycle parking spaces for the use of the residents of Park Belvedere;
- the increase in traffic would block the access for the adjacent Ma On Shan Fire Station affecting the services of emergency vehicles, e.g. fire engines and ambulance;
- the proposal would affect the interests of the residents of Park Belvedere. The letting of car parking spaces to outsiders would pose noise, air, hygiene and road safety problems, worsen the security, and cause management problems to Park Belvedere and lower the property value of the development; and
- HKHS was not the sole current owner of the subject lot and consent from other owners or notification to other owners should be obtained before the application could be considered;

- (e) the District Officer (Sha Tin) relayed a letter from the IO of Park Belvedere to the Planning Department (PlanD) which had been included as a public comment. He also mentioned that a residents' meeting of Park Belvedere was held on 27.3.2010 and the IO requested to further extend the consultation period in order to solicit more residents' views. He noted that the IO and many flat owners objected to the application with the following views:
- HKHS violated the contract term to provide car parking spaces for the residents. They infringed the interest of the flat owners to get more return;
 - the low utilisation rate of the car park was caused by the high parking fee of HKHS. Then some residents turned to park their vehicles at the open car park nearby or not to purchase private cars. HKHS should lower the parking fee to encourage the demand from the residents rather than opening the car park to non-residents;
 - flat owners were afraid that opening of the car park of Park Belvedere to non-residents would affect their living condition, cause security problem, increase the maintenance cost for the access road, and enhance the traffic burden of the emergency vehicular access; and
 - Park Belvedere was not a commercial premises; and
- (f) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The proposed change of the existing ancillary car park in Park Belvedere to public vehicle park use by letting surplus monthly vehicle parking spaces to non-residents would not involve any new development or redevelopment of the application site. The applicant indicated that the occupancy rate of the car park was 37.8% to 39.4% over the period from May to October 2009. However, there was no breakdown on the occupancy rate between the parking spaces for private

car and motor-cycle. Many public comments (121 in total) objected to the application mainly on the ground that the monthly rent for the car parking space was too high and the residents chose not to park their cars at Park Belvedere. In this regard, the applicant had not explained why there was a high level of vacancy and how the residents of Park Belvedere would be given the highest priority in the letting of monthly vehicles parking spaces in Park Belvedere. There was no information to demonstrate that the level of service of the car park to the residents would not be compromised. The applicant failed to demonstrate that the parking demand of the residents had been adequately met. Moreover, the access to the car park would be via the internal road and open area of Park Belvedere. The letting of car parking spaces to non-residents would pose security and management problems and cost implications to the residents as they had to share the repair and maintenance costs for the internal roads within the development. The applicant had not addressed these problems. There were strong local objections to the proposal with 2 960 public comments received raising objection to the application.

74. Members had no question on the application.

Deliberation Session

75. Members were of the view that the applicant should provide more information to address the concerns raised in the public comments and to demonstrate that the residents' parking demand had been adequately met, and that the proposed letting of surplus parking spaces to non-residents would not cause nuisance/disturbance to the residents of the subject development. Members then went through the reasons for rejecting the application as stated in paragraph 11.1 of the Paper and agreed that they should be suitably amended to reflect Members' views as stated above.

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

(a) the car park of Park Belvedere was intended for meeting the car parking

demand for its residents. There was no evidence in the current submission to show that the residents' parking demand had been adequately met; and

- (b) as the access to the subject car park would be via the internal roads of Park Belvedere, the proposed public vehicle park would cause nuisance/disturbance to its residents. There was no information in the submission to address these problems.

[Messrs. Walter K.L. Chan, Simon Yu and Timothy K.W. Ma returned to join the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/190 Proposed House (New Territories Exempted House - Small House)
in "Green Belt" zone,
Government land in D.D. 91, Ng Uk Tsuen, Sheung Shui
(RNTPC Paper No. A/FSS/190)

Presentation and Question Sessions

77. 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 – the Director of Agriculture, Fisheries and Conservation did not support the application as the application was not in line with the planning intention of the "Green Belt" ("GB") zone, and approval of the proposed development would set an undesirable precedent for other similar applications. His recent site inspection revealed that

mass tree felling activities had taken place in the “GB” area, including the application site. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application from the landscape planning point of view as significant disturbance to the landscape resources on the site had taken place with the trees and other vegetation originally on the site being removed. Approval of the application would further reduce the natural buffer by extending the village area and encroaching onto the “GB” zone. The Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation on the application as approval of the application would set an undesirable precedent for similar applications, and the resulting cumulative adverse traffic impact could be substantial;

- (d) during the statutory publication period, two public comments were received. The one from a member of general public indicated no comment on the application, whereas the other one from Designing Hong Kong Limited objected to the application on the ground that there was a lack of a sustainable village layout plan for the area which was zoned “GB” to ensure the health and well being of current and future residents and a quality urban design;
- (e) the District Officer (North) advised that the Indigenous Inhabitants Representative and Residents Representative of Ng Uk Tsuen supported the application. The Chairman of Sheung Shui District Rural Committee and the concerned North District Council member had no comment on the application; and
- (f) the PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The application met the interim criteria for consideration of application for NTEH/Small House in the New Territories in that both the application site and the footprint of the proposed Small House fell entirely within the village ‘environs’ of Ng Uk Tsuen, 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 village. The application also complied with the Town Planning Board Guidelines No. 10 on development within “GB” zone in that the application site was in close proximity to the village proper of Ng Uk Tsuen and there was insufficient land to meet the Small House demand. The proposed Small House would have a septic tank for sewage disposal and significant adverse sewerage impact was not anticipated. Besides, the application site was easily accessible via a footpath from the nearby Pak Wo Road which was well served by public transport. Moreover, the proposed Small House development was not incompatible with the adjacent village setting of Ng Uk Tsuen and the high-rise residential development in the east and south. The proposed Small House development would not require felling of any existing trees. Regarding AC for T/NT’s reservation on traffic ground, it was noted that as the application site was located immediately outside the “V” zone of Ng Uk Tsuen and accessible by an existing footpath, the traffic associated with the proposed development would not be significant. Regarding the public comment against the proposed Small House development, concerned Government departments including the Environmental Protection Department, Drainage Services Department, Water Supplies Department, Fire Services Department and Highways Department had no adverse comment on the application. There were 3 similar applications to the immediate south of the application site previously approved with conditions by the Committee in February and March 2010 respectively. There had been no change in the planning circumstances since these approved applications.

78. Members had no question on the application.

Deliberation Session

79. 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 23.4.2014, 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; and
- (b) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the Chief Highway Engineer/New Territories East, Highways Department's comments that suitable noise mitigation measures should be provided to mitigate nuisances from the adjacent road network;
- (b) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (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 development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/100 Temporary Container Vehicle Park and Logistics Loading and Unloading Area for a Period of 3 Years in “Agriculture” zone, Lots 404 S.A (Part), 408 S.A RP (Part), 408 S.B RP (Part), 409, 410 (Part), 413 (Part), 414 (Part), 416 (Part), 417 RP (Part), 435, 436, 437 RP in D.D. 89 and Adjoining Government Land, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/100)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary container vehicle park and logistics loading and unloading area for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site;
- (d) one public comment was received during the statutory publication period indicating ‘no comment’ on the application;
- (e) the District Officer (North) advised that the Chairman of Ta Ku Ling District Rural Committee had no comment on the application; whereas the Chairman of Sha Ling Villagers Welfare Association Boundary Central Ta Ku Ling objected to the application on the grounds that the applied use would cause environmental pollution, affecting local residents and overtax

the existing roads; and

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessments set out in paragraph 12 of the Paper. The site was the subject of previous planning approvals. The use under application on a temporary basis was considered not incompatible with the surrounding land uses which comprised open storage yards, logistics centres and storage yards. The applied use was in line with the Town Planning Board Guidelines No. 13E in that the drainage plan, landscape and tree preservation proposal and vehicular access plan had been submitted and no adverse comments were received from Government departments. To address DEP's concern, an approval condition restricting the operation hours was recommended to minimize possible environmental nuisance. Regarding the local objection on traffic grounds, the Assistant Commissioner for Transport/New Territories considered that the temporary use under application could be tolerated as the site had been used as a container trailer park for several years without major traffic problem, and only 10-12 vehicular trips per day were generated from the use. Nevertheless, in view of the concerns of DEP and the locals on possible environmental nuisance to the surrounding areas, a shorter approval period of two years and shorter compliance periods were recommended to monitor the situation and progress of compliance should the application be approved. The applicant would also be advised that should he fail to comply with the approval condition(s) again resulting in revocation of the planning permission, no sympathetic consideration would be given to any further application unless under exceptional circumstances.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 23.4.2012, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 10:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2010;
- (d) in relation to (c) above, the implementation of the 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 23.10.2010;
- (e) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2010;
- (f) in relation to (e) above, the provision of water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.10.2010;
- (g) the submission of landscaping and tree maintenance proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2010;
- (h) in relation to (g) above, the implementation of landscaping and tree maintenance proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.10.2010;

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

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

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) a shorter approval period and shorter compliance periods were imposed in order to monitor the situation of the site and the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application unless under exceptional circumstances;
- (c) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (e) to note the District Lands Officer/North's comments that:
 - (i) an application for short term waiver(s) and short term tenancy should be made for regularization of the structures erected on the

lots and the occupation of Government land; and

- (ii) action would be taken by his office as appropriate according to the established district lease enforcement and land control programme;
- (f) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans, and his recommendations regarding fire service installations proposal set out in paragraph 10.1.6 (b) of the Paper should be observed;
- (g) to note the Assistant Commissioner for Transport/New Territories' comments that the management and maintenance responsibilities of the track leading to the application site should be clarified with the relevant lands and maintenance authorities;
- (h) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for the provision of water supply to the application site, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (i) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area.

Agenda Item 19

Section 16 Application

[Open Meeting]

A/NE-LYT/410 Proposed 8 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone,
Lots 1846 S.A (Part), 1846 RP (Part), 1850 (Part), 1851 (Part), 1852 S.B RP and 1852 S.B ss.1 RP in D.D. 76 and Adjoining Government Land,
Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/410A)

85. The Committee noted that the applicants’ representative requested on 14.4.2010 for a further deferment of the consideration of the application for two months in order to conduct a technical assessment to address the concerns of the Transport Department and the locals on the potential traffic impact of the proposed development.

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/419 Renewal of Planning Approval for
Temporary Private Lorry / Container Vehicle Depot
under Application No. A/NE-LYT/383 for a Period of 3 Years
in “Recreation” zone,
Lots 2833 (Part), 2860 S.B (Part), 2860 RP, 2861 RP (Part),
2862 RP (Part), 2863 RP (Part), 2864 S.B (Part), 2864 RP (Part),
2899 RP, 2900 RP (Part), 2901 S.B, 2901 S.C, 2901 RP, 2902, 2903
and 2904 RP (Part) in D.D. 51 and Adjoining Government Land,
Tong Hang, Fanling
(RNTPC Paper No. A/NE-LYT/419)

Presentation and Question Sessions

87. 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 renewal of planning approval for temporary private lorry/container vehicle depot under Application No. A/NE-LYT/383 for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected;
- (d) during the statutory publication period, eight public comments were received. One public comment supported the application without giving any reason. The other seven public comments from the residents of Wing’s Villa and residents in Tong Hang objected to the application mainly on the following grounds:

- the temporary private lorry/container vehicle depot, being located close to the main access to the nearby village in Tong Hang, caused danger to pedestrians, in particular the elderly and children, and created air pollution and noise nuisance;
 - the narrow access road was not designed for the use of heavy vehicles and the paving of public road was damaged by lorries and container vehicles;
 - the environment was degraded due to the rearing of dogs at the temporary private lorry/container vehicle depot and inappropriate disposal of industrial waste by its staff at the nearby refuse collection point; and
 - Government departments, in particular the Lands Department and the Transport Department, as well as the Town Planning Board should pay attention to the danger caused by the temporary depot to local residents;
- (e) the District Officer (North) advised that the Chairman of Fanling District Rural Committee had no comment on the application and the Residents Representative (RR) of Tong Hang (Upper) supported the application. However, the RR of Tong Hang (Lower) objected to the application on the grounds that the applied use should be relocated to Ping Che, Fanling which would be connected with the new Liantang Boundary Control Point so that Tong Hang could become a high-class residential area, and a tranquil and safe living environment would be maintained. He queried if the Government would proceed with the intended use of the subject site which was zoned "Recreation" on the Outline Zoning Plan; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. Although there were eight previous approvals granted to the application site

for the same use, there had been material change in the planning circumstances since the previous approval (Application No. A/NE-LYT/383) was granted. New village houses (known as Wing's Villa) to the east of the site at a distance of about 25m were completed in 2009. It was anticipated that lorries and container vehicles to and from the application site as well as other minor vehicle repairing activities might impose adverse environmental impacts on the nearby residents. DEP did not support the application and local objections were received from residents of Wing's Villa and Tong Hang. In this regard, the application was not in line with the Town Planning Board (TPB) Guidelines No. 34A in that there was material change in planning circumstances with the completion and population intake of a residential development (i.e. Wing's Villa) in close proximity to the application site. The previous application No. A/NE-LYT/383 was approved with conditions on 24.10.2008 for 18 months to monitor the situation as there were a number of village houses under construction. The temporary private lorry/container vehicle depot was considered not compatible with the adjacent village houses which were now completed and occupied. In addition, as both the temporary private lorry/container vehicle depot and the residential development were served by the same narrow access road, it might impose adverse traffic impact and danger to the residents and pedestrians. There were strong local objections against the application on the grounds of environmental and traffic impacts and road safety problem.

88. In response to a Member's enquiry, Mr. W.K. Hui, DPO/STN, said that the applied use under the previous application No. A/NE-LYT/383 was the same as that of the current application and the period applied for the permission was 3 years. At its meeting held on 24.10.2008, the Committee granted approval to Application No. A/NE-LYT/383 for a shorter period of 18 months in view of the concerns raised by DEP and the locals on traffic safety and environmental nuisances of the applied use to the newly built village houses which were at a close distance to the application site. The above considerations had been included in the paper and minutes of meeting in respect of Application No. A/NE-LYT/383, and an advisory clause had been incorporated in the planning permission stating that a shorter approval of 18 months was given to monitor the situation. A written notification on the

decision of the Committee, enclosed with a copy of the paper and extract of minutes, was sent to the applicants' representative on 7.11.2008.

89. In reply to this Member's question, the Chairperson said that the application site was private land and hence it would rely on the land owners to implement the zoned use at the site. This Member suggested that if the applicants could address the environmental nuisance and traffic safety problems of the temporary private lorry/container vehicle depot to the nearby residents, approval of the application could be granted for a short period of time to closely monitor the situation. Another Member opined that as the current application was for the renewal of approval of a previous approved application, it was not supported as there had been change in the land uses of the surrounding areas of the site, the continual approval of the application would not be in line with the relevant TPB Guidelines.

90. Upon the Chairperson's enquiry, Mr. W.K. Hui, DPO/STN, referred to Plan A-2 of the Paper and said that both the temporary private lorry/container vehicle depot and the residents of Wing's Villa shared the same local access road, which might impose adverse traffic impact and danger to the residents and pedestrians.

Deliberation Session

91. Members generally agreed that the application should be rejected. The Chairperson invited Members to consider the reasons to reject the application. Members went through the reasons for rejection as stated in paragraph 13.1 of the Paper and agreed that they were appropriate.

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

- (a) the use under application was not in line with the planning intention of the "Recreation" zone which was primarily for the improvement of the environmental quality of the designated areas by offering incentives for low-density recreational development in the zone. It encouraged the development of active and/or passive recreation and tourism. Uses in support of the recreational developments might be permitted subject to

planning permission;

- (b) the application did not comply 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 there had been material change in planning circumstances upon completion and population intake of a new residential development in close proximity to the application site; and
- (c) the use under application would generate adverse environmental and traffic impacts on the surrounding developments as there were residential dwellings in its close proximity.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, Mr. W.W. Chan and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members' enquires. They all left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/47 Renewal of Planning Approval for
Temporary ‘Public Vehicle Park (Excluding Container Vehicle)’ Use
under Application No. A/TSW/36 for a Period of 3 Years until 14.5.2013
(Letting of Surplus Parking Spaces to Non-residents)
in “Residential (Group A)” zone,
Car Park in Tin Heng Estate, Tin Shui Wai
(RNTPC Paper No. A/TSW/47)

93. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) and 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 HKHA; |
| Mr. Simon Yu as the Assistant Director of Lands Department | – being an alternate member for the Director of Lands who was a member of HKHA; |
| Mr. Andrew Tsang as the Assistant Director of Home Affairs Department | – being an alternate member for the Director of Home Affairs who was a member of the SPC of HKHA; |
| Professor Edwin H.W. Chan and Dr. W.K. Lo | – being members of the Building Committee of HKHA; and |
| Mr. Y.K. Cheng | – spouse was a Chief Architect of Housing Department. |

94. The Committee noted that Mr. Andrew Tsang, Professor Edwin H.W. Chan and Mr. Y.K. Cheng had tendered apologies for not attending the meeting, and considered the interests of other Members direct and should leave the meeting temporarily for the item. As the Chairperson had declared interest, Members agreed that the Vice-chairman should chair the meeting for this item.

[Mrs Ava Ng, Mr. Simon Yu and Dr. W.K. Lo left the meeting temporarily at this point.]

Presentation and Question Sessions

95. 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 renewal of planning approval for temporary ‘public vehicle park (excluding container vehicle)’ use under Application No. A/TSW/36 for a period of 3 years until 14.5.2013 (letting of surplus parking spaces to non-residents). According to the applicant, from January to December 2009, the average vacancy rates of monthly parking spaces for private cars and motor-cycles in Tin Heng Estate were 5% and 49% respectively, and the average total vacancy rate was 11%. In that period, 14 private car and 9 motor-cycle parking spaces were let to non-residents;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (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 had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application complied with the Town Planning Board Guidelines No. 34A on renewal of planning approval in that there had been no material change in the planning circumstances nor a change in the land uses of the surrounding areas since the previous temporary approval was granted; no adverse planning implications arising from the renewal of planning approval was envisaged; concerned Government departments had no objection to the application; and the proposed approval period of 3 years was not longer than the original validity period of the previous temporary

approval. The conversion of ancillary car park to public vehicle park would not generate additional traffic flow nor worsen the environmental conditions. The applicant indicated that the residents of Tin Heng Estate would continue to be given the priority in the letting of vehicle parking spaces. As only the surplus monthly vehicle parking spaces would be let out to non-residents, the parking need of Tin Heng Estate's residents would not be undermined. The proposed renewal of planning approval for 3 years was considered reasonable so that the vacant car parking spaces could be let to non-residents flexibly while the parking demand of the residents can be further monitored.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.5.2013, on the terms of the application as submitted to the Town Planning Board and subject to the condition that priority should be accorded to the residents of Tin Heng Estate 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.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/173 Renewal of Planning Approval for
Temporary 'Public Vehicle Park (Excluding Container Vehicle)' Use
under Application No. A/YL/148 for a Period of 3 Years until 14.5.2013
(Letting of Surplus Parking Spaces to Non-residents)
in "Residential (Group A)" zone,
Car Park in Shui Pin Wai Estate, Yuen Long
(RNTPC Paper No. A/YL/173)

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

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|--|---|
| Mrs. Ava Ng as the Director of Planning | – being a member of the Strategic Planning Committee (SPC) of HKHA; |
| Mr. Simon Yu as the Assistant Director of Lands Department | – being an alternate member for the Director of Lands who was a member of HKHA; |
| Mr. Andrew Tsang as the Assistant Director of Home Affairs Department | – being an alternate member for the Director of Home Affairs who was a member of the SPC of HKHA; |
| Professor Edwin H.W. Chan and Dr. W.K. Lo | – being members of the Building Committee of HKHA; and |
| Mr. Y.K. Cheng | – spouse was a Chief Architect of Housing Department. |

99. The Committee noted that Mr. Andrew Tsang, Professor Edwin H.W. Chan and Mr. Y.K. Cheng had tendered apologies for not attending the meeting, and Mrs Ava Ng, Mr. Simon Yu and Dr. W.K. Lo had left the meeting temporarily. As the Chairperson had declared interest, Members agreed that the Vice-chairman should chair the meeting for this item.

Presentation and Question Sessions

100. 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 renewal of planning approval for temporary ‘public vehicle park (excluding container vehicle)’ use under Application No. A/YL/148 for a period of 3 years until 14.5.2013 (letting of surplus parking spaces to non-residents). According to the applicant, from January to December 2009, the average vacancy rates of monthly parking spaces for private cars, light goods vehicles and motor-cycles in Shui Pin Wai Estate were 54%,

11% and 60% respectively, and the average total vacancy rate was 52%. In that period, 40 private car and 1 motor-cycle parking spaces were let to non-residents;

- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (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 had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application complied with the Town Planning Board Guidelines No. 34A on renewal of planning approval in that there had been no material change in the planning circumstances nor a change in the land uses of the surrounding areas since the previous temporary approval was granted; no adverse planning implications arising from the renewal of planning approval; and the proposed approval period of 3 years was not longer than the original validity period of the previous temporary approval. The conversion of ancillary car park to public vehicle park would not generate additional traffic flow nor worsen the environmental conditions. The applicant indicated that the residents of Shui Pin Wai Estate would continue to be given the priority in the letting of vehicle parking spaces. As only the surplus monthly vehicle parking spaces would be let out to non-residents, the parking need of Shui Pin Wai Estate's residents would not be undermined. The proposed renewal of planning approval for 3 years was considered reasonable so that the vacant car parking spaces could be let to non-residents flexibly while the parking demand of the residents can be further monitored.

101. Members had no question on the application.

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.5.2013, on the terms of the application as submitted to the Town Planning Board and subject to the condition that priority should be accorded to the residents of Shui Pin Wai Estate 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.

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

[Mrs Ava Ng, Mr. Simon Yu and Dr. W.K. Lo returned to join the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/661 Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles, Heavy Goods Vehicles and Container Trailers) for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 826 S.A (Part), 828, 839 (Part) and 840 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/661)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (private cars, light goods vehicles, heavy goods vehicles and container trailers) for a period of 3 years;

- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (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 had no objection to the application based on the assessments set out 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 vehicle parks. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the zoned use at the site. The development was in line with the Town Planning Board Guidelines No. 13E in that no adverse comment was received from concerned Government departments. As there was an isolated residential dwelling at about 35m to the south of the site, an approval condition restricting the operation hours was recommended to mitigate any potential environmental impacts. Previous applications for a similar use on the site had been approved by the Committee since 2002. Approval conditions of the last approved application (No. A/YL-HT/476) related to landscape and tree preservation and provision of fire extinguishers had been complied with. The Committee had also recently approved similar applications in the same “CDA” zone for similar vehicle parks. Since the granting of these previous and similar approvals, there had been no material change in the planning circumstances. Approval of the subject application was therefore in line with the Committee’s previous decisions.

104. Members had no question on the application.

Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.4.2013, 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 11:00 p.m. and 7:00 a.m. (i.e. no vehicular movement in/out/within the site), as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicle without valid licences issued under the Traffic Regulations, as proposed by the applicant, was allowed to be parked on the site at any time during the planning approval period;
- (c) all existing vegetation on the site should be maintained at all times during the planning approval period;
- (d) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/476 should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.10.2010;
- (f) the construction of a kerb/bollard of minimum 1m width around the tree trunk of all the trees on-site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.10.2010;
- (g) the submission of fire service installations proposals, including sprinkler system, within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.10.2010;
- (h) in relation to (g) above, the provision of fire service installations within 9

months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.1.2011;

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

106. 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) the permission was given to the use/development under application. It did not condone to the petrol filling or any other use/development which might currently exist on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long's comments that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; his office reserved the right to take

control action against the unlawful occupation of Government land, and enforcement action under the conditions of the Short Term Waiver (STW) No. 2901 and the Block Government Lease against any unauthorized structures on the lots; and application for Short Term Tenancy (STT)/STW should be made to regularize the above irregularities. Should no STT/STW application be received/approved and the irregularities persisted on-site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owner. Vehicular access to the site would require passing through an informal track on Government land leading from Yu Yip New Road. His office did not provide maintenance to the track;

- (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 Director of Fire Services' comments on the requirements of formulating fire service installations proposals as detailed in Appendix V of the Paper; and
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; containers used as offices and store were considered to be temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission under BO was required for any proposed new works, including any temporary structure; if the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/665 Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors for a Period of 3 Years in “Green Belt” and “Comprehensive Development Area” zones, Lots 112 (Part), 113 (Part), 133 (Part), 134 (Part), 135 (Part), 136 (Part), 137 (Part), 260 S.A (Part), 260 S.B (Part), 261 (Part), 262, 263, 264, 265 (Part), 266, 267 (Part), 268 (Part), 270 (Part), 271, 272 (Part), 273, 274, 275 (Part), 276 (Part), 277 (Part), 278 (Part), 279 (Part) and 281 (Part) in D.D. 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/665)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of tractors for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (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 uses under application could be tolerated for a period of 3 years

based on the assessments set out in paragraph 12 of the Paper. Although the site largely fell within the “Green Belt” zone (about 84%), it was not vegetated and a majority of the land had been used for open storage of containers since 1997. The applied use was considered not incompatible with the surrounding land uses which were predominantly used for open storage, container storage and logistics uses. For the remaining small part of the site (about 16%) which was zoned “Comprehensive Development Area” (“CDA”), as there was not yet any programme/known intention to implement the zoned use at the site, approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone. The development was in line with the Town Planning Board Guidelines No. 13E in that no adverse comment was received from concerned Government departments. To mitigate potential environmental impacts and minimize interface problem with the nearby “Village Type Development” (“V”) zone, approval conditions on restricting the operation hours, the stacking height of containers/materials on-site and requiring set back of the site boundary from the nearby “V” zone were recommended.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.4.2013, 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 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the

applicant, at any time during the planning approval period;

- (d) the stacking height of containers stored on the site should not exceed 8 units, as proposed by the applicant, at any time during the planning approval period;
- (e) setting back of the boundary of the site from the “Village Type Development” zone by 50m, as proposed by the applicant, at all times during the planning approval period;
- (f) no material was allowed to be stored/dumped within 1m of any tree on the site at any time during the planning approval period;
- (g) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.10.2010;
- (h) in relation to (g) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.1.2011;
- (i) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.10.2010;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.1.2011;
- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.10.2010;
- (l) in relation to (k) above, the provision of fire service installations within

9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.1.2011;

- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.10.2010;
- (n) 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;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) 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
- (p) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

110. 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 eastern part of the site;
- (b) prior planning permission should have been obtained before commencing the logistics uses, vehicle/container repair workshop and tractor parking on the site;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long's comments that the lots

under application were 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 application for Short Term Waiver (STW) should be made to regularize the unauthorized structure on-site. Should no STW application be received/approved and the irregularities persisted, his office would consider taking appropriate lease enforcement action against the owner. His office did not guarantee right of way through private land leading from Ping Ha Road to the site;

- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the status of the channel marked blue on the drainage plan at the eastern boundary of the site should be clarified, and the size of the channel should be shown for his consideration;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments 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)" commenced in December 2007 for completion by end of 2010. The ingress/egress route to/from the site might be affected during the construction period for the widening of Ping Ha Road, and the applicant should not be entitled for any compensation thereof;
- (h) to submit relevant layout plans incorporated with the proposed fire service installations to the Director of Fire Services for approval, and note his comments that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed fire service installations should be clearly marked on the plans;

- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that temporary buildings were subject to control under the Building (Planning) Regulations (B(P)R) Part VII; the site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access under B(P)R 41D; if the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage; and formal submission under the Buildings Ordinance was required for any proposed new works, including any temporary structures; and

- (j) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that extension of the inside services to the nearest suitable government water mains for connection might be needed for the provision of water supply to the development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/670 Temporary Open Storage of Construction Machinery and Material
for a Period of 3 Years in "Comprehensive Development Area" zone,
Lots No. 38 (Part), 39 (Part), 40 (Part), 41 (Part), 52 S.A (Part),
52 S.B (Part) and 53 (Part) in D.D.128, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/670)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery and material for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access roads (Ping Ha Road and Fung Kong Tsuen Road) and environmental nuisance was expected. The Assistant Commissioner for Transport/NT (AC for T/NT) had no comment on the application from the traffic point of view, provided that no additional traffic as compared with the existing condition was generated as a result of approving the application. However, a villager had recently lodged a complaint that Fung Kong Tsuen Road, which was the access of the site, was not suitable for long vehicles to manoeuvre. While he considered that the road was safe for long vehicles to pass through, it was narrow and might not provide a desirable walking environment for pedestrians;
- (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 under application could be tolerated for a period of 3 years based on the assessments set out 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. 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 at the site. The development was in

line with the Town Planning Board Guidelines No. 13E in that DEP's concerns could be addressed by approval conditions, and there was no adverse comment from other concerned Government departments. To address DEP's concerns and to mitigate any potential environmental impacts, approval conditions restricting the operation hours and workshop activities were recommended. Regarding AC for T/NT's concern about pedestrian safety along Fung Kong Tsuen Road, the applicant would be advised to remind the drivers of long vehicles accessing the site to mind pedestrians along Fung Kong Tsuen Road. The previous approved application No. A/YL-HT/559 was revoked due to non-compliance with the approval condition on the provision of fencing. Should the application be approved, shorter compliance periods were proposed to monitor the progress of compliance. The applicant would also be advised that should he fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

112. Members had no question on the application.

Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.4.2013, 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 11:00 p.m. and 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, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, cleansing, melting, dismantling or any other workshop activities were allowed to be carried out on the site, as proposed by the applicant, at any time during the planning approval period;

- (d) no material was allowed to be stored/dumped within 1m of any tree on the site at any time during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved application No. A/YL-HT/559 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on-site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2010;
- (g) the submission of landscape and tree preservation proposal, including clearance of dumped materials and weeds around the trees, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2010;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.10.2010;
- (i) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2010;
- (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 23.10.2010;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) prior planning permission should have been obtained before continuing the development on the site;
- (b) shorter compliance periods were imposed in order to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long's comments 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 application for Short Term Waiver (STW) should be made to regularize the unauthorized structures (including converted containers) within the site. Should no STW application be received/approved and the irregularities persisted on-site, his office would consider taking appropriate lease enforcement action against the registered owner. The site was accessible through an informal track on Government land/private land. His office did not provide maintenance

works to the track or guarantee right-of-way;

- (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 Assistant Commissioner for Transport/New Territories' comments that Fung Kong Tsuen Road was narrow and might not provide a desirable walking environment for pedestrians. Drivers of long vehicles accessing the site should watch out for pedestrians;
- (g) to note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. In formulating the FSIs proposal for the structures, portable hand-operated approved appliances should be provided which should be clearly indicated on the plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as offices and workshops were considered as temporary structures and were subject to control under Building (Planning) Regulation Part VII; and
- (i) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for the provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated

with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/671 Temporary Open Storage of Scrap Metal and Plastic
for a Period of 3 Years in "Comprehensive Development Area" zone,
Lots 41 (Part), 46 (Part), 49 (Part), 50 (Part), 51 (Part) and
52 S.B (Part) in D.D. 128 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/671)

Presentation and Question Sessions

115. Mr. Anthony C.Y. Lee, STP/TMYL, said that replacement of Appendices II, III and IV of the Paper had already been sent to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of scrap metal and plastic for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/NT (AC for T/NT) had no comment on the application from the traffic point of view, provided that no additional traffic as compared with the existing condition was generated as a result of approving the application. However, a villager had recently lodged a complaint that Fung Kong Tsuen Road, which was the access of the site, was not suitable for long vehicles to manoeuvre. While he considered that the road was safe for long vehicles to pass through, it was narrow and might not provide a desirable walking

environment for pedestrians;

- (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 under application could be tolerated for a period of 3 years based on the assessments set out 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 for open storage yards. 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 at the site. The development was in line with the Town Planning Board Guidelines No. 13E in that no adverse comment was received from concerned Government departments. Approval conditions restricting the operation hours, workshop activities and types of materials stored were recommended to mitigate any potential environmental impacts. Regarding AC for T/NT's concern about pedestrian safety along Fung Kong Tsuen Road, the applicant would be advised to remind the drivers of long vehicles accessing the site to mind pedestrians along Fung Kong Tsuen Road. As the site boundary under the current application did not tally with the occupied area, an approval condition on the provision of fencing was recommended.

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.4.2013, 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 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no cutting, cleansing, melting, dismantling or any other workshop activities were allowed to be carried out on the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no handling (including loading, unloading and storage) of electronic wastes, including but not limited to cathode-ray tube/liquid crystal display monitors/televisions and computer parts, should be permitted on the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no handling (including loading, unloading and storage) of car batteries should be permitted on the site at any time during the planning approval period;
- (f) no material was allowed to be stored/dumped within 1m of any tree on the site at any time during the planning approval period;
- (g) the existing drainage facilities implemented under the previous approved applications No. A/YL-HT/452 and 627 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.10.2010;
- (i) the submission of landscape and tree preservation proposal, including replacement of dead/missing trees and clearance of dumped materials and weeds around the trees, within 6 months from the date of planning approval

to the satisfaction of the Director of Planning or of the TPB by 23.10.2010;

- (j) in relation to (i) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.1.2011;
- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.10.2010;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.1.2011;
- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.10.2010;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) 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
- (p) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

118. 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 southern part of the site;
- (b) the permission was given to the use/development under application. It did not condone to the open storage of electronic wastes and used car batteries or any other use/development which might currently exist on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long's comments that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; his office reserved the right to take enforcement action under the conditions of the Short Term Waiver (STW) No. 3101 should any irregularities be found; and application for Short Term Tenancy (STT)/STW should be made to regularize the unauthorized occupation of Government land (GL) and the unauthorized structures (including converted containers) on Lot No. 50 in D.D. 128. Should no STT/STW application be received/approved and the irregularities persisted on-site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owner. The site was accessible through an informal track on GL/private land. His office did not provide maintenance works to the track or guarantee right-of-way;
- (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 Assistant Commissioner for Transport/New Territories' comments that Fung Kong Tsuen Road was narrow and might not provide a

desirable walking environment for pedestrians. Drivers of long vehicles accessing the site should watch out for pedestrians;

- (g) to note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. In formulating the FSIs proposal for the standalone containers, portable hand-operated approved appliances should be provided which should be clearly indicated on the plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration; and
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as offices and workshops were considered as temporary structures and were subject to control under Building (Planning) Regulation Part VII.

[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-TT/260 Temporary Wholesale Centre of Auto Parts and Storage
for a Period of 3 Years

in "Residential (Group C)" zone,

Lots 1012 S.A RP, 1037 S.A, 1037 S.B, 1038, 1039, 1040, 1041

and 1042 in D.D. 115, Au Tau, Yuen Long

(RNTPC Paper No. A/YL-TT/260)

Presentation and Question Sessions

119. 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 wholesale centre of auto parts and storage for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) considered that the application could be tolerated if no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities and no heavy goods vehicles (i.e. exceeding 24 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed for operation on-site;
- (d) during the statutory publication period, a public comment was received from one of the owners of the adjacent residential dwellings (Harmonic Villa). The commenter objected to the application on the grounds that there were an elderly home and a number of residential buildings in the surrounding areas of the site, the minor access road off Yau Shin Street and Bonanza Villa was very narrow which had already been overloaded by local residents and the elderly home on weekdays. If the road was to be accessed by vehicles of the development, the consequences would be undesirable; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary wholesale centre of auto parts and storage could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although the development was not in line with the planning intention of the “Residential (Group C)” zone, the site was the subject of two previous approvals (Applications No. A/YL-TT/140 and 203) for the same use as the current application. There was no known permanent

development programme on the site. While the previous planning application No. A/YL-TT/203 was revoked as the applicant failed to comply with the planning condition on the provision of fire service installations (FSIs), the applicant had attached in the current submission correspondences to prove that the FSIs had already been properly installed on the site. According to the applicant, there was no vehicle dismantling workshop on the site, and it was mainly used for temporary wholesale of auto parts and storage. In order to address possible environmental impacts of the development, approval conditions restricting the operation hours and activities of the applied use and prohibiting the use of heavy vehicles for the operation of the site were recommended. As regards the public comment's concern on using the minor access road off Yau Shin Street and Bonanza Villa to access the application site, it was noted that the vehicular access to the site was on the western side via a local road branched off from Castle Peak Road – Yuen Long. Since the previous approval (Application No. A/YL-TT/203) was revoked due to non-compliance with approval condition, shorter compliance periods were proposed to monitor the progress of compliance. The applicant would also be advised that should they fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

120. Members had no question on the application.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.4.2013, 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 10:00 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 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 goods vehicles (i.e. exceeding 24 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed for the operation of the site at any time during the planning approval period;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2010;
- (f) in relation to (e) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.10.2010;
- (g) the submission of tree preservation and maintenance proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2010;
- (h) in relation to (g) above, the implementation of tree preservation and maintenance proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.10.2010;
- (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 23.7.2010;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.10.2010;

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

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

- (a) prior planning permission should have been obtained before continuing the applied use at the application site;
- (b) the permission was given to the use under application. It did not condone any other use including workshop activities which currently existed or that might exist on the site but not covered by the application. The applicant should take immediate action to discontinue such use not covered by the permission;
- (c) shorter compliance periods were imposed in order to monitor the progress on fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (e) to note the District Lands Officer/Yuen Long's comments that no structures were allowed to be erected without prior approval from his office. There were unauthorized structures (including converted containers) on the lots within the site. His office would resume processing of the Short Term Waiver application for the site;
- (f) to note the Assistant Commissioner for Transport/New Territories' comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should also be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – Yuen Long;
- (h) 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 alleviate any potential environmental nuisance;
- (i) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that most of the existing trees on-site were found being topped which was not desirable from the landscape maintenance point of view. All the existing trees should be properly maintained on-site according to good horticultural practices;
- (j) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, relevant layout plans incorporated with the proposed FSIs should be submitted to his department for approval. Detailed comments in formulating the FSIs proposal were set out in Appendix IV of the Paper; and

- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that existing structures that apparently had not been obtained approval under the Buildings Ordinance (BO) should be removed. Any temporary buildings were subject to control under the Building (Planning) Regulations (B(P)R) Pt. VII. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access under B(P)R 41D. If the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at the building plan submission stage. Formal submission under the BO was required for any proposed new works, including any temporary structures.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/469 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years
in "Village Type Development" zone,
Lots 2786 S.C and 2786 RP in D.D. 120,
Tin Liu Tsuen, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/469)

Presentation and Question Sessions

123. 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 shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – concerned Government departments had no

objection to or adverse comments on the application;

- (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 shop and services (real estate agency) could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The development comprising 3 single-storey structures of about 76.8m² in total floor area within a site of about 270m² was of a relatively small scale. It was located by the side of a public road and was considered not incompatible with the surrounding environment which was predominantly rural residential in character mixed with vehicle repair workshops and open storage yards. Although the development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, similar ‘Shop and Services’ use on the ground floor of a New Territories Exempted House was always permitted within the “V” zone, and other commercial uses might be permitted upon application to the Town Planning Board. While there are two Small House applications under processing at the site, the Lands Department had no objection to the application. It was considered that the temporary use of the site as real estate agency in the interim by the applicants who were the owners of the site would not jeopardize the eventual development of Small Houses thereat. To address any possible environmental concerns, an approval condition restricting the operation hours was recommended.

124. Members had no question on the application.

Deliberation Session

125. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.4.2013, 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 7:30 p.m. and 10:00 a.m., as proposed by the applicants, was allowed on the application site during the planning approval period;
- (b) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.10.2010;
- (c) in relation to (b) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.1.2011;
- (d) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.10.2010;
- (e) in relation to (d) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.1.2011;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.10.2010;
- (g) in relation to (f) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.1.2011;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.10.2010;
- (i) in relation to (h) above, the provision of fire service installations within

9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.1.2011;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) the current fencing boundary of the site should be rectified as soon as possible to accord with the application site boundary;
- (c) to note the District Lands Officer/Yuen Long's comments that his office reserved the right to take lease enforcement action against the erection of unauthorized structures on the site. The registered lot owners concerned were reminded to apply for Short Term Waiver (STW) to regularize the irregularities on the site. Should no STW application be received/ approved and the irregularities persisted on-site, his office would consider taking appropriate lease enforcement action against the registered owners. Access to the site opened onto Kung Um Road via a short stretch of Government land. This access was abutting on the boundary of an active sewerage project, namely "Yuen Long and Kam Tin Sewage Treatment,

Stage 2B-2T (Yuen Long South Branch Sewers)”. His office did not provide maintenance works for this Government land nor guarantee right-of-way;

- (d) to note the Assistant Commissioner for Transport/New Territories’ comments that the land status of the road/path/track leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department’s comments that the run-in/out to be constructed at the access point at Kung Um Road should be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5115 and H5116, whichever set was appropriate, to suit the pavement of the adjacent areas. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out. His Department should not be responsible for the maintenance of any vehicular access between the site and Kung Um Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to provide tree planting along the perimeter of the site for enhancing the greening and screening effect;
- (h) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, relevant layout plans incorporated with the proposed FSIs should be submitted to his department for approval. In formulating FSIs proposal for the proposed structures,

the applicants were advised to make reference to the requirements set out in Appendix II of the Paper; and

- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the existing structures that apparently had not been obtained approval under the Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including any temporary structures. Temporary structures were subject to control under Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 29

Section 16 Application

[Open Meeting]

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

127. The Secretary reported that Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., who was a member of the consultancy team for the applicant. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Dr. Lau could be allowed to stay at the meeting.

128. The Committee noted that the applicant on 20.4.2010 requested for deferment of the consideration of the application for another two months in order to allow more time for continuing coordination with the respective Government departments for the application.

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

[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 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/197 Proposed Temporary Logistics Centre for a Period of 3 Years
in "Residential (Group D)" zone,
Lot 2341 (Part) in DD 130,
Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/197)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary logistics centre for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate east, south and west and in the vicinity of the site, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from tree preservation point of view as several parts of the site were vegetated with many mature trees generally in fair conditions. There was no information provided by the applicant to demonstrate that felling of trees could be avoided by the development and that the existing trees could be properly preserved;

- (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 did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for the improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. There was no strong planning justification for a departure from the planning intention, even on a temporary basis. The area was mainly rural in character. Village houses and cultivated and fallow agricultural land were found on the eastern, southern and western sides of the site. The proposed logistics centre was therefore not compatible with the surrounding rural uses and village houses. The application was not in line with the Town Planning Board Guidelines No. 13E in that no previous planning approval for a similar use had been given on the site and adverse comments from DEP and DAFC were received. The applicant had not included any technical assessment/proposal in the

application to demonstrate that the proposed logistics centre would not generate adverse environmental and landscape impacts on the surroundings. Moreover, proliferation of logistics use in areas not planned for such use would cause degradation of the rural environment and adverse environmental impacts. The applicant had cited 24 applications approved for open storage or port backup uses (OU/PBU) in Category 3 areas defined under the TPB Guidelines No. 13E. Out of the cited 24 cases, 23 were outside the boundary of the Lam Tei and Yick Yuen Outline Zoning Plan (OZP). The 23 applications in other OZPs involved 6 sites. Generally speaking, these sites were approved for OS/PBU use mainly on the grounds of no adverse comments from Government departments, no significant impacts, and compatibility with the surrounding land uses. The current application was different from the above cited applications in that it involved no previous approvals for OS/PBU uses, there were adverse departmental comments and the use was not compatible with the surrounding land uses. Application No. A/TM-LTY Y/160 cited by the applicant fell within the “R(D)” zone on the same OZP. It involved only 2 parking spaces for private cars and a container for storage of furniture and other items, which was not for OS/BPU uses. No similar application for logistics centre or port back up uses had been approved within the same “R(D)” zone. In this regard, the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this “R(D)” zone.

131. Members had no question on the application.

Deliberation Session

132. Members generally agreed that the application should be rejected. The Chairperson invited Members to consider the reasons to reject the application. Members went through the reasons for rejection as stated in paragraph 13.1 of the Paper and agreed that they were appropriate.

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not compatible with the general rural character of the surrounding areas in particular the residential and agricultural uses to the east, south and west of the site;
- (c) the proposed development was not in line with the Town Planning Board PG-No. 13E for “Application for Open Storage and Port Back-up Uses” in that no previous planning approval for a similar use had been given to the site; there were adverse comments on environmental and tree preservation aspect from Government departments; and the applicant failed to demonstrate that the proposed development would not have adverse environmental impact on the surrounding areas; and
- (d) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the subject “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 31

[Closed Meeting]

134. The minutes of this item were recorded under separate confidential cover.

Agenda Item 32

Any Other Business

135. There being no other business, the meeting was closed at 6:05 p.m..