

TOWN PLANNING BOARD

**Minutes of 417th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 7.5.2010**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C. W. Lau

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Dr. W.K. Lo

Dr. W.K. Yau

Mr. Stephen M.W. Yip

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

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

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

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

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Ms. Anita W.T. Ma

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 416th RNTPC Meeting held on 23.4.2010

[Open Meeting]

1. The draft minutes of the 416th RNTPC meeting held on 23.4.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Reference Back of OZP

2. The Secretary reported that on 4.5.2010, the CE in C referred the approved Stonecutters Island OZP No. S/SC/8 back to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance and the reference back would be notified in the Gazette on 14.5.2010.

(b) Three Town Planning Appeals Received

- (i) Town Planning Appeal No. 5 of 2010 (5/10)
Proposed House (New Territories Exempted House (NTEH) – Small House)
in “Green Belt” zone, Government Land in D.D. 20,
Ta Tit Yan Village, Tai Po
(Application No. A/TP/435)
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3. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 7.4.2010 against the decision of the Town Planning Board (the Board) on 22.1.2010 to reject on review an application for ‘NTEH – Small House’ in the “Green Belt” (“GB”) zone on the approved Tai Po Outline Zoning Plan No. S/TP/21. Owing to the concerns on whether the appeal was submitted in time, the TPAB only confirmed acceptance of the appeal on 3.5.2010. The application was rejected by the Board for the following reasons:

- (a) the proposed NTEH (Small House) was not in line with the planning intention of the “GB” zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within this zone. There was no planning justification in the submission for a departure from the planning intention;
 - (b) the application site fell partly within the permitted burial grounds for the Ta Tit Yan Village;
 - (c) the proposed development did not comply with Interim Criteria for Assessing Planning Applications for NTEH/Small Houses Development in the New Territories as the proposed site for the NTEH/Small House development fell within the upper indirect Water Gathering Grounds (WGGs) and the small house, if built, would not be able to be connected to existing or planned sewerage system in the area. The applicant could not demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area; and
 - (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would encourage urban sprawl into the tranquil valley and result in adverse traffic impact and a general degradation of the natural environment in the area.
- (ii) Town Planning Appeal No. 6 of 2010 (6/10)
Proposed Minor Relaxation of Building Height Restriction for Permitted Residential Use in “Residential (Group B)” zone, 170C, 170D, 170E and 170F, Boundary Street, Ho Man Tin (KIL No. 3277 s.C, s.D, s.E and s.F), Kowloon
(Application No. A/K7/92)
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4. The Secretary reported that an Appeal against the decision of the Board on 5.2.2010 in relation to a review Application No. A/K7/92 for minor relaxation of building height restriction for permitted residential use in “Residential (Group B)” zone) on the approved Ho Man Tin Outline Zoning Plan No. S/K7/20 was received by the TPAB. The

Appellant sought planning permission for minor relaxation of building height restriction from 80mPD to 89.47mPD for a residential development at the application site. On 5.2.2010, the Board decided on review to relax the building height restriction for the application site for 3m (from 80mPD to 83mPD). The Appellant lodged an appeal against the Board's decision on the following grounds:

- (a) the Board acted ultra vires when making the decision;
- (b) the Board could not/should not arbitrarily/irrationally devise and unilaterally impose on the Appellant a revised development scheme, in particular when there was no evidence showing the practicability or feasibility of the revised development scheme;
- (c) the decision was Wednesbury unreasonable; and
- (d) the Board was procedurally improper when making the decision.

(iii) Town Planning Appeal No. 7 of 2010 (7/10)
Shop and Services (Retail Shop) in "Industrial" Zone, Unit 6F(Part),
G/F, Leader Industrial Centre, 57-59 Au Pui Wan Street, Fo Tan, Sha Tin
(Application No. A/ST/687)

5. The Secretary reported that an appeal was received on 29.4.2010 against the decision of the Board on 26.3.2010 to reject on review an application for 'Shop and Services (Retail Shop)' in the "Industrial" zone on the approved Sha Tin Outline Zoning Plan No. S/ST/23. The application was rejected by the Board for the following reason:

- (a) the proposed development did not comply with the Town Planning Board Guidelines No. 25D in that no separate means of escape completely separated from the industrial portion was provided for the application premises. The proposed retail shop was unacceptable from fire safety point of view.

6. The Secretary said that the hearing dates of the three appeals were yet to be fixed.

The Secretariat would act on behalf of the Board in dealing with the appeals in the usual manner.

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

(c) Appeal Statistics

7. The Secretary said that as at 7.5.2010, a total of 26 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	24
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	137
Yet to be Heard	:	26
<u>Decision Outstanding</u>	:	<u>2</u>
Total	:	300

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-LYT/10 Application for Amendment to the Draft Lung Yeuk Tau
and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/13
from “Agriculture” to “Residential (Group C)”,
Lot 2469 RP in D.D. 76, Nos. 50 and 54 Kan Tau Tsuen,
Ma Mei Ha, Fanling
(RNTPC Paper No. Y/NE-LYT/10)

8. The following representatives from Planning Department (PlanD) were invited to

the meeting at this point:

- | | |
|----------------|---|
| Mr. W.K. Hui | - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN) |
| Ms. Doris Ting | - Senior Town Planner/Shu Tin, Tai Po and North (STP/STN) |

9. The following applicant's representatives were invited to the meeting at this point:

- Ms. Ng Chung Yi
Mr. Pun Cho Lau

10. The Chairperson extended a welcome and explained the procedures of the hearing. She then invited Ms. Doris Ting, STP/STN, to brief Members on the background of the application.

Presentation and Question Sessions

11. Ms. Doris Ting presented the application with the aid of a PowerPoint and covered the following aspects as detailed in the Paper:

The Application

- (a) the applicant, who was the owner of the application site, proposed to rezone the application site from "Agriculture ("AGR") to "Residential (Group C)" ("R(C)") to facilitate a proposed single-storey (6m) house development for eight residents with a domestic gross floor area of 270m² and three private car parking spaces;
- (b) the application involved a proposed vehicular access within the application site and according to the applicant's submission, existing plants within the application site would be retained and amenity planting was proposed in the uncovered area of the application site;

Departmental Comments

- (c) the comments of the relevant Government bureaux/departments were detailed in paragraph 9 of the Paper. The key comments were summarised below:
- (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application given that the proposed development and the associated access might have ecological impact on the adjacent areas and there was no information to demonstrate that the potential impact to the river and its riparian zone could be mitigated. The overall agricultural life in the region was considered active and the site was graded “good” agricultural land with high potential for agricultural rehabilitation. The approval of the application might set an undesirable precedent for similar application in the area;
 - (ii) the Director of Environmental Protection (DEP) did not support the application. Residential development within the “AGR” zone was not desirable as the residential development would be subject to odour and noise nuisance/impacts from nearby ‘agricultural use’ if rearing of poultry or livestock was involved;
 - (iii) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the application as no approval condition and advisory clause could be stipulated on the planning approval requesting the applicant to submit and implement a drainage proposal to ensure that it would not cause adverse drainage impact to the adjacent area;
 - (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the rezoning application. Approval of the proposed residential zone might encourage similar applications leading to suburban sprawl in the agricultural zone affecting the rural character. Details on the species and quantity of the retained plants were not submitted. In addition, no details of the proposed planting were included in the submitted

landscape proposal. As there was no existing vehicular access to the site, the proposed vehicular access might affect the existing landscape resources outside the application site. Therefore, moderate adverse landscape impact arising from the proposed development was anticipated. If the rezoning application was approved, residential developments could proceed without planning permission. There would be no opportunity to mitigate the likely landscape impacts;

Public Comments

- (d) the District Officer/North, Home Affairs Department (DO/N, HAD) advised that the Chairman of Fanling District Rural Committee (FDRC) and Indigenous Inhabitants Representative (IIR) of Kan Tau Tsuen raised objection to the application on the grounds that the development of vehicular access and landscape planting along river bank was dubious; the 6m floor height of the proposed single-storey house was not recognizable; and the proposed use was suspected to be used as columbarium use. During the statutory publication period, no public comment was received;

The Planning Department (PlanD)'s Views

- (e) PlanD did not support the application based on the assessment made in paragraph 11 of the Paper which was summarised as follows:
 - (i) the application site comprised fruit trees and some vacant structures previously used as domestic dwelling, pigsty and chicken shed and the “Agriculture” zone of the application site was considered appropriate. As the application site was located in the middle of a larger “AGR” zone and was surrounded predominantly by active and fallow agricultural land, the proposed development would be piecemeal and far away from residential cluster and would not be served by proper access road and infrastructure. The approval of the rezoning application would set an undesirable precedent for other similar rezoning applications in this area, the cumulative effect of which would result in a general degradation to the environment of the area and adverse impacts on nature conservation, agricultural, landscape, visual and drainage aspects.

DAFC considered that the application site was graded 'good' agricultural land with high potential for agricultural rehabilitation;

- (ii) there were reservations from relevant Government departments from environmental, visual, landscape, ecological and drainage perspectives. DEP did not support the application as residential development within the "AGR" zone would be subject to odour and noise nuisance from nearby agricultural uses. CTP/UD&L of PlanD commented that there was not enough information on the visual impacts on the surrounding areas and some existing trees would likely be affected by the proposed internal vehicular driveway. DAFC opined that there was no information in the application to demonstrate that the potential impacts to Tan Shan River and the riparian area could be mitigated; and
- (iii) there were three similar applications (No. Y/NE-LYT/2, 6 and 9) on the Lung Yeuk Tau and Kwan Tei South OZP. Application No. Y/NE-LYT/2 for a low-rise residential development with a maximum plot ratio of 0.2 was rejected by the Committee on 18.8.2006. Regarding applications No. Y/NE-LYT/6 and 9 on the same application site, application No. Y/NE-LYT/6 for proposed residential development with a plot ratio of 0.34 was rejected by the Committee on 18.1.2008 because of its excessive development. Nevertheless, application No. Y/NE-LYT/9 for rezoning from "AGR" to "R(C)" was partially agreed by the Committee on 10.7.2009 as it was immediately adjacent to and could be considered as an extension to the larger "R(C)" zone.

[Mr. C. W. Tse arrived to join the meeting at this point.]

12. The Chairperson then invited the applicant's representative to give a presentation on the rezoning proposal. Ms. Ng Chung Yi presented the following main points of the proposed amendments:

- (i) the applicant only wish to provide a tranquil home for his family with a good living environment away from the built-up urban area. The

four structures currently existed on the site were more than forty years old and were dilapidated. It would take similar amount of effort to repair them than to rebuild an entirely new house;

- (ii) the applicant only intended to build a single-storey house. However, since “Village Type Development” zone was intended for indigenous villagers to build 3-storey village house, a “R(C)” zone was therefore proposed;
- (iii) the vehicular access as shown on the applicant’s drawing was constructed by Government department for undertaking the drainage works of Tan Shan River. The applicant only intended to extend the vehicular access to the application site. There was no intention to build a new vehicular access road;
- (iv) the proposed one-storey house could accommodate eight people. The small number of residents would unlikely generate adverse environmental or sewage impacts as the original septic tank would be improved to cater for the use of the house;
- (v) it was a misunderstanding that the site would be used for columbarium. The fence wall surrounding the site wall was constructed for the applicant’s own privacy. A building height of 6m tall was necessary to provide for the installation of solar panels on the rooftop;
- (vi) the fruit trees on the site would be preserved. The fence wall was setback from the site boundary so that trees could be planted outside the fence wall to reduce the visual impact; and
- (vii) the applicant did not insist on the proposed “R(C)” zone and was prepared to accept Government proposal or other approved residential zoning for the application site.

13. Noting that there were existing structures and facilities on the application site, a Member asked whether there was any people living there and whether the structure was allowed under the “AGR” zone. Mr. W. K. Hui replied that the structures found at the application site had existed for many years and as revealed in a recent site visit, no people was living there. In response to the Chairperson’s query, Mr. W. K. Hui explained that the site was an agricultural lot subject to a Modification of Tenancy (MOT) granted by LandsD for ‘dwelling, kitchen and shade’ which was mentioned in paragraph 9.1.1(b) of the Paper. Mr. Simon Yu said that the application site was restricted for agricultural purpose and no structure was allowed without approval from his office under the lease. The lot under application was subject to MOT which was granted as a temporary licence to allow the lot owner to erect ‘dwelling, kitchen and shade’ for the agricultural use. A Member asked whether the lot owner was allowed to renovate the existing structures under the lease and under the OZP. Mr. Simon Yu explained that the lot owner was allowed to renovate the existing structures using the same material. Mr. W.K. Hui said that under the Notes of the OZP rebuilding of NTEH or replacement of existing domestic building by NTEH did not require planning permission from the Board.

14. In response to the Chairperson’s query, the applicant explained that the four existing structures were constructed in 1970s and the Government had recognised these existing structures in 1980s by assigning numbers to these structures. She said that two of them were used as pigsty and chicken shed whereas kitchens were found in the other two structures and they were rented out for living before the applicant bought the piece of land. The applicant said that she was not aware of the MOT.

15. As the applicant’s representative had no further points to raise and there were no further questions from Members, the Chairperson informed her that the hearing procedures for the application had been completed and the Committee would deliberate on the application in her absence and inform the applicant of the Committee’s decision in due course. The Chairperson thanked the applicant’s representative and PlanD’s representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

16. In response to a Member’s query on NTEH and whether rebuilding to an NTEH

was allowed under the lease and the existing “AGR” zoning, Mr. Simon Yu explained that NTEH referred to a form of building not more than 3 storeys, 27ft in height and 700ft² in its footprint which could be exempted from the submission of building plan under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap.121). It was different from Small House which was administered by Lands Department under the Small House Policy, in which a male indigenous villager of over 18 years old was entitled to build a house in the form of NTEH in the New Territories. Mr. Simon Yu further said that replacement of existing domestic building by NTEH was allowed under the “AGR” zone from the planning perspective as explained earlier by DPO/STN. However, under the lease, the application site was restricted for agricultural purpose and was subject to MOT for ‘dwelling, kitchen and shade’. The lot owner, would only be allowed to rebuild the structures as specified under the MOT.

17. Mr. Ambrose Cheong asked why planning application was not required for rebuilding of NTEH at the subject site, while there were many other planning applications for Small House/NTEH development. The Secretary explained that under “AGR” zone, rebuilding of NTEH or replacement of existing domestic building by NTEH were permitted under the covering Notes of the outline zoning plan and hence did not require planning permission. New NTEH would require planning permission from the Board.

18. A Member opined that the application site was a piece of land granted for agricultural purpose and the proposed amendment to allow the development of a single-storey house could not be justified. Another Member concurred that there was no strong reason to depart from the planning intention of “AGR” zone and the scale of development of the large single-storey house was not compatible with the surrounding use.

19. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the planning intention of the “Agriculture” (“AGR”) zone in the Lung Yeuk Tau and Kwan Tei South area was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation

for cultivation and other agricultural purposes. The application site comprised good arable agricultural land with high potential for agricultural rehabilitation. The “Agriculture” zone of the application site was considered appropriate;

- (b) there was no information in the submission to demonstrate that the rezoning would not have adverse environmental, visual, landscape, ecological and drainage impacts to the surrounding areas; and
- (c) the application site was located in the middle of the larger “AGR” zone and the agricultural life in the vicinity was still active. The approval of rezoning application would set an undesirable precedent for other similar rezoning applications. The resulting cumulative effect of which would result in a general degradation to the environment of the area and adverse ecological, landscape, visual and drainage impacts.

[Dr. C. P. Lo left the meeting temporarily at this point.]

Sai Kung and Islands District

[Mr. Charles C.F. Yum 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 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TLS/37 Proposed 2 Houses
 (New Territories Exempted Houses - Small Houses)
 in “Green Belt” zone,
 Lots 252 S.A and 252 S.B in D.D. 226, Tseng Lan Shue Village,
 Sai Kung
 (RNTPC Paper No. A/SK-TLS/37)

Presentation and Question Sessions

20. Mr. Charles C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 2 houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application. The proposed development should be confined within the “Village Type Development” (“V”) zone as far as possible. Such a development in “Green Belt” (“GB”) if permitted would set an undesirable precedent case for similar applications in the future and the resultant cumulative adverse traffic impacts could be substantial;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer(Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 13 of the Paper. The application did not comply with the interim criteria for consideration

of application for NTEH/Small House in the New Territories in that adequate land had been reserved in the “V” zone for Tseng Lan Shue Village and there was no shortage of land to meet the Small House demand. The proposed development was not in line with the planning intention of the “GB” zone. There was a general presumption against development in “GB” zone. There were no strong planning grounds for the proposed development in the submission which justified a departure from the planning intention of “GB” zone. Approval of such a development in “GB” would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impacts could be substantial.

21. Members had no question on the application.

Deliberation Session

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

22. Mr. Ambrose Cheong said that the adverse traffic impact generated by the 2 houses under application could be insignificant and the rejection reason (b) should not include adverse traffic impact as part of the reason. The Chairperson said that the rejection reason referred to the undesirable precedent created by the approval of similar applications noting that there were 114.2ha of land zoned “GB” on the Tseung Lan Shu OZP. At the request of the Chairperson, Mr. Charles Yum confirmed that the rejection reason (b) was concerned about the cumulative effect created by approving Small House applications in “GB” zone and not the traffic impact created by the two Small Houses under the current application. The Secretary explained that if Members had a concern on the cumulative impact created by approving the application, the concern should be highlighted in the rejection reason.

23. A Member noted that the application site and its surrounding area were paved and used as a temporary car parking area and hence there was already traffic generation by the current use. Mr. Charles Yum said that the application site was covered by vegetation before 1994 but was subsequently formed and used as an open car park in 1998.

Enforcement action could be undertaken by the Planning Authority if the car parking use was proved to be an unauthorised use.

24. Members then went through the reasons for not supporting the application as stated in paragraph 14.1 of the Paper and agreed that they should be suitably amended to reflect Members views as stated above. After further deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development did not comply with the “Interim Criteria For Assessing Planning Applications for New Territories Exempted House (NTEH)/Small House Development in the New Territories” as sufficient land had been reserved within the “Village Type Development” (“V”) zone for Tseng Lan Shue Village. No information had been provided to demonstrate that no suitable land was available in the “V” zone for the proposed NTEH development; and
- (b) approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would result in encroachment of the “Green Belt” zone by development and in a general degradation of the natural environment in the area.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/110 Proposed Minor Relaxation of Site Coverage (from 25% to 33.33%)
and Plot Ratio (from 0.4 to 0.5) for Permitted ‘House’ Development
in “Residential (Group C)” zone,
Lot No. 661 in D.D. 329, 37 San Shek Wan, Lantau Island
(RNTPC Paper No. A/SLC/110)

Presentation and Question Sessions

25. 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 minor relaxation of site coverage (SC) (from 25% to 33.33%) and plot ratio (PR) (from 0.4 to 0.5) for permitted 'house' development;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. According to the tree survey provided by the applicant, there were 9 existing trees within the site and they were common species of fair condition except tree no. 8 (T8). T8 was a mature specimen of *Araucaria heterophylla* (南洋杉) that was worth preserving in-situ as a feature of the site. Although the applicant proposed to preserve all existing trees in-situ in the application, she had reservation whether these trees could be preserved without substantial damage to their roots and crown as the trees were close to the footprint of the proposed house. Moreover, the proposed relaxation for increases of plot ratio (PR) by 25% and site coverage (SC) by 33.32% was not considered to be minor. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application since the only existing external road link in the area for the site was South Lantau Road which was a single 2-lane carriageway with limited capacity. The application would set a precedent for all other similar cases. The cumulative traffic impact of all these similar applications could be substantial and would cause adverse traffic impact on the nearby road network;
- (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 did not support the application based on the assessment made in paragraph 11 of the Paper. It

was the subject of a section 12A planning application (No. Y/SLC/1) for rezoning the site from “Green Belt” (GB) to “Residential (Group C) 1” (“R(C)1”) with a maximum PR of 0.6664, SC of 33.33% and building height of 2 storeys (7.62m). The Committee decided on 1.8.2008 to partially agree to the rezoning application by rezoning the site from “GB” to “R(C)” with a maximum PR of 0.4, a maximum SC of 25% and a maximum building height of 2 storeys (7.6m) so as to tie in with the residential development intensity permitted on the “R(C)” on the Plan. Since then, there was no change in planning circumstances and there was no information in the submission to demonstrate that there were any merits of the development proposal to justify the proposed relaxation of plot ratio and site coverage. There were mature trees and well-grown vegetation within the site and there was no information in the submission to demonstrate that these trees could be preserved without substantial damage to their roots and crown by the proposed development. The proposed relaxation of plot ratio and site coverage was not considered minor and acceptable. The cumulative impacts of approving similar applications would overstrain the capacity of the existing and planned infrastructure in the area.

26. Members had no question on the application.

Deliberation Session

27. The Chairperson said that there were no strong planning justifications nor planning merits to justify the proposed relaxation of plot ratio and site coverage in the application.

28. Members then went through the reasons for not supporting the application as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) there were no strong planning justifications and no planning merits to justify the proposed relaxation of plot ratio and site coverage;

- (b) the proposed plot ratio of 0.5 and proposed site coverage of 33.33% had exceeded the permitted plot ratio and site coverage of the “Residential (Group C)” (“R(C)”) zone by about 25% and 33.32% respectively. The proposed relaxation of plot ratio and site coverage was excessive; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “R(C)” zone on the Outline Zoning Plan. The cumulative effect of approving such similar applications would overstrain the capacity of the existing and planned infrastructure in the area.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/111 Proposed Utility Installation for Private Project
 (Connecting Pipe for Sewerage and Storm Water Runoff Channel)
 in “Coastal Protection Area” zone,
 Government Land adjoining 33 and 34 San Shek Wan, Lantau Island
 (RNTPC Paper No. A/SLC/111)

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 utility installation for private project (connecting pipe for sewerage and storm water runoff channel);
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that the proposed storm water runoff channel was apparently a Designated Project (DP) under the Environmental Impact Assessment

Ordinance (EIAO). Should the proposal involve DP under the EIAO, an Environmental Permit (EP) was required for its construction and operation;

- (d) during the statutory publication period, 3 public comments from Kadoorie Farm and Botanic Garden (KFBG), Green Lantau Association (GLA) and World Wide Fund for Nature (WWF) were received. All of them had not indicated objections to the application. KFBG and GLA were concerned about stockpiling of soil in the area and damage of the root systems of trees nearby due to excavation of the proposed channel. WWF had concerns on tree felling and water pollution to the stream nearby; and
- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The sewerage connecting pipe and storm water runoff channel were ancillary utility facilities to the residential development, which was approved with conditions (Applications No. A/SLC/78 and A/SLC/80). The proposed installations would ensure that the approved residential development would not have adverse sewerage, drainage and environmental impacts to the surrounding areas. The proposed installations including a 6m long sewerage connecting pipe and a 35m long storm water runoff channel were essential utility installation. Although some excavation of land would be involved and there were public concerns on tree preservation and water pollution, DAFC considered that the proposed installations would not affect any tree and the stream nearby. Besides, the sewerage connecting pipe would be laid underground and the channel would be covered by metal grating. The proposed installations were considered minor in nature and would unlikely cause significant visual impact to the surrounding areas. To address public comments on the landscape and tree preservation issues of the proposal, a planning condition on landscape proposal including tree preservation proposal was recommended. Regarding the issue on stockpiling of soil and other issues, the location concerned was outside the application site and District Lands Officer/Islands had been informed to take necessary action.

30. In response to a Member's question on EPD's comment as included in para 9.1.3 of the paper, Mr. C. W. Tse explained that as the proposed storm water runoff channel was close to an existing coastal protection area, it would be a DP under EIAO and EP would be required for its construction and operation. The applicant should be reminded of such requirement. The Chairperson said that an advisory clause had been proposed to remind the applicant to take note of EPD's comment.

Deliberation Session

31. Mr. Ambrose Cheong suggested adding an advisory clause to remind the applicant of TD's comment as included in para 9.1.8 of the Paper to check the land status of any construction/maintenance access from South Lantau Road. Members agreed.

32. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.5.2014, 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 an approval condition that the submission and implementation of a landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that :
 - (i) consideration should be given to ensure that the design of the concrete apron, sand trap and U-channel alignment matched with the surrounding natural environment;
 - (ii) the proposed installation should be carefully aligned to minimize any landscape impacts and to avoid any conflicts with the existing trees; and

- (iii) all piping and channel adjoining the site boundary of the approved residential development (i.e. Application No. A/SLC/80) should be kept within the site for private development to avoid and minimize disturbance of vegetation on Government land within the “Coastal Protection Area” zone;
- (b) to note the Chief Engineer/Development (2), Water Supplies Department’s comments that the existing water mains would be affected and the developer should bear the cost of any necessary diversion works affected by the proposed development;
- (c) to note the Director of Environmental Protection’s comments that the proposed storm water runoff channel was apparently a Designated Project (DP) under the Environmental Impact Assessment Ordinance (EIAO). Should the proposal involve DP under the EIAO, an Environmental Permit was required for its construction and operation; and
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status of any construction/maintenance access leading to the site from South Lantau Road should be checked with the Lands Authority.

[The Chairperson thanked Mr. Charles C.F. Yum and Mrs. Margaret W.F. Lam, STPs/SKIs, for their attendance to answer Members’ enquires. Mr. Yum and Mrs. Lam left the meeting at this point.]

[Dr. C. P. Lo left the meeting temporarily 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), and Ms. Doris S.Y. Ting and Ms. Lisa L.S. Cheng, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/191 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/191)

Presentation and Question Sessions

34. 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 Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the proposed development as NTEH/Small House should be confined within “Village Type Development” (“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 case for similar applications in the future. The resultant 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 as there were existing trees close to the application site. The approval of the application would further deteriorate the landscape quality of the area and the intactness of the “Green Belt” (“GB”) zone would be undermined. There was no opportunity for landscape mitigation measures on site to alleviate adverse landscape impact arising from the proposed development. The Director of Agriculture, Fisheries and Conservation (DAFC) did not

support the application since the application was not in line with the planning intention of the “Green Belt” zone and the southern portion of the application site had encroached onto a nearby wooded area. The application site was well-vegetated previously subjected to unauthorised tree felling. Approval of the current application might further encourage the malpractice of tree felling in the area;

- (d) during the statutory publication period, three public comments were received. One of these public comments from a member of general public supported the application. Another public comment from a resident of Royal Green expressed concern on the possible wall effect resulting from the development. The Designing Hong Kong Limited objected to the application as the proposed development fell within an area zoned “GB” which lacked a plan for a sustainable village layout to ensure the health and well being of residents and a quality urban design. The District Officer/North advised that the indigenous inhabitant representative (IIR) and resident representative (RR) of Ng Uk Tsuen supported the application while the Chairman of the Sheung Shui District Rural Committee and the concerned North District Council member had no comment on the application; and

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

- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The application generally complied with the Interim Criteria for assessing planning applications for NTEH/Small House development 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 Small House Demand in the “V” zone of the same village. Sympathetic consideration should be given to the application. The application generally complied with the relevant Town Planning Board Guideline 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. Besides, the proposed Small House development was not incompatible with the adjacent village setting of Ng Uk Tsuen and high-rise residential development in the east and south. Regarding DAFC and CTP/UD&L's comments, only grass and herbaceous vegetation were found within the application site and the applicant had stated that the development would not involve felling of trees. Concerning AC for T/NT, TD's comments, the application site was located immediately outside the "V" zone of Ng Uk Tsuen and the traffic associated with the proposed development would not be significant. Regarding the public comments on the potential wall effect, the proposed Small House development was only 3 storeys and 8.23m in height while the concerned high rise residential development (i.e. 8 Royal Green) to the east was 39 storeys or above 150 mPD tall. The Small House under application would unlikely create wall effect. Regarding the public comments on the lack of a sustainable village layout and a quality urban design, it was noted that concerned departments consulted had no adverse comment on the application.

35. In response to the Chairperson's query on whether the Small House could be built without affecting the tree, Mr. W.K. Hui said that the site was in close proximity to a tree as shown on Plan A-3 and therefore an approval condition was proposed prohibiting felling of existing trees within the application site and its surrounding area.

Deliberation Session

36. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.5.2014, 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) no existing trees within the application site and its surrounding area should be felled / affected;

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

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

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/285 Temporary Office and Freight Delivery/Forwarding Facilities
(Logistics Centre) with Ancillary Vehicle Parking Facilities
for a Period of 3 years in "Agriculture" zone,
Lot 1363 in D.D. 100, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/285)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary office and freight delivery/forwarding facilities (logistics centre) with ancillary vehicle parking facilities for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the application since the applicant should be specific in the number of trips per day instead of a qualitative description of ‘several trips per day’. The vehicular access arrangement and the parking/loading/unloading/manoeuvring arrangement should be properly annotated and drawn to scale with swept path shown for his consideration. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was bounded by abandoned land and vegetable field. The site with good accessibility and water supply was considered suitable for operating greenhouse and nursery garden uses as the agricultural activities in the vicinity were active and the application site was graded ‘good’ agricultural land with ‘high’ potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application since the areas were of a pleasant rural character which was green and tranquil. Moreover, when compared with the aerial photo taken on 25.12.2006, the site was originally active farmland with a green cover. Subsequently, nearly all the greenery was removed causing significant changes and disturbances to the existing landscape character;
- (d) the District Officer (North), Home Affairs Department (DO(N), HAD) advised that the concerned North District Council (NDC) member,

indigenous inhabitant representative and resident representative of Tsiu Keng raised objection to the application. During the first statutory publication period, 2 public comments from a NDC Member, 19 local villagers (in standard letter), village office of Ying Pun Village and a member of the public were received. Except a member of the public who indicated 'support', all other commenters objected to the application mainly on the aspects of agricultural development, drainage, environmental, traffic and road safety. During the second publication, 14 public comments from the same NDC Member, 12 local villagers (with 9 submitted in standard letter) and a member of the public were received. All of them objected to the application with similar reasons, except a member of the public who indicated 'no comment'; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application was not in line with the planning intention of the “AGR” zone in Kwu Tung South area. The uses under application were not compatible with the surrounding areas which was rural in character and largely occupied by active fallow farmland intermixed with village houses and temporary structures. The application site was originally active farmland with a green cover and nearly all the greenery was removed since the unauthorized use had encroached onto the site. Significant changes and disturbances to the existing landscape character or resources had been caused. If the application was approved, it would set an undesirable precedent for similar application that would further deteriorate the existing landscape quality in the vicinity. There was no information in the submission to demonstrate that the uses under application would not have adverse landscape impacts to the surrounding areas. There was no information in the submission to demonstrate that the uses under application would not have adverse traffic and environmental impacts on the surrounding areas. It was anticipated that the development would cause adverse traffic, landscape and environmental impacts to the surrounding areas. No previous or similar application in this “Agriculture” (“AGR”) zone had been approved by the Committee. The approval of the

application would set an undesirable precedent for similar applications within the “AGR” zone which would result in loss of good quality agricultural land and there would be cumulative traffic, landscape and environmental impacts on the surrounding areas.

39. Members had no question on the application.

Deliberation Session

40. Mr. Ambrose Cheong said that according to TD’s comments in para 9.1.2 of the paper, certain information was not available and hence, TD could not offer support to the application. TD did not conclude that the application would cause adverse traffic impact. The Chairperson asked if TD could come to a professional view on traffic impact that would likely be generated by nature of the use under application i.e. freight delivery/forwarding facility (logistics center). Mr. Cheong was of the view that the information provided by the applicant was insufficient for TD to conclude that there was adverse traffic impact.

41. Members then went through the reasons for not supporting the application as stated in para. 12.1 of the Paper and agree that they should be suitably amended to reflect Members’ views as stated above. After further deliberation, the Committee decided to reject the application and the reasons were :

- (a) the application was not in line with the planning intention of the “Agriculture” (“AGR”) zone in Kwu Tung South area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation. The submission was not justifiable for a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the surrounding land uses which were rural in character and largely occupied by active and fallow agricultural land mixed with some domestic structures. It was anticipated that the development would cause adverse landscape and environmental impacts to the surrounding areas;

- (c) the applicant failed to demonstrate that the development under application would not have adverse traffic impact on the surrounding area; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/286 Proposed Field Study Centre in “Agriculture” zone,
Lots 1493 S.B and 1494 S.B ss.2 in D.D. 100 Kwu Tung South,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/286)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed field study centre;

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

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) could not offer his support to the application since information on the sizes (length) of the coaches and the number of vehicle trips was still outstanding and the

feasibility to provide pick-up/drop-off within the application site was not demonstrated. The applicant should substantiate whether the existing footpath at the lay-by of Fan Kam Road could accommodate 100 visitors queuing up for pick up and drop off. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site with good accessibility was considered suitable for operating nursery garden or greenhouse use and had high potential for agricultural rehabilitation;

- (d) District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Chairman of Sheung Shui District Rural Committee (SSDRC), Inhabitant Indigenous' Representative (IIR) and Residents' Representative (RR) of Lin Tong Mei, RR of Tsiu Keng and RR of Ying Pun raised objection to the application as the proposed development would have adverse impacts on traffic, road/pedestrian safety, 'fung shui', and environment to the surrounding areas, and would affect the structures of Dong Jiang water mains nearby. The concerned North District Council (NDC) member raised an objection to the application on traffic ground. The IIR of Tsiu Keng had no comment on the application. During the statutory publication period, 2 public comments from a member of the public and the Chairman of SSDRC were received. A member of the public supported the application. The Chairman of SSDRC raised objection to the application as the proposed development would have adverse impact on the tranquil environment of the surrounding areas and would affect the structures of Dong Jiang water mains nearby; and
- (e) the Planning Department (PlanD)'s views –PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application was not in line with the planning intention of the "Agriculture" ("AGR") zone in Kwu Tung South area. DAFC did not support the application as the application site had high potential for agricultural rehabilitation and was considered suitable for nursery garden and greenhouse use. The AC for T/NT, TD did not support the application as information on the sizes (length) of the coaches, the number of vehicle trips and the feasibility of providing pile up/drop off within the

application site was not available. No previous or similar application in this “AGR” zone had been approved by the Committee. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone, and the cumulative impact of which would result in adverse traffic impact to the surrounding areas. There were objections from NDC member, Chairman of SSDRC, IIR and RR of Lin Tong Mei, RR of Tsiu Keng and RR of Ying Pun.

43. Members had no question on the application.

Deliberation Session

44. Mr. Ambrose Cheong said that according to TD’s comment in para 9.1.2 of the paper, TD did not offer support to the application as certain information was not provided by the applicant for their assessment of the application. TD did not conclude that the application would result in cumulative traffic impact. The Secretary said that the rejection reason as proposed in para 14.1(c) of the Paper could be revised to specify the subject of cumulative impact created by approving the subject application.

45. Members then went through the reasons for not supporting the application as stated in paragraph 14.1 of the Paper and agreed that they should be suitably amended to reflect Members views as stated above. After further deliberation, the Committee decided to reject the application and the reasons were :

- (a) the application was not in line with the planning intention of the “Agriculture” (“AGR”) zone in Kwu Tung South area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation. The submission was not justifiable for a departure from the planning intention;
- (b) the applicant had failed to provide information to demonstrate that the proposed development would not have adverse traffic impact to the surrounding areas; and

- (c) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone which would result in a general degradation of the environment in the area.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/288 Temporary Open Storage of Metal Ware, Metal Workshop and Vehicle Workshop for a Period of 3 years in “Recreation” zone, Lots 1669 S.A ss.1 RP (Part), 1670 S.A ss.1 RP, 1671 S.A ss.1, 1673 S.A, 1675 S.B ss.1 S.A RP (Part) in D.D. 100 and Adjoining Government Land, Kwu Tung South, Sheung Shui (RNTPC Paper No. A/NE-KTS/288)

Presentation and Question Sessions

46. 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 open storage of metal ware, metal workshop and vehicle workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (EDP) did not support the application as there were sensitive users in the vicinity of the site and environmental nuisance was expected. No environmental complaint regarding the application site had been received since 2007 (up to January 2010);
- (d) one public comment indicating ‘no comment’ was received during the statutory publication period and no local objection/view was received by

the District Officer(North); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The development was in line with “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E) in that there were two previous planning approvals granted on the site for similar uses. The applicants had complied with all the approval conditions of the previous applications. The approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “Recreation” (“REC”) zone on the outline zoning plan as the applicants had clarified that they had no intention to develop the application site for recreational use. As there was no material change in planning circumstances and the applicants had demonstrated genuine efforts in complying with the previous approval conditions, sympathetic consideration could be given to the current application for similar uses. It was unlikely that the development would have significant adverse impacts to the surrounding areas which were used for open storage yards. Regarding DEP’s comment, there was no environmental complaint received in the past three years and the locals consulted had no comment on the application.

47. Members had no question on the application.

Deliberation Session

48. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.5.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed during the planning approval period;

- (b) no medium and heavy goods vehicles, including container vehicles, were allowed to enter the site at any time during the planning approval period;
- (c) the existing drains within the application site should be maintained properly during the planning approval period;
- (d) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourses from being polluted or silting up during the planning approval period;
- (e) no discharge or effluent within the flood pumping gathering grounds should be allowed without prior approval from the Director of Water Supplies during the planning approval period;
- (f) all wastes, sludge and pollutants arising from any activity on the site should be properly disposed of outside gathering grounds during the planning approval period;
- (g) the site should be surrounded by kerbs and drains on all sides to avoid polluting the nearby watercourses during heavy rainfall during the planning approval period;
- (h) drainage traps such as grease traps, petrol interceptors should be installed at each of the drainage outlets and should be under proper maintenance. All such drainage traps should have sufficient capacity to ensure the proper collection and disposal of fuel, lubricants and chemicals during the planning approval period;
- (i) the submission of a conditional record of the existing drainage facilities on site as implemented on the site in the previously approved applications (No. A/NE-KTS/184 & 251) within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2010;

- (j) the submission of access road, loading/unloading and parking proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.11.2010;
- (k) in relation to (j) above, the provision of access road, loading/unloading and parking facilities within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.2.2011;
- (l) the submission of proposals for 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 7.11.2010;
- (m) in relation to (l) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2011;
- (n) the submission of landscape 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 7.11.2010;
- (o) in relation to (n) above, the implementation of landscape and tree maintenance proposal to the satisfaction of the Director of Planning or of the TPB within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2011;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (q) if any of the above planning conditions (i), (j), (k), (l), (m), (n) or (o) 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

- (r) 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.

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

- (a) to liaise with the District Lands Officer/North, Lands Department regarding the Short Term Wavier and Short Term Tenancy on the application site;
- (b) to follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;
- (c) to note the comments of the Chief Surveyor/New Territories West, Buildings Department that:
 - (i) to remove all unauthorized building works/structures on site, which were liable to action under section 24 of the Buildings Ordinance (BO);
 - (ii) the granting of this planning approval should not be constructed as condoning to any structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found; and
 - (iii) formal submission by an Authorized Person was required under the BO for any proposed building works. If the site was not accessible from a road of at least 4.5m wide, the development intensity should be determined under Building Planning Regulations 19(2) during plan submission stage;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that:
 - (i) the conditional record should include current photographic records of drains and channels, and a plan showing where the photos were taken;
 - (ii) the photographs should show that the drains were in good condition and were functioning properly; and
 - (iii) sufficient photographs should be taken to give a good overall impression of the drainage system;

- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that:
 - (i) the application site was within flood pumping gathering ground and was less than 30m away from the nearest stream;
 - (ii) any effluent discharge had to comply with the Technical Memorandum on Standards for Effluent Discharge into Drainage and Sewerage Systems, Inland and Coastal Waters; and
 - (iii) as there were existing water mains in the application site, no structure or support for any structure, except boundary fences, should be placed or erected within the area of 1.5m from the centre lines of the water mains. Free access should be made available at all times for staff of the Water Supplies Department or his authorized contractor to carry out construction, inspection, operation, maintenance and repair works to the water main;

- (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 the applicant was advised to observe the

following recommendations regarding fire service installations provisions for those temporary building/structures not exceeding 230m²:

- (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
 - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008;
 - (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839-1: 2002 + A2: 2008 and FSD Circular Letter 1/2002. One actuation point and one audio warning device to be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
 - (iv) a modified hose reel system supplied by a 2m³ fire service water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The fire service water tank, fire service pump room and hose reel should be clearly marked on plans;
 - (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; and
- (g) to note that 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 applicants should be requested to take immediate action to discontinue such use/development not covered by the permission.

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/289 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 469 S.C in D.D. 94, Hang Tau Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/289)

Presentation and Question Sessions

50. 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 Assistant Commissioner for Transport/New Territories (AC for T/NT, TD) had reservation on the application. The NTEH development should be confined within the “Village Type Development” zone as far as possible;
- (d) District Officer (North) advised that the Residents’ Representative (RR) of Hang Tau supported the application while the indigenous inhabitant representatives (IIRs) of Hang Tau and concerned North District Council (NDC) member raised objection to the application on agricultural development, drainage, flooding and environmental grounds. 3 public comments were received from a NDC member, Designing Hong Kong Limited and a member of the public during the statutory publication period. The NDC member raised objection to the application on agricultural development, drainage and environmental grounds. Designing Hong Kong Limited objected to the application for the reasons that the lack of a sustainable village layout with quality design and infrastructures for the area would cause adverse impacts on the living environment and well being

of residents, and create health and social problems and future costs to the society. A member of the public indicated ‘no comment’; and

- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed Small House development complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that the application site and the footprint of the proposed Small House fell entirely within the ‘village environs’ (‘VE’) of Hang Tau Village and there was a general shortage of land in the “Village Type Development” (“V”) zone of the same village to meet the demand for Small House development. Although the application site fell entirely within the “Agriculture” (“AGR”) zone, the application site had been paved and used as parking area for some time, and the potential for agricultural rehabilitation was low. The proposed use was considered not incompatible with the adjacent village setting. Regarding AC for T/NT, TD’s comment, the application site was located to the immediate west of the “V” zone of Hang Tau Village and fell entirely within the ‘VE’ of Hang Tau Village. Regarding the public comments, there were 31 similar applications for Small House development previously approved within/partly within the “AGR” zone and sympathetic consideration could be given as relevant Government departments had no objection to the application.

51. Members had no question on the application.

Deliberation Session

52. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.5.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of drainage proposals to the satisfaction

of the Director of Drainage Services or of the TPB;

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

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

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
 - (i) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
 - (ii) the application site was located within the flood pumping gathering ground; and
 - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by 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 the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/421 Temporary Computer Dismantling Workshop and Ancillary Storage
and Office Uses for a Period of 3 Years
in “Residential (Group C)” zone,
Lot 896 RP (Part) in D.D. 83 and Adjoining Government Land,
Ma Liu Shui San Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/421)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary computer dismantling workshop and ancillary storage and office use for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the application at this stage as there was lack of information on details of the ingress/egress, loading/unloading and car parking arrangement and vehicular manoeuvring within the site. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity and environmental nuisance was expected. the

Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. Though significant changes or disturbances to the existing landscape character and resources were not anticipated, the proposed use was incompatible with the surrounding residential environment;

- (d) The District Officer/North, Home Affairs Department (DO/N, HAD) advised that the Chairman of the Fanling District Rural Committee (FDRC), indigenous inhabitant representatives (IIR) and resident representatives (RR) of Ma Liu Shui San Tsuen, RR and IIR of Lung Yeuk Tau raised objections to the application on grounds of adverse environmental, traffic and health impacts and the absence of local villages during site inspection by DEP while the concerned NDC member cum IIR of Lung Yeuk Tau and another IIR of Lung Yeuk Tau had no comment. One public comment was received during the statutory publication period. The general public indicated reservation to the application for reason that the proposed computer dismantling workshop might cause adverse impacts on the environment as well as public health; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone. There was no strong justification to merit a departure from the planning intention of “R(C)” zone, even on a temporary basis. The development was not compatible with the surrounding land use which was rural in character. The workshop activities on the application site were likely to generate noise nuisance to the surrounding sensitive receivers. In this regard, DEP did not support the application as there were domestic structures in close vicinity, with the nearest one at a distance of 25m from the application site. Besides, the applicant had failed to demonstrate that the development would not cause adverse traffic impact on the surrounding area. There were local objections to the application from the Chairman of the FDRC, IIR and RR of Ma Liu Shui San Tsuen and Lung Yeuk Tau.

55. Members had no question on the application.

Deliberation Session

56. Noting that an Enforcement Notice (EN) was issued to the subject landowner on 16.3.2010 requiring him to discontinue the unauthorized development by 16.6.2010, a Member asked whether the 3-month period was a requirement under the Town Planning Ordinance and whether the period could be shortened. Mr. W.K. Hui replied that there was no specific time frame for discontinuing the unauthorized development under the Ordinance and 3 months was considered a reasonable period to allow for removal. The Chairperson explained that there was no specific requirement under the Ordinance on how much time should be allowed but normally 3 months would be given for cases subject to EN so as to allow time for the operator to relocate/wind up the operation. Consideration might be given to shorten the period for cases subject to repeated offence. For uses that had caused significant environmental impacts or nuisance to the surrounding residents, the issue of a Stop Notice might be considered under the Ordinance requiring the operator to discontinue the unauthorized development within a very short period. Noting the Members' concern, the Chairperson asked DPO/STN to liaise with Central Enforcement and Prosecution Section of PlanD to consider the Member's suggestion to shorten the time period allowed for discontinuation of certain type of unauthorized development, such as those causing significant environmental impact. Another Member agreed to the approach.

57. Mr. Ambrose Cheong said that according to TD's comments in para 9.1.2 of the paper, TD did not support the application as some detailed information was not available for their assessment of the application. TD did not conclude that the application would result in adverse traffic impact or cumulative traffic impact. Mr. Cheong said that the rejection reasons as proposed in paragraph 12.1 (b) and (c) should be suitably amended to reflect TD's concern. The Secretary said that the relevant rejection reasons in relation to the traffic aspect would be amended.

58. Members then went through the reasons for not supporting the application as stated in paragraph 12.1 of the Paper and agreed that they should be suitably amended to reflect Members views as stated above. After further deliberation, the Committee decided to

reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone which was primarily for low rise, low-density residential developments where commercial uses serving the residential neighbourhood might be permitted. The submission was not justifiable for a departure from such planning intention, even on a temporary basis;
- (b) the development was not compatible with the domestic structure in the vicinity and would create adverse environmental impact to the surrounding area;
- (c) the applicant failed to demonstrate that the development under application would not have adverse traffic impact on the surrounding area; and
- (d) approval of the application would set an undesirable precedent for other similar applications in the “R(C)” zone. The cumulative effect of approving such similar applications would result in adverse environmental impact in the area.

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

[The Chairperson thanked Ms. Doris S.Y. Ting, STP/STN, for her attendance to answer Members’ enquires. Ms. Ting left the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/698 Shop and Services (Bank)
 in “Government, Institution or Community” zone,
 Room LG01, Li Wai Chun Building,
 The Chinese University of Hong Kong
 (RNTPC Paper No. A/ST/698)

59. Mr. Walter Chan, Mr. Rock Chen, Dr. C.P. Lau and Dr. W.K. Lo had declared an interest in this application as they had current business dealings with Bank of East Asia, which was the operator of the subject premises.

[Mr. Walter Chan, Mr. Rock Chen, Dr. C.P. Lau and Dr. W.K. Lo left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (bank);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper.

The bank under application was considered not incompatible with the educational use of the subject building and its surrounding areas. Given the small scale of the bank (about 42.6 m²), the general tertiary education nature of the University or the floor space of the building for educational use would not be affected. No adverse impacts on traffic, environmental and infrastructural impacts on the area were anticipated. All the Government departments consulted had no adverse comment on the application. The application was the same as the previous application No. A/ST/678 which was approved by the Committee on 27.3.2009. There was no change in the planning circumstances since the approval of the previous application. However, as the previous approval was revoked due to non-compliance with the approval condition, a shorter compliance period was proposed to monitor the progress of compliance.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to approve the application, 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 7.8.2010;
- (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 7.11.2010; 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.

63. 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) 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 apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
 - (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the bank should be separated from the workshop by compartment walls having a fire resisting period of not less than two hours; and
 - (e) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. Regarding the approval condition for the application, the applicant was advised to produce layout plan and valid FS251 covering additional visual fire alarm, hose reel and manual fire alarm for the subject premises.

[Mr. Walter Chan, Mr. Rock Chen and Dr. W.K. Lo returned to join the meeting at this point.]

[Ms. Anna Kwong and Mr. Simon Yu left the meeting temporarily at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/699 Shop and Services (Fast Food Shop)
 in “Industrial” zone,
 Unit A4, G/F, On Wah Industrial Building, 41-43 Au Pui Wan Street,
 Fo Tan, Sha Tin
 (RNTPC Paper No. A/ST/699)

Presentation and Question Sessions

64. 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 shop and services (fast food shop);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer(Sha Tin); and
- (e) the Planning Department (PlanD)’s views –PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The 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 26 m²) and would not result in a significant loss of industrial floor space. In view of the small scale of the applied use and its nature of operation, no

adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated. All the Government departments consulted had no adverse comments or objection to the application. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area. Since the previous planning permission (Application No. A/ST/679) was revoked due to non-compliance with the approval condition(s), shorter compliance periods were proposed to monitor the progress of compliance.

65. Noting that the premises under application appeared to have occupied half of a shop on Plan A-4, the Chairperson asked whether the adjoining premises had obtained planning permission. Mr. W.K. Hui replied in the affirmative.

Deliberation Session

66. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.5.2013, 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 7.8.2010;
- (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 7.11.2010; 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) 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, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from other workshops by compartment walls having a fire resisting period of not less than two hours. Building safety requirements would be formulated upon receipt of food premises licence application, where appropriate;
- (f) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that customers should only queue up inside the subject premises and should not obstruct pedestrian flow on public footpaths;
- (g) to note the comments of the Director of Fire Services 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;

- (h) to note the comment of the Director of Food and Environmental Hygiene that under Section 4 of the Food Business Regulation, Cap. 132, “food business means any trade or business for the purpose of which any person engages in the handling of food or food was sold by means of a vending machine.” Operator of any food stall, including fast food shop, should apply for a ‘food factory licence’ for the preparation and sale of food for consumption off the premises. However, if food was prepared for sale and served to the customers for consumption with seating accommodation, a ‘restaurant licence’ was required. Main water supply, ablution facilities, toilet facilities and proper waste discharge system were main pre-requisites for issuing such licences; and
- (i) 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 information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/402 Rebuilding of New Territories Exempted House
in “Village Type Development” zone and area shown as ‘Road’,
Lot 1967 in D.D.19, Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/402)

Presentation and Question Sessions

68. 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 rebuilding of New Territories Exempted House;

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

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application site which fell within the ‘Road’ zone in general. However, as there was no plan to widen the concerned section of Lam Kam Road and the subject application involved an existing development and only a small portion of it had encroached upon ‘Road’ zone, he considered that the subject application could be tolerated under special circumstances.;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper. The application was for rebuilding of a NTEH with about 82.7% (i.e. 35 m²) of the site falling within an area zoned “Village Type Development” and about 17.3% (i.e. 7.3 m² or 2m width of the house) encroaching upon an area shown as ‘Road’ on the OZP. Regarding AC for T/NT, TD’s comment, noting that the subject application involved an existing development and only a small portion of it had encroached upon ‘Road’ zone, he considered that the subject application could be tolerated under special circumstances. The application site fell within the ‘village environs’ of Tong Min Tsuen, San Tsuen Lo Wai and Lam Tsuen San Tsuen. As the subject site was an Old Schedule House Lot granted before 1898, District Lands Officer/Tai

Po had no objection to the application which mainly involved the rebuilding of the existing house.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.5.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) 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
- (c) 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.

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

- (a) the actual construction of the proposed development should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed development to be connected to the public sewerage network;
- (c) the applicant was required to register, before execution of grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the

lots concerned in the Land Registry against all affected lots; and

- (d) to note the comments of the Chief Engineer/Project Management, Drainage Services Department (DSD) that the applicant should be vigilant on the latest situation of the proposed sewerage scheme, for which the Village Representatives would be kept informed by DSD.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/403 Renewal of Planning Approval for Temporary Open-air Public Car Park under Application No. A/NE-LT/372 for a Period of 3 Years in “Village Type Development” zone,
Lots 1036 S.A, 1156, 1157 S.A, 1168 S.A and 1169 S.A in D.D. 19,
Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/403)

Presentation and Question Sessions

72. 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 renewal of planning approval for temporary open-air public car park under Application No. A/NE-LT/372 for a period of 3 years;
- (c) departmental comments –no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views –PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The subject temporary car park was considered not incompatible with the surrounding land uses which were characterised by village houses, fallow agricultural and vacant land. The approval of temporary use in the interim would not frustrate the long-term planning intention of the area. Previous planning approvals for a temporary open-air public car park had been granted by the Committee under applications No. A/NE-LT/250, 314 and 372 since 2001 and all the approval conditions of these applications had been complied with. Since granting the previous approval, there had been no material change in the planning circumstances for the area. The temporary use of car park under application was unlikely to have significant adverse environmental, traffic, drainage, landscape or water quality impacts on the surrounding areas.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.5.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the access road leading from the application site to the Lam Kam Road should be properly maintained at all times during the planning approval period;
- (b) the existing drainage facilities and landscape planting on the application site should be properly maintained at all times during the planning approval period;
- (c) the preventive measures against water pollution to the upper indirect water gathering grounds should be properly maintained at all times during the

planning approval period;

- (d) the development should not cause any water pollution to the upper indirect water gathering grounds at any time during the planning approval period;
- (e) parking of heavy vehicles at the application site should be prohibited at any time during the planning approval period; and
- (f) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) the applicant should resolve any land issues relating to the development with other concerned owner of the application site;
- (b) the applicant should strictly observe the conditions proposed by the Chief Engineer/Development (2), Water Supplies Department in Appendix III of the Paper;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that no significant land filling or paving of the application site should be carried out and the drainage facilities within the site should be regularly cleared and maintained to ensure that they functioned properly;
- (d) to note the comments of CE/MN, DSD that the site was in an area where no public sewerage connection was available. If sewage was generated within the site, the Director of Environmental Protection should be consulted regarding the requirements for sewage treatment and disposal; and
- (e) to note the comments of the Director of Fire Services that the operation of

the temporary car park should not adversely affect the firefighting access from Lam Kam Road to the inner part of the village.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/70 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lots 231 S.A and 231 RP in D.D. 218, Kwun Hang Village,
Sai Kung North
(RNTPC Paper No. A/NE-SSH/70)

Presentation and Question Sessions

76. 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 – no objection from concerned Government departments was received;
- (d) during the statutory publication period, 11 public comments against the application were received. They were submitted from village representatives and residents of Kwun Hang Village. The major public comments included: (a) the applicant was not an indigenous villager of Kwun Hang Village and the approval of the application would affect the interests of the indigenous villagers of Kwun Hang Village. There had been an agreement between the village representative of Kwun Hang Village and the Lands Department that non-indigenous villagers were not allowed to apply for land to build any house in the ‘village environs’ of

Kwun Hang Village; (b) at least 50% or more of the application site fell within an area zoned “Green Belt” (“GB”) and the area as an asset of the village should remain for public use; (c) the proposed development would further narrow the only access to Kwun Hang Village and likely increase the risk of traffic accidents; (d) as the site was in proximity to a water treatment plant, Kwun Hang Village was a high risk area and there should be no increase in population; and (e) the proposed Small House located on the raised ground would block the seaview of the surrounding buildings and it would also have negative effects on the fung shui of the village; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The application complied with “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” in that the application site fell entirely within the ‘village environs’ of Kwun Hang Village, more than 50% of the footprint of the proposed Small House fell within the “Village Type Development” (“V”) zone and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Kwun Hang Village. The proposed development was generally compatible with the surrounding rural environment and would not involve extensive clearance of existing natural vegetation. It was unlikely to have significant adverse environmental, drainage and traffic impacts on the surrounding area. The application was generally in line with the TPB-PG No. 10 for development within “GB” zone. Regarding the public comments on indigenous villager status, District Lands Officer/Tai Po advised that the applicant was an indigenous villager of Tap Mun and cross village application was permitted provided that there was no local objection at Small House application stage when the case was processed by Lands Department. He also advised that there was no agreement between Lands Department and Kwun Hang Village prohibiting cross village application. Regarding the public comment on the village access to Kwun Hang Village and Sai Sha Road, AC for T/NT, TD advised that the junction of Sai Sha Road and the access road to Kwun Hang was not an accident blackspot and there was no programme to widen the

concerned section of Sai Sha Road. Regarding public comments on landscape, environmental hazard and fung shui aspects, Government departments consulted had no objection to the applications. The issue of fung shui was not a material consideration in considering planning application.

77. A Member asked whether there was agreement between the village representative of Kwun Hang Village and the Lands Department as claimed by the villagers. Ms. Lisa Cheng replied that District Lands Officer/Tai Po had confirmed that there was no such agreement prohibiting cross village application which would be permitted only if there was no local objection at the Small House application stage.

78. Noting that the Small House under application was located very close to the access road, two Members showed concern on the traffic impact raised by some local villagers. Referring to Plan A-3, a Member noted that the edge of the application site was very close to the covered drains and enquired if the house footprint could be set back away from the drains on the eastern side. One of the Members asked whether that road was the only vehicular access leading to the village. Ms. Lisa Cheng responded that the access road was the only existing access to the village. In response to the Chairperson's query on whether the access road could be widened towards the eastern side, Ms. Lisa Cheng advised that there was Government land on the eastern side of the access road. The Chairperson indicated that the existing access road might not be up to standard and future widening along the eastern side which was Government land might be possible. Mr. Ambrose Cheong advised that the project to widen Sai Sha Road was restricted to the widening of the junction at Sai Sha Road and the subject access road. The Sai Sha Road project would not be extended further into the access road which was not managed by Transport Department. A Member said that there were local objections to the application as this house was the only Small House within the village that had encroached onto the "Green Belt" zone as reflected on Plan A-2 and it was a cross village application.

79. In response to the Chairperson's query on whether the application was in line with "Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories", Ms. Lisa Cheng explained that it was in line with the Interim Criteria in that more than 50% of the proposed Small House footprint fell within the "V" zone and there was

a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone.

Deliberation Session

80. A Member said that the application was in line with the interim criteria and asked whether an advisory clause could be added to require the setting back of the proposed footprint of the Small House from the covered drains and access road in order not to affect the existing village access. Members generally agreed. The Chairperson also asked LandsD to take the setback requirement into account in processing the land grant

81. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.5.2014, 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.

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

- (a) to note Member’s concern to set back the Small House footprint from the access road to avoid affecting the covered drains and existing village access;
- (b) to note the comments of the Director of Agriculture, Fisheries and

Conservation that impact to the existing trees at the nearby slope should be avoided during construction work;

- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that tree planting within the application site to improve the landscape quality of the village house development of the area was recommended;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that public sewerage system at Kwun Hang Village was planned to be implemented under their project “Tolo Harbour Sewerage of Unsewered Areas Stage II”. The project was at its design stage and was tentatively scheduled to start in phases commencing in 2011 for staged completion in 2018. Upon completion of the public sewerage system at Kwun Hang Village, Environmental Protection Department (EPD) might require the owner to make proper sewer connection from his premises into the public sewer at his own cost;
- (e) to note the comments of CE/MN, DSD that there was no existing DSD maintained public stormwater drain available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site and overland flow from the surrounding of the site. 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;
- (f) to note the comments of CE/MN, DSD that public sewerage connection was currently not available for the application site. EPD should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;
- (g) to note the comments of the Director of Environmental Protection that the

proposed Small House should be connected to the planned public sewer for the area when available in due course; and

- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department.

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

Tuen Mun and Yuen Long District

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

Agenda Item 18

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM/3 Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/26 from "Open Space", "Government, Institution or Community" to "Government, Institution or Community" to facilitate 'Religious Institution' (Church) Development, Lots 491, 492, 495R.P.(Part), 498R.P., 500, 501, 502R.P., 503, 717R.P. in D.D. 374 and adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. Y/TM/3)

83. The Committee noted that the applicant had indicated that he could not attend the meeting.

Presentation and Question Sessions

84. Mr. C.C. Lau, STP/TMYL, informed the Committee that further information submitted by the applicant on 29.4.2010 and 5.5.2010 providing responses to EPD's comments together with the revised Environmental Impact Assessment Report and Chief Town Planner/Urban Design and Landscape's comments together with the photomontages respectively had been forwarded to Members on 5.5.2010. With the aid of a Powerpoint presentation, Mr. Lau presented the application and covered the following aspects as detailed in the Paper :

The Application

- (a) the applicant submitted an application for amendment to the OZP to rezone the "Open Space" ("O") zone portion of the proposed church site to "Government, Institution or Community" ("G/IC") to facilitate the church development. The proposed church was 7 storeys (excluding one basement level) and about 30m in height with a non-domestic gross floor area (GFA) of about 2,825m² and a plot ratio (PR) of 1.6. The proposed church would consist of public open space of 1,303m² including 407m² covered garden. The applicant would undertake the responsibility of management and maintenance of the public open space. The proposed church would be served by a vehicular access in the northern portion of the site;
- (b) the applicant had undertaken technical assessments including traffic impact assessment, environmental impact assessment, sewerage impact assessment and tree survey and tree assessment schedule;
- (c) eleven numbers of trees were found within the site. According to the applicant, they were not rare species and a tree survey had been conducted. Ten numbers of trees were proposed to be fell due to poor health condition, low survival rate after transplantation or was in conflict with traffic regulation due to large crown spread and root ball; one tree was proposed for transplanting as it was in good condition and the survival rate was expected to be good after transplanting. The applicant proposed to plant 26

numbers of trees on the ground floor as compensatory planting;

- (d) as the church site encroached onto the land zoned “Government” designated for police station on the draft Tuen Mun Area 55, 56, 57, 58 Layout Plan No. L/TM-TME/B (Layout Plan), the applicant proposed to swap the location of the police station and the fire station site. The frontage requirement of the police station and the fire station was respected according to the requirement of the Hong Kong Planning Standards and Guidelines (HKPSG). The swapping proposal would facilitate the implementation of the rezoning request from “O” to “G/IC” for the proposed religious institution;

Departmental comments

- (e) the departmental comments were summarised as follows:
 - (i) Director of Environmental Protection (DEP) was unable to lend support to the subject application since there were quite a number of outstanding issues in the environmental impact assessment report submitted by the applicant;
 - (ii) Director of Leisure and Cultural Services (DLCS) advised that in light of the relatively adequate overall provision of public open space in the Tuen Mun district, he had no in-principle objection to the proposed application for rezoning part of the “O” site to “G/IC” site provided that adequate and appropriate open space site(s) had been reserved to meet the needs of local residents. He also advised that there was no programme for development of the subject district open space. He had no in-principle objection to the applicant’s proposal that the applicant would be responsible for implementation, management and maintenance of the open space which would be open for public use provided that this was in line with the prevailing Development Bureau’s policy governing the provision of public open space by private developers;
 - (iii) Director of Fire Services (D of FS) advised that having recently reviewed

the operational need for the provision of fire service facilities in the area, the ambulance facilities should be incorporated into the proposed fire station. A piece of land to incorporate a 5-bay sub-divisional fire station cum ambulance depot with minimum site area of 2,960m² and minimum frontage of 47m² was required. Subject to the above requirements being met, he had no in-principle objection to swap the earmarked sites of the proposed fire station and police station;

- (iv) Commissioner of Police advised that he had no comment in relation to the rezoning to facilitate the development of a religious institution. Part of the site encroached upon a site reserved for future police station. It was still required in view of the anticipated residential development at Castle Peak Road and So Kwun Wat and other infrastructural developments in the Northern New Territories. He could not release it unless a replacement site of similar site area would be provided;

Public Comments

- (f) during the statutory publication period, four public comments objecting to the application were received. They were summarised below:
 - (i) a member of the public objected to the application as he considered that there were other suitable sites for religious institution use and that it would impose unnecessary constraints on the planning and design of a joint user complex to accommodate G/IC uses. He was concerned that the Tuen Mun East area was severely inadequate of community facilities such as clinic, market, indoor recreation centre, public swimming pool, library and community hall etc. He considered that the application site was ideal for a joint user complex that would accommodate such community facilities due to its strategic location and size;
 - (ii) two comments from the village representatives of So Kwun Wat Village and the acting Chairman of the Tuen Mun Rural Committee and Tuen Mun District Council Member Mr. To Shek-yuen strongly objected to the application, on the grounds that it was important to reserve land for open

space and ancillary facilities for the nearby residents. Besides, the proposed development was not compatible with the religious practice prevailing in the local area and would jeopardise the social harmony in the village;

- (iii) the Chairman of the Aegean Coast Owners' Committee objected to the application on the grounds that there were no recreational facilities along the Castle Peak Road - Tai Lam Section and So Kwun Wat Section and thousands of residents could only utilise those facilities in other areas, which created great inconvenience for them. There were currently two primary schools and an international school under construction nearby and there was an urgent need for open space and recreational facilities. The application reduced the area reserved for open space and totally ignored the desperate need of the residents for open space and recreational facilities;

The Planning Department (PlanD)'s views

- (g) PlanD did not support the application as it did not conform with the draft Tuen Mun Area 55, 56, 57, 58 Layout Plan No. L/TM-TME/B affecting a planned police station and fire station as well as open space provision. Hence, it was premature to consider the application at this stage prior to revision to the Layout Plan. The planning consideration and assessment as stated in paragraph 11 of the Paper which was summarised as follows:
 - (i) the proposed church site fell within an area zoned "O" and "G/IC" on the OZP. The site cut into the proposed police station and proposed fire station sites on the draft layout plan. At present, there were no programme for the implementation of the proposed police station and fire station. The applicant proposed a revised layout for the police station and fire station by swapping of their location. Both C of P and D of FS had no objection in principle to the applicant's proposed revised layout for the concerned facilities, subject to the site areas and shape meeting their requirements. As this would necessitate substantial change to the draft Layout Plan for the area affecting proposed public facilities and open space development, it

would be prudent to review the Layout Plan according to the established procedure prior to considering the zoning amendment;

- (ii) although the subject church development would not be incompatible with the surrounding development, the visual impact of the proposed 30m high building in the currently low-rise and open environment could be a concern. The DEP did not support the application at this stage as the environmental assessment report was unable to address environmental, especially noise, concerns;
- (iii) the applicant proposed a public open space of 1,303m² (including 407m² of covered garden) at the G/F of the development. Although 407m² (about 31.3%) of the public garden at G/F was covered, about 896m² would still be open-air space for the public. DLCS had no in-principle objection and the applicant indicated that he would take up the responsibility of construction, maintenance and management of the public open space provided that this was in line with the prevailing Development Bureau's policy governing the provision of public open space by private developers;
- (iv) there would be about 7ha surplus of land zoned "O" on the Outline Zoning Plan taking into account the planned population. DLCS indicated that he had no objection to the application for using part of the "O" zone for the proposed church provided that adequate and appropriate open space site(s) had been reserved to meet needs of local residents, and that there was public acceptability; and
- (v) there were four public objections to the application from village representatives of So Kwun Wat village, a Tuen Mun District Council member and Owners Committee of the Aegean Coast mainly on the grounds of lack of open space and recreational facilities in the Tuen Mun East area. DLCS indicated that at present, there was no planned community or recreational development in Tuen Mun East area. Moreover, other than the subject "O" zone, there was also a large undesignated "G/IC" site (1.22ha) to the southwest of Aegean Coast which could be

considered for various community or recreational use subject to request from concerned departments. Regarding the local concerns, the applicant in his letter dated 8.4.2010 indicated that he would be glad to meet and explain to the local community.

85. In response to the Chairperson's query on the ownership of the land, Mr. C.C. Lau advised that there were both private and Government land within the subject site and the applicant was not the owner of the application site. In view of the change in site requirement of the proposed fire station, there was scope to review the landuse zoning in the area.

Deliberation Session

86. A Member doubted whether the G/IC facilities could be implemented as the implementation of the proposed police station and fire station would involve resumption of private land. The Member had reservation to carry out a review of the land use in the area without knowing if the proposal could be implemented.

87. A Member was of the view that since the D of FS had requested for a larger site to accommodate ambulance facilities within the fire station, a review on the land reserved for the G/IC uses was needed anyway. The Secretary explained that DPO/TMYL had not yet commenced the landuse review and it was uncertain whether the land involved could accommodate all the proposed G/IC facilities including fire station, police station and open space. Another Member agreed that the rezoning application should be rejected and suggested that PlanD should be left to decide if the Layout Plan had to be reviewed.

88. After further deliberation, the Committee decided not to agree to the application for rezoning of the sites for the church development as it would affect the draft Tuen Mun Area 55, 56, 57, 58 Layout Plan No. L/TM-TME/B in that the location and design of a planned police station and fire station as well as open space provision would need to be substantially adjusted. Hence, it was premature to consider the application at this stage prior to revision to the Layout Plan.

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

Agenda Item 19

Section 16 Application

[Open Meeting]

A/TM/376

Proposed Comprehensive Residential Development (with Minor Relaxation of the Site Coverage Restriction (Podium Only) from 25% to not more than 36% and Minor Relaxation of Building Height Restrictions (Podium Only) from 10 Storeys above a 3-storey Podium for Landscaped and Recreational Facilities, Carpark with E/M and other Ancillary Facilities) in “Comprehensive Development Area” zone, Various Lots in D.D. 374 and 375 and Adjoining Government Land, Area 56, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/376)

89. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd and Mr. Y.K. Cheng had declared an interest in this item as he had current business dealings with Sun Hung Kai Properties Ltd. As the Paper was on the applicant’s request to defer consideration of the application, Members agreed that Mr. Cheng was allowed to stay in the meeting.

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/397 Renewal of Planning Approval for Temporary ‘Public Vehicle Park (Excluding Container Vehicle)’ under Application No. A/TM/356 for a Period of 3 Years
in “Residential (Group A)” and “Residential (Group A) 20” zones,
Car Parks at Wu King Estate and Siu Hong Court, Tuen Mun
(RNTPC Paper No. A/TM/397)

91. 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 Assistant Director (Development & Procurement) Housing Dept. |

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

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary ‘public vehicle park (excluding container vehicle)’ under Application No. A/TM/356 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The application was to seek renewal of a temporary approval granted under Application No. A/TM/356. The use under the application complied with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34A) in that there was no material change in planning circumstances of the surrounding areas since the previous temporary approval was granted. Also, there was no adverse planning implication and no objection to/adverse comment from the relevant Government departments regarding the application. The proposed surplus public vehicle parks for letting out to non-residents were gross floor area (GFA) accountable. For Wu King Estate, the resultant domestic and non-domestic plot ratio were 3.83 and 0.05, which was below the plot ratio restriction for the subject “R(A)” zone. However, the non-domestic GFA of

4,298 m² for surplus parking spaces under application for the Siu Hong Court in “R(A)20” zone would exceed the non-domestic GFA of 7,365 m² stipulated under the Outline Zoning Plan. As the proposed conversion of residents’ parking spaces to public parking spaces did not incur intensification or increase in building bulk, the relaxation of the non-domestic GFA restriction for such case could be acceptable.

94. Members had no question on the application.

Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 29.5.2010 to 28.5.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that priority should be accorded to the residents of Wu King Estate and Siu Hong Court in the letting of the surplus vehicle parking spaces and the proposed number of parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

96. The Committee also agreed to advise the applicant to note the District Lands Officer/Tuen Mun’s comments that one car parking space in Siu Hong Court was reserved for the use by the Government and its location was acceptable to the Commissioner of Police.

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

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/196 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot 836SD in D.D.130, near To Yuen Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/196)

Presentation and Question Sessions

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

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, two public comments objecting to the application were received from Designing Hong Kong Limited and the Village Committee of To Yuen Wai. Designing Hong Kong Limited objected to the application on the grounds that without a sustainable village layout prior to approval might further deteriorate the living environment, affect the well being of residents and create health and social problems. To Yuen Wai Village Committee objected to the application on the grounds that the development was outside the ‘village environs’ and would seriously affect the ‘fung-shui’ of the village; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 13 of the Paper. According to the Interim Criteria for consideration of applications for NTEH/Small House in the New Territories, the proposed Small House with its footprint and application site falling outside both the ‘village environs’ of any recognised villages and the boundary of the “Village Type Development” zone on the OZP would normally not be approved unless under very exceptional circumstances and sympathetic consideration might be given if there were specific circumstances to justify the case. The fact that the applicant was a clearee of a Government project and previous planning permissions had been given since 1997 were exceptional circumstances which warranted sympathetic consideration and justified departure from the Interim Criteria and the general presumption against development in “Green Belt” zone. There was no change in planning circumstances since the previous approvals were granted. Besides, there was no technical problem arising from the proposed development. No adverse comments on the application were received from concerned Government departments. The proposed development was also not incompatible with the surrounding uses and existing landscape environment.

98. Members had no question on the application.

Deliberation Session

99. Noting that there was a proposed vehicular access as shown on Plan A-2, Mr. Ambrose Cheong suggested adding an advisory clause to remind the applicant to check the land status, the management and maintenance responsibility of the proposed vehicular access.

100. A Member noted that the Antiquities and Monuments Office (AMO) had pointed out that the site was located close to the Fu Tei Ha Archaeological Site and asked whether the applicant would be required to conduct an archaeological survey. Ms. S.H. Lam responded that the AMO would not normally suggest imposing an approval condition requiring the applicant of a Small House development to conduct an archaeological impact assessment.

The Chairperson said that an advisory clause at paragraph 14.2(c) of the Paper had been included to advise the applicant to conduct an archaeological investigation before commencement of construction work.

101. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.5.2014, 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 submission of landscape and tree preservation proposal prior to site clearance and implementation of the approved landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the land status of the road/path/track leading to the site should be checked with the Lands Authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (b) to note the Director of Fire Services' comments that emergency vehicular access (EVA), fire hydrant and fire service installations would be required in accordance with the 'New Territories Exempted Houses - A Guide to Fire Safety Requirements';
- (c) to note the Director of Agriculture, Fisheries and Conservation's comments that disturbance to other trees in the vicinity should be avoided as far as practicable; and

- (d) to note the Antiquities and Monuments Office, Leisure and Cultural Services Department's comments that as the site was located in close vicinity to the Fu Tei Ha Archaeological Site and was likely to be of archaeological potential, an archaeological investigation was required prior to the commencement of construction work. If the results demonstrated evidence of archaeological significance in the affected area, appropriate mitigation measures should be designed and implemented prior to the commencement of construction work.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/198 Proposed Temporary Public Vehicle Park (Private Cars)
for a Period of 3 Years in "Green Belt" zone,
Lot 2447 S.A RP in D.D. 130, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/198)

Presentation and Question Sessions

103. 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 public vehicle park (private cars) for a period of 3 years;

[Dr. W.K. Yau left the meeting temporarily this point.]

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

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

- (d) during the statutory publication period, three public comments were received. Two public comments received from the village representatives of Sun Fung Wai Tsuen and the Vice Chairman of the Tuen Mun Rural Committee supported the application on the grounds that the proposal would provide appropriate parking spaces for the village houses near Shun Tat Street, reduce on-street parking on a busy street frequented by refuse collection vehicles and lorries, and improve the environment. A public comment received from Designing Hong Kong Limited objected to the application on the grounds that the site was zoned “Green Belt” (“GB”), the proposal would cause unsightly visual impact to the surrounding area; the over-supply of parking space had lowered the cost of car use and ownership, which was in direct conflict with the Hong Kong’s traffic demand management policies which aimed to control traffic demand; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The site had been zoned “GB” since 7.6.1996. Although there had not been any planning approval given for the site, the vegetation cover at the site was cleared subsequently. This kind of action destroying the green environment and creating a fait accompli situation for development should not be encouraged. Despite having been cleared, the site’s function as a green buffer would be highly compromised if it was used as a paved carpark. The proposed use could not complement the rest of the “GB” zone in achieving the planning intention. The proposed development did not comply with the Town Planning Board Guidelines No.10 for Application for Development within Green Belt Zone (TPB PG No.10) in that there were no exceptional circumstances to justify the proposed public vehicle park within “GB” zone. There was insufficient information in the submission to demonstrate that the development would not generate adverse drainage and landscape impacts on the surrounding areas. The approval of the application would set an undesirable precedent for similar applications within “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the

environment of the area.

104. Members had no question on the application.

Deliberation Session

105. Members then went through the reasons for not supporting the application as stated in paragraph 13.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. 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 in line with the TPB PG-No. 10 for “Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance” in that there was no exceptional circumstances and no strong planning grounds to justify the proposed development;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not generate adverse drainage and landscape 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 “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

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

Agenda Item 23

Section 16 Application

[Open Meeting]

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

106. Mr. Stephen Yip declared an interest in this item as he was assigned by Heung Yee Kuk to give advice on the application. As the Paper was on the applicant’s request to defer consideration of the application, Members agreed that Mr. Yip was allowed to stay in the meeting.

107. The Secretary advised that the applicant had originally requested to defer consideration of the application until the Committee meeting held on 28.5.2010. However, the applicant via his letter dated 5.5.2010 indicated that he would like to allow more time for the relevant Government departments to consider the further information he submitted on 4.5.2010 and hence he requested to defer the consideration of the application to the meeting held on 11.6.2010.

108. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration on 11.6.2010.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary open storage of left-hand-drive vehicles, construction materials and heavy machinery with workshops and scrap metal area for a period of 3 years;

[Dr. W.K. Yau returned to join the meeting at this point and Dr. James Lau left the meeting at this point.]

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application in accordance with the revised ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ as the operation involved workshop use and environmental nuisance was expected. One noise pollution complaint against the site was received in 2007. One noise pollution and one water pollution complaints against the site were received in 2009;

- (d) during the statutory publication period, 3 public comments from 2 Yuen Long District Council (YLDC) members and a local resident were received and their comments were summarised below:
- (i) a YLDC member relayed his concerns and the concerns of Tin Shui Wai residents living along the nullah on noise and environmental impacts generated by the approved applications as the cluster of open storage yards in Ha Tsuen and the housing estates in Tin Shui Wai were only separated by a nullah. Local residents were worried about the noise impacts of the workshop and environmental impacts of metal recycling in the current application. They opined that the Board should not approve the application if such impacts could not be effectively regulated by the Board;
 - (ii) another YLDC member relayed the objection of the residents and the Owners' Committee of Locwood Court against the application on the grounds that there was no strong justification in the submission for the applied use which would have adverse impacts on the local community and would attract local complaints; the piecemeal development would jeopardize the long-term planning intention of the "Undetermined" zone as part of the proposed Hung Shui Kiu New Town; the Board had never approved open storage of scrap metal with workshop uses at the site; there was insufficient information in the submission to demonstrate that the applied use would not have adverse traffic, drainage and environmental impacts on the surrounding areas; and approval of the application would set an undesirable precedent for similar applications, the cumulative impact of which would degrade the environment of the area;
 - (iii) a local resident objected to the open storage of construction materials and heavy machinery with workshops and scrap metal area in the application as such uses would generate noise and disturb the normal life of the nearby community. A neighbour had previously requested him to object to similar applications in the adjoining sites as machinery

workshops always generate unbearable metal cutting and hammering noise. However, the commenter supported the application for the storage of left-hand-drive vehicles; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the assessments given in paragraph 12 of the paper. The sites fell within Category 1 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The use under application was not incompatible with the surrounding land uses in the subject “Undetermined” zone which was predominantly occupied for open storage uses. The development was in line with the TPB PG-No. 13E in that no adverse comment from concerned Government departments except DEP. Regarding DEP and public concerns, the proposed workshop was attached to the open storage of left-hand-drive vehicles and no cutting, welding and major dismantling works would be involved. Besides, there was no sensitive receiver in the immediate vicinity. Approval conditions to restrict operation hours, parking of vehicles on-site, the types of vehicle used etc. had been recommended. Besides, a shorter approval period of one year was recommended to monitor the situation of the site. Since four previous approvals were revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance.

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

110. Members had no question on the application.

Deliberation Session

111. As there was a proposed vehicular access leading to the site from Ping Ha Road, Mr. Ambrose Cheong suggested adding an advisory clause to remind the applicant to check the land status, the management and maintenance responsibility of the proposed vehicular

access.

112. A Member asked whether the compliance period of 6 months for the implementation of the fire services installation (FSI) was too long for a temporary planning approval of one year. The Chairperson clarified that the applicant was required to submit a FSI proposal within 3 months and implement the FSI proposals within 6 months from the date of planning approval. The same Member asked if a shorter compliance period would be imposed for some simple cases. The Secretary said that the compliance period of 6 months was a maximum period for the implementation of FSI proposals and the applicant could always comply with the condition at an earlier date. The Secretary further said that the compliance periods of 3 and 6 months for the submission and implementation of FSI proposal respectively were determined after studying the actual time involved in the process and were in accordance with the practice of the Board. It was only when an application was the subject of previous planning application being revoked for non-compliance of approval condition that a shorter compliance period would be imposed. A comprehensive review would be required if there was any change to the established practice. The Chairperson supplemented that time required for Government departments to process the proposal and certify the acceptance of the implementation were included in the period. In response to the same Member's question to shorten the approval period to one year, the Secretary further said that should the applicant complied with all the approval conditions, permission would normally be granted for renewal of planning permission if there was no change in planning circumstances. The Secretary drew Members attention to the fact that the application site was subject of 15 previous applications for various open storage or public vehicle park use.

113. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 3 years sought, until 7.5.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the 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, welding and major dismantling works, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no vehicle was allowed to be parked/stored at the vehicle holding area from 8:00 p.m. to 8:00 a.m. during the planning approval period;
- (e) no public vehicle park, as proposed by the applicant, was allowed on the site during the planning approval period;
- (f) no heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor, as proposed by the applicant, was allowed for the operation of the site during the planning approval period;
- (g) no stacking of materials within 5m of the periphery of the site, as proposed by the applicant, was allowed on the site during the planning approval period;
- (h) only vehicles of weight less than 5.5 tonnes, as proposed by the applicant, was allowed to be stored at the site during the planning approval period;
- (i) the provision of drainage facilities proposed within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2010;
- (j) the implementation of the accepted landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2010;
- (k) the submission of a 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 7.8.2010;
- (l) in relation to (k) above, the implementation of the fire service installations

proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2010;

- (m) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2010;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (o) if any of the above planning conditions (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.

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

- (a) shorter approval and compliance periods were granted in order to monitor the situation of the site and the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) the land status of the road/path/track leading to the site should be checked with the Lands Authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the District Lands Officer/Yuen Long that the site

was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; and to apply for Short Term Tenancy (STT) and Short Term Waiver (STW) to regularize the unlawful occupation of Government land and the unauthorized structures on the lots within the site. Should no STT/STW application be received/approved and the irregularities persist on-site, his office would consider taking appropriate lease enforcement/land control against the registered owners/occupier according to the prevailing programme of his office in this regard. Access to the site required traversing through GLA No. TYL825 granted to the Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) for Ping Ha Road Improvement – Remaining Works. CE/LW, CEDD should be consulted for the access arrangement during and after implementation of the works. His office did not guarantee right-of-way of the subject site;

- (e) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the access road to the site was located near Ping Ha Road which was within the works limit of Contract No. CV/2006/01 ‘Ping Ha Road Improvement Works (Ha Tsuen Section)’, which construction works commenced in December 2007 for completion by end 2010; that ingress/egress route to/from the site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation thereof;
- (g) to note the Director of Fire Services’ comments on the requirements of formulating fire service installation proposals as stated in Appendix V of the Paper; and

- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that to remove existing structures that had not been approved under the Buildings Ordinance (BO); formal submission under the BO was required for any proposed new works, including any temporary structures; any temporary buildings were subject to control under Building (Planning) Regulation (B(P)R) Part VII; provision of emergency vehicular access was applicable under B(P)R 41D, and access to site under B(P)R 5 was applicable; and if the site was not abutting 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 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/672 Proposed Temporary Open Storage of Construction Materials
for a Period of 3 Years in "Comprehensive Development Area" zone,
Lot No. 766 in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/672)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the immediate vicinity of the site and along the access road (Ping Ha Road)

and environmental nuisance was expected. The site was not subject to any pollution complaint from January 2007 to January 2010;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell within Category 1 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The 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. Besides, it was considered that approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone on the OZP since there was no known programme/intention to implement the zoned use on the OZP. The development was in line with the TPB PG-No. 13E in that DEP's concerns could be addressed by way of approval conditions, and there was no adverse comment from other concerned Government departments. Regarding DEP's comments, there had not been any environmental complaint against the site over the past 3 years and approval conditions on restrictions of operation hours and workshop activities etc. had been recommended. As the two previous planning permissions were revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance.

116. Members had no question on the application.

Deliberation Session

117. As there was a proposed vehicular access leading to the site from Ping Ha Road,

Mr. Ambrose Cheong suggested adding an advisory clause to remind the applicant to check the land status, the management and maintenance responsibility of the proposed vehicular access.

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.5.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 7:00 p.m. to 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, repairing or any other workshop activity was allowed to be carried out on the site during the planning approval period;
- (d) the stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (e) no ground excavation works, including that for landscape planting and drainage facilities, should be carried out on-site without prior written consent from the Antiquities and Monuments Office of the Leisure and Cultural Services Department during the planning approval period;
- (f) 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 7.8.2010;
- (g) in relation to (f) above, the provision of drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.11.2010;

- (h) the submission of a landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2010;
- (i) in relation to (h) above, the implementation of the 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 7.11.2010;
- (j) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2010;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (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 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.

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

- (a) shorter compliance periods were granted in order to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) the land status of the road/path/track leading to the site should be checked with the Lands Authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the District Lands Officer/Yuen Long that the site was situated on an Old Schedule Agricultural Lot granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office, and was accessible through an informal village track on private land. His office did not provide maintenance works to the track nor 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) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the access road to the site was located near Ping Ha Road which was within the works limit of Contract No. CV/2006/01 'Ping Ha Road Improvement Works (Ha Tsuen Section)', the construction works of which had already commenced in December 2007 for completion in end 2010. The ingress/egress route to/from the site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation thereof;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department to remove any existing structure that had not obtained approval under the Buildings Ordinance (BO). Any temporary

buildings were subject to control under Building (Planning) Regulation Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures;

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the 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; and
- (i) to note the comments of the Director of Leisure and Cultural Services to conduct an Archaeological Impact Assessment (AIA) at the applicant's own expense to assess the archaeological value of the area and implement necessary mitigation measures to the satisfaction of the Executive Secretary of the Antiquities and Monuments Office in the event that ground excavation works at the site were considered necessary. The AIA and necessary mitigation measures should be conducted by a qualified archaeologist with a licence issued under Section 13 of the Antiquities and Monuments Ordinance (Cap. 53).

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/673 Renewal of Planning Approval for Temporary Open Storage of
Construction Materials under Application No. A/YL-HT/484
for a Period of 3 Years in "Comprehensive Development Area" zone,
Lot No. 194 (Part) in D.D. 128, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/673)

Presentation and Question Sessions

120. 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) renewal of planning approval for temporary open storage of construction materials under Application No. A/YL-HT/484 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The sites fell within Category 1 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The applied use was not incompatible with the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which was predominantly occupied by open storage yards. Besides, it was considered that approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone on the plan since there was no known programme/intention to implement the zoned use on the plan. The development was in line with the TPB PG-No. 13E in that there was no adverse comment from other concerned Government departments. Renewal of the application was in line 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

(TPB PG-No. 34A) in that there had been no material change in planning circumstances since the previous approval was granted. However, it was noted that the current occupation area was much larger than the application boundary, and the materials stored were recyclable materials rather than construction materials as applied for. Approval conditions restricting open storage of recyclable materials on-site and requiring the provision of fence had therefore been recommended.

121. Members had no question on the application.

Deliberation Session

122. Mr. Ambrose Cheong suggested adding an advisory clause to remind the applicant to check the land status, the management and maintenance responsibility of the proposed vehicular access leading to the site.

123. In response to a Member's query on the storage materials on the site, Mr. Anthony Lee replied that as revealed from a previous site visit, some plastic materials were found but the site was subsequently cleared. The Chairperson said that the use under application was open storage of construction materials. The Secretary clarified that the use under the last approved application was also for open storage of construction materials but was found being used for open storage of recyclable materials. Mr. Anthony Lee said that the recyclable materials had been cleared.

124. Regarding a Member's query on whether the same planning conditions with respect to fire service installations (FSI) proposal were imposed for all previous applications the Secretary explained that due to increase in fire outbreak in open storage yards, Director of Fire Services (D of FS) had revised the requirement on FSI. The applicant was therefore required to make submission to comply with the new requirements on FSI to the satisfaction of D of FS.

125. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.5.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 11:00 p.m. to 7:00 a.m. 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 heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor, was allowed for the operation of the site during the planning approval period;
- (d) no cutting, cleansing, melting, dismantling or any other workshop activity was allowed to be carried out on the site during the planning approval period;
- (e) the stacking height of materials stored at the site should not exceed 5m;
- (f) no open storage of recyclable materials was allowed on the site, as proposed by the applicant, during the planning approval period;
- (g) the materials stored at the site should only be construction materials dealt with by the applicant's business or the business to which the applicant had a beneficial interest, as proposed by the applicant, during the planning approval period;
- (h) the existing drainage facilities implemented under the previously approved application No. A/YL-HT/484 should be maintained at all times during the planning approval period;
- (i) 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 7.11.2010;

- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.11.2010;
- (k) in relation to (j) above, the implementation of the fire service installations proposals within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.2.2011;
- (l) 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 7.11.2010;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon 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) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) the permission was given to the use/development under application. It did not condone to the open storage of recyclable materials and workshop activity 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) the land status of the road/path/track leading to the site should be checked with the Lands Authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the District Lands Officer/Yuen Long that the site was situated on an Old Schedule Agricultural Lot granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; and apply to his office for Short Term Waiver (STW) to regularize the unauthorized structures (including converted containers) on-site. Should no STW application be received/approved and the irregularities persist on-site, his office would consider taking appropriate lease enforcement action against the registered owner. The site was accessible through an informal village track on Government land/other private land. His office did not provide maintenance works to the track 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 comments of the Chief Highway Engineer/New Territories West, Highways Department that the site was in close proximity to the project limit of the Civil Engineering and Development Department's (CEDD) project – "Hang Hau Tsuen Channel at Lau Fau Shan", and the application might have interface with the said CEDD project;
- (g) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations proposals as stated in Appendix VI of the Paper; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department to remove the existing structures that apparently had not obtained approval under the Buildings Ordinance (BO). Any temporary buildings were subject to control under Building (Planning) Regulation Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/674 Temporary Open Storage of Construction Materials
for a Period of 2 Years in “Open Space” zone,
Lot No. 908 RP in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/674)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials for a period of 2 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site (the nearest being about 70m away) and environmental nuisance was expected. No pollution complaint against the site was received from January 2007 to February 2010;
- (d) no public comment was received during the statutory publication period

and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The sites fell within Category 3 areas under the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E). The applied use was not in line with the planning intention of “Open Space” (“O”). The use under application was not compatible with the surrounding use as there were residential dwellings in the vicinity of the site at Tung Tau Tsuen across Ping Ha Road (about 70m away) and DEP did not support the application as adverse environmental impacts were expected. The application did not meet the TPB Guidelines TPB PG-No. 13E since no previous approval for open storage use was granted for the site, and there was no information in the submission to address the adverse comments from DEP and to demonstrate that the applied use would not have adverse environmental impacts on the surrounding areas. No similar application had been approved in the subject “O” zone. Approval of the application would set an undesirable precedent and encourage other similar applications for similar development within the subject “O” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

128. Members had no question on the application.

Deliberation Session

129. Members then went through the reasons for not supporting the application as stated in paragraph 13.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no

previous approval for open storage use had been granted for the site, there were adverse departmental comments and the development would have adverse environmental impacts on the surrounding areas; and

- (b) approval of the application would set an undesirable precedent for similar open storage uses in the subject “Open Space” zone, the cumulative effect of which would result in a general degradation of the environment of the area.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/170 Proposed House (Low-rise, Low-density Residential) Development, Minor Relaxation of Building Height Restriction and Filling of Ponds in “Residential (Group D)” zone,
Lots 3207 RP, 3209 RP, 3220 RP, 3221 RP, 3224 RP, 3225 S.A RP, 3225 RP, 3225 S.C RP, 3226 S.A RP, 3226 RP, 3228, 3229, 3230 RP, 3250 S.B ss.33 S.B, 3250 S.B ss.21 RP, 3250 S.B ss.40 (Part) and 4658 (Part) in D.D. 104, and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/170)

130. 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. The Committee noted that Dr. Lau had left the meeting.

Presentation and Question Sessions

131. With the aid of a Powerpoint presentation, Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed house (low-rise, low-density residential) development, minor relaxation of building height (BH) restriction and filling of ponds;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the ponds within the site had potential for re-instatement for pond fish farming and should be preserved for fish culture activities. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the eastern boundary wall (8m tall) acting as noise barrier, was severely out of context with the surrounding area and might have adverse visual impact on the surrounding area. The applicant had not demonstrated that the adverse impact created by the boundary wall could be mitigated. Effort should be made to explore measures other than noise barrier walls such as redesign of the layout and reservation of buffer area to mitigate the noise impact. Nevertheless, he had no strong view on imposing an approval condition requiring the applicant to submit the detailed design of noise barrier with intentions to mitigate adverse visual impact and enhance visual amenity in the locality. The Director of Environmental Protection (DEP) advised that the site was subject to traffic noise and industrial noise problems. The applicant had submitted proposals to tackle the Industrial/Residential interface and traffic noise problem so that the traffic noise compliance rate was at 100% and the day-time noise planning criterion of 55 dB(A) would be marginally complied with. Besides, the proposed residential development was a Designated Project (DP) under the Environmental Impact Assessment Ordinance (EIAO) as it fell within Deep Bay Buffer Zone 2. An Environmental Permit was required for construction and operation of the proposed development. On the other hand, there were no complaints received against the industrial uses to the southeast of the site for the period from April 2007 to April 2010;
- (d) the application was published five times and a total of 34 public comments with 33 objecting and one supporting the application, were received within

the statutory publication period. The public comments were summarised below:

- (i) during the first publication period, 13 public comments were received from Fairview Park Property Management Ltd, San Tin Rural Committee (STRC), the village representative (VR) and a group of local villagers of San Wai Tsuen, VR and 2 groups of local villagers of Chuk Yuen Tsuen and 7 individuals. 12 of them objected to the application and only one supported it. A private individual supported the proposed development as it was in line with the planning intention and provided an opportunity to improve the local environment. Fairview Park Property Management Ltd. objected against the application as the increasing traffic flow at the Kam Pok Road/Fairview Park Boulevard junction would further aggravate the traffic burden in the area. STRC and a group of two villagers of San Wai Tsuen objected to the proposed development because of insufficient transport and community facilities as well as flooding risk, ecological degradation and wall effect. Apart from traffic concerns, VR of San Wai Tsuen also opined that the proposed development would have adverse fung shui impact and that it was unfair to have large scale development at the application site but only 700 ft² small house developments allowable for the villagers in the adjacent “V” zone. VR of Chuk Yuen Tsuen had reservation on the application as the proposed development might set a precedent in allowing BH of a maximum of 6.6m. Although two groups of Chuk Yuen Tsuen villagers objected to the application on traffic, construction nuisance, wall effect and flooding grounds, one of them opined that the BH restriction of the nearby lots should also be relaxed to 6.6m. The other four private individuals opposed the application on the grounds of visual destruction, increasing flooding risk, destroying birds’ habitat, overtaxing infrastructural and community facilities and setting an undesirable precedent. They also shared the concern of excessive BH of 6.6m on the application site;

- (ii) during the second publication period, 10 public comments were received from a Yuen Long District Council (YLDC) member, STRC, VR of Chuk Yuen Tseun, VR of San Wai Tsuen and 6 private individuals, all having adverse comments or objection to the application. The YLDC member concerns about the traffic burden brought about to Fairview Park Boulevard by the proposed development. STRC, VRs of Chuk Yuen Tsuen and San Wai Tsuen were worried about the wall effect that might be created by the proposed development which would be situated on a raised platform. 6 private individuals largely repeated the adverse comments/objection grounds. In view of the flooding problem caused by the nearby proposed filling of ponds, two of the six private individuals cast doubts on the validity of the applicant's DIA;
- (iii) during the third publication period, 7 public comments were received from Fairview Park Property Management Limited, Kadoorie Farm & Botanic Garden Corporation (Kadoorie Farm) and World Wide Fund (WWF), VR of Chuk Yuen Tsuen, VR of San Wai Tsuen and two local villagers, all expressing their objection/reservation about the application. Fairview Park Property Management Limited opined that the proposed development would overload the junction at Kam Pok Road and Fairview Park Boulevard, which was a private road. Kadoorie Farm and WWF opined that (i) approving the proposed pond filling would encourage pond filling activities prior to planning applications; (ii) a precautionary approach should be adopted, especially for those developments without wetland compensation and enhancement, and new developments in Deep Bay should be restricted to built up areas; (iii) the approval of relaxation of BH restriction would set an undesirable precedent for other similar developments in Deep Bay; (iv) the subject fish ponds might be one of the breeding ground for egrets; and (v) the submitted ecological assessment lacked scientific support since the submitted ecological surveys omitted the whole dry season. The VRs and two local villagers were concerned about the potential wall effect, traffic, ecological and fung shui impacts

arising from the proposed development;

- (iv) during the fourth publication period, 2 public comments were received from VR of Chuk Yuen Tsuen and the Chairman of Villa Camellia, both of them objecting to the application on the grounds that the proposed development would create wall effect to the village nearby; and
- (v) during the fifth publication period, 2 public comments were received from a YLDC member and an individual objecting to the proposed development on the grounds of adverse impact on the aspects of local traffic, drainage, visual, wetland conservation and provision of local facilities ; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed residential development of plot ratio 0.2 and BH of 2 storeys conformed with the OZP restrictions and was in line with the planning intention of the “Residential (Group D)” zone. The proposed relaxation of the maximum BH restriction from 6m to 6.6m under the current scheme had design merits to help improve the environmental qualities. The proposed BH was not incompatible with the surrounding low-rise developments and would not impose significant visual impact on the area. Though the site was subject to traffic noise from Kam Pok Road to the east and industrial noise from the southeast, as advised by DEP, the applicant's submission of noise impact assessment demonstrated that traffic noise compliance rate could achieve 100% and day-time industrial noise criterion could be marginally complied with. Although CTP/UD&L had reservation on the application in view of the adverse visual and landscape impacts from the proposed 8m tall noise barrier, he had no strong view on imposing approval conditions to require the applicant to submit the detailed design of noise barrier. Regarding DAFC's comments, the site was zoned “Residential (Group D)” and intended for residential development. Regarding the public concern on the adverse traffic impact on the Fairview

Park Boulevard, an advisory clause was suggested to advise the applicant to resolve any issue on using Fairview Park Boulevard for access to Castle Peak Road – Tam Mi with the corresponding land owner(s). Besides, the proposed relaxation of BH to 6.6m would not impose significant wall effect and there were design merits. As the proposed development was a Designated Project under the EIAO, the applicant had to go through the EIAO process and obtain the Environmental Permit. Regarding the concerns on adverse ecological impacts generated from proposed pond filling, DAFC had no strong view on the development from a nature conservation point of view.

132. Noting that the applicant had applied for minor relaxation of BH restriction, a Member asked whether there were sufficient planning and design merits that warranted the approval of the minor relaxation and whether the 8m tall noise barrier was proposed to mitigate the noise impact on the development due to an increase in BH of the houses to 6.6m. Mr. Anthony Lee responded that the effectiveness of the 8m noise barrier was assessed based on a development with BH of 6.6m and the relaxation of BH could improve the environment of the internal space in terms of sunlight penetration and air ventilation. The Secretary advised that in a recent Committee meeting to discuss BH review of the So Kwun Wat OZP, Members had agreed to relax the storey height from 3m to 3.5m for low-rise residential development in view of its minimal visual impact. Another Member asked whether the relaxation of BH to 6.6m would create ‘wall effect’ as mentioned by some commenters. Mr. Anthony Lee responded that a number of Small Houses of 3 storeys and 8.23m in height had been built or approved in the adjacent “V” zone. The relaxation of BH from 6m to 6.6m (2-storey), which was lower than the surrounding Small House developments, would unlikely create ‘wall effect’ on the surrounding.

133. Mr. C. W. Tse asked whether the 8m tall noise barrier was provided to screen off the noise impact created by the adjacent unauthorized open storage use. He said that the noise barrier might not be necessary as the unauthorized use should be cleared. Mr. Anthony Lee replied that there were no environmental complaints received against the open storage use to the southeast of the site in the last 3 years and the applicant had demonstrated that during site inspections, the adjacent open storage yard would stop operation after 7pm. The Chairperson said that while Central Enforcement and Prosecution Section of PlanD would be asked to

consider whether planning enforcement action could be taken for the adjacent unauthorized uses, the noise barrier was required to mitigate the overall noise impact on the proposed residential development.

134. Noting that the subject development was a DP under the EIAO, a Member asked whether the ecological and the noise impacts would be considered under the EIAO. Mr. Anthony Lee replied that EPD would be responsible to process the application submitted under the EIAO. Mr. C. W. Tse said that the Advisory Council on the Environment would consider the environmental impact assessment submitted under EIAO.

Deliberation Session

135. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.5.2014, 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 setting back of the southwestern site boundary to avoid encroachment onto the future 2m-wide footpath at the road junction between Kam Pok Road and Ha San Wai Road;
- (b) no pond/land filling on site should be allowed until the flood mitigation measures had been implemented to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission of a revised Drainage Impact Assessment (DIA) and the implementation of flood mitigation measures and drainage facilities identified in the revised DIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission of detailed design of noise barriers, as proposed by the applicant, with intention to mitigate adverse visual impact and enhance visual amenity in the locality to the satisfaction of Director of Planning or

of the TPB;

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

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to resolve any issue on using Fairview Park Boulevard for access to Castle Peak Road – Tam Mi with the corresponding land owner(s);
- (c) to note District Lands Officer /Yuen Long, Lands Department's comments that the further land exchange application for implementing the proposed residential development in addition to the one mentioned in paragraph 9.1.1(b) of the Paper should be submitted to his Office for consideration. However, there was no guarantee that the land exchange application could be processed or would eventually be approved. Site area and boundary would be verified during processing of the land exchange application;
- (d) to note Chief Highway Engineer/New Territories West, Highways Department's comments that a run-in/out should be constructed in accordance with Highway Standard Drawings No. H1113B and H1114A or H5115 and H5116. The Authorised Person should submit the proposed modification to the roadside slopes and the slope drainage system. Due to the inclusion of the roadside slopes at present Government land into the site, such proposal should be submitted to Drainage Services Department and his Office for comment. The applicant should set back the site boundary

from the road junction of Kam Pok Road and Ha San Wai Road to avoid encroaching on the future 2m-wide footpath at the road junction. All the proposed modification to public road or roadside slopes in association with the current application should be implemented by the applicant at his own cost;

- (e) to note Chief Engineer/Mainland North, Drainage Services Department's comments that the drainage and sewerage details should be submitted to his Division for comment during the detailed design stage and all proposed sewage arrangement had to be agreed and approved by Director of Environmental Protection. Director of Environmental Protection should be consulted on the commissioning date of the proposed sewerage system currently being implemented under PWP Item 235DS;
- (f) to note Director of Environmental Protection's comments that the applicant had confirmed to undertake the followings for implementation of the proposed noise mitigation measures, including that information of all noise mitigation measures in the form of self protecting building design and fixed glazing proposed in the industrial Noise Impact Assessment should be disclosed in the sales brochure; relevant warning clauses restricting unauthorized removal of such noise mitigation feature would be imposed in the Deed of Mutual Covenant; and there would be no phasing for development and the above proposed 8m cantilever barrier would be constructed and ready for protection of occupants before occupation. The applicant should be reminded that the proposed residential development was a Designated Project under the Environmental Impact Assessment Ordinance as it fell within Deep Bay Buffer Zone 2. An Environmental Permit was required for construction and operation of the proposed development;
- (g) to note Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and the provision of EVA should comply with Part VI of Code of Practice for Means of Access for Firefighting and Rescue

issued by Building (Planning) Regulation (B(P)R) 41D;

- (h) to note Chief Building Surveyor/New Territories West, Buildings Department's comments that in view of the size of the site, internal street required under the Buildings Ordinance (BO) s16(1)(p) might have to be deducted from site area for Plot Ratio/Site Coverage calculations under the BO. Also, the internal access road/internal street should comply with B(PS&AR)R. Area of clubhouse was accountable for gross floor area under the BO unless otherwise exempted. The applicant's attention was drawn to provision of EVA under B(P)R 41D. Detailed comments would be provided at building plan submission stage;
- (i) to note Project Manager (New Territories North and West), New Territories North and West Development Office, Civil Engineering and Development Department's comments that the proposed development would affect the landscaping works together with the irrigation system within the project limit under Project PWP Item No. 7100CD along Kam Pok Road. The roadside planting works together with the irrigation system would be handed over to Leisure and Cultural Services Department for maintenance in around June 2010. Therefore, any future modification proposal to the planting works and irrigation system would need to be agreed by Leisure and Cultural Services Department and the relevant government departments;
- (j) to note Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there was an 11kV distribution substation, high voltage (11kV) underground cables and low voltage underground cables within and in the vicinity of the site. Prior to commencement of works, the applicant and his contractors should liaise with CLPP and take appropriate precautionary measures to prevent interference with the substation. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP and, if necessary, ask CLPP to divert the high voltage (11kV) underground cables and low voltage underground cables away from the

vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (k) to note the public comments at Appendices IIIa to VIIb of the Paper and liaise with the relevant parties in resolving the public concerns at detailed design stage.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-NTM/249 Temporary Warehouse and Container Vehicle Park with Ancillary Site Offices for a Period of 3 Years in “Open Storage” zone,
Lots 781(Part), 784(Part), 785-792, 793(Part), 794(Part), 795(Part), 796(Part), 797, 798(Part), 799-811, 812SA-SB, 813(Part), 814(Part), 815(Part), 816(Part), 817(Part), 819(Part), 820, 821, 823, 824(Part), 826RP(Part), 827, 828, 829(Part) in D.D. 102; Lots 295RP, 296, 297RP, 298RP, 299RP, 396RP(Part) in D.D. 105 and
Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/249)

137. The Committee noted that the applicant on 15.4.2010 requested for deferment of the consideration of the application for two months in order to allow more time for preparation of supplementary information to address the environmental and drainage issues.

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

further deferment would be granted unless under very special circumstances.

Agenda Item 30

Section 16 Application

[Open Meeting]

A/YL-NTM/250 Proposed Religious Institution (Christian Seminary Development)
(Amendments to Approved Scheme)
in “Residential (Group C)” zone,
Lots 1117 S.B, 4198 S.A ss.8 RP, 4198 S.A ss.9 RP,
4198 S.A ss.12 RP, and 4198 S.A RP in D.D. 104, Ngau Tam Mei,
Yuen Long
(RNTPC Paper No. A/YL-NTM/250)

139. The Committee noted that the applicant on 30.4.2010 requested for deferment of the consideration of the application for two weeks so as to allow sufficient time to make minor amendments to the proposed scheme in response to the comments of the relevant Government departments.

140. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration at the next meeting on 28.5.2010 upon receipt of further information from the applicant.

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-PH/608

Proposed Temporary Open Storage of Second-Hand Vehicles for Display and Export for a Period of 2 Years in “Agriculture” and “Open Storage” zones, Lot 1845 (Part) in D.D. 111 and Lots 9 (Part), 10 RP (Part), 12 (Part), 13 RP (Part), 14, 32 (Part), 33 (Part), 35 s.A and 35 s.B in D.D. 114 and Adjoining Government Land, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/608)

141. The Committee noted that the applicant on 27.4.2010 requested for deferment of the consideration of the application for two months in order to allow more time to prepare supplementary information to respond to the departmental comments in relation to the application.

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

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/254 Temporary Warehouse for Storage of Construction Materials and Household Goods for a Period of 3 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 1872 (Part), 1873, 1874, 1875 S.A (Part) and 1875 RP (Part)
in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/254)

Presentation and Question Sessions

143. 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 warehouse for storage of construction materials and household goods for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential dwellings in the vicinity of the site and along the access road, the nearest one was about 5m to the east of the site. As heavy vehicular traffic was anticipated, the proposed use might cause environmental nuisance to the sensitive receivers in the vicinity. However, he did not receive any complaints in the past 3 years. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application. The site was not the subject of any previous applications and approval of the current application would set an undesirable precedent to other similar applications in the area leading to further proliferation of undesirable use and a general degradation of the landscape quality in the area. An extensive warehouse structure had been built on a platform which was raised much higher than the existing road level on one side due to the

sloping nature of the site. The building structure was considered extensive in the existing rural setting and the proposed bamboo planting suggested by the applicant might hardly provide any effective screening of the building;

- (d) during the statutory publication period, three public comments submitted by the residents of Pak Sha Tsuen had been received. The commenters objected to the application in that the applied use was incompatible with the rural environment in the vicinity. The only access leading to the site was a dual single-lane carriageway which was fully parked with abandoned vehicles. Since construction materials were mostly delivered by large goods vehicles, the safety of villagers would be endangered. If the application was approved, inconvenience would be caused to the residents living in the vicinity of the site; and

- (e) the Planning Department (PlanD)'s views –PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) which was intended primarily for the preservation of the character of the rural area. Approval of the application would frustrate the planning intention and no strong planning justifications had been given in the submission for a departure from the planning intention, even on a temporary basis. The development was considered not compatible with the surrounding rural setting with fallow/cultivated agricultural land, orchard and scattered residential dwellings. The applied use was not in line with the Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone’ (TPB PG-No. 38) in that DEP did not support the application as there were residential dwellings in the vicinity of the site and along the access road, the nearest one was about 5m to the east of the site. The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas. There was no previous approval granted for the applied use on the site and no similar application for temporary warehouse/storage use had been approved in the subject

“OU(RU)” zone. Approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

144. Members had no question on the application.

Deliberation Session

145. A Member asked whether the subject warehouse had already existed on the application site and whether it was the subject of any previous planning application. Mr. Kepler Yuen responded that the storage use currently found on the site was not covered by any previous planning permission and was subject to planning enforcement action. Enforcement Notice was issued to the landowners on 19.8.2009 with a 3-month compliance period which had expired on 19.11.2009. As the unauthorized development had not been discontinued, prosecution action was currently under consideration.

146. Members then went through the reasons for not supporting the application as stated in paragraph 13.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was intended primarily for the preservation of the character of the rural area. No strong planning justifications had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applied use was not in line with the Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone’ (TPB PG-No. 38). The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and

- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/472 Temporary Open Storage of Used Electronic Parts with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 771 (Part), 772 (Part), 773 (Part) and 775 (Part) in D.D. 117 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-TYST/472)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of used electronic parts with ancillary workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as the applied use was considered environmentally undesirable. Storage of electronic parts or e-waste, if handled improperly, might cause soil and groundwater contamination to the site and the vicinity. Run-off from the site which contained contaminated materials might impact the water quality of the receiving water bodies. Furthermore, the applied use involving workshop activities would more likely for the contaminating materials be exposed to the environment;

- (d) during the statutory period, one public comment was received. The commenter indicated that the villagers of his village objected to the application as the storage of used electronic parts with ancillary workshop would pollute the living environment of the nearby residents and cause emission of poisonous gas; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The development, which was for open storage of used electronic parts with ancillary workshop activities, did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that DEP did not support the application for environmental pollution reasons and there was a local objection to the application on environmental grounds. As advised by DEP, storage of electronic parts or e-waste, if handled improperly, could cause soil and groundwater contamination to the site and the vicinity and, as the applied use involved workshop activities, exposure of the contaminating materials to the environment would be more likely. The applicant had not proposed any mitigation measures to address the possible land and water contamination. There was hence insufficient information in the submission to demonstrate that the development would not generate adverse environmental impact on the surrounding areas. The development was therefore considered not compatible with the residential uses in the vicinity. Although there were similar applications i.e. Applications No. A/YL-TYST/430 and 443 approved in the immediate vicinity of the site, these two applications were for storage of metal parts, building materials and miscellaneous goods respectively. An application (No. A/YL-TYST/387) for temporary open storage of used computers and accessories, which was in similar nature to the current application, was rejected by the Committee on 9.5.2008 on the consideration that the storage of old computer parts, which might contain chemicals, could pollute the land and nearby stream-course if not properly handled but there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental impact on the

surrounding areas.

148. Members had no question on the application.

Deliberation Session

149. A Member said that planning permission should not be granted as the applied use, involving electronic parts stored on site would contaminate the soil and water bodies, and was environmentally undesirable. Other Members agreed.

150. Members then went through the reasons for not supporting the application as stated in paragraph 13.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were:

- (a) the application did not comply with the Town Planning Board PG-No. 13E in that there were adverse departmental comment on and local objection to it, and no relevant technical assessment had been included in the submission to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and
- (b) the development, involving open storage of used electronic parts and workshop activities, was not compatible with the residential structures located in the vicinity.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/473 Proposed Temporary Retail Shop for Selling Stationery and Paper Products for a Period of 3 Years
in “Residential (Group B) 1” zone,
Lots 1147 S.B (Part) and 1149 S.C (Part) in D.D. 121 and
Adjoining Government Land, Tong Yan San Tsuen Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/473)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary retail shop for selling stationery and paper products for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the publication period, two public comments were received. The commenters queried the need of the proposed temporary retail shop for selling stationery and paper products in the local residential area. They pointed out that the site was currently used as a warehouse rather than a retail shop. One of the commenters indicated that the site involved the use of many heavy goods vehicles and the vehicles were often parked on-street outside the site, blocking the road traffic and endangering the road users. Moreover, the proposed retail shop would attract customers from outside Tong Yan San Tsuen area and increase the local demand for minibus service; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The proposed temporary retail shop for selling stationery and paper products would be accommodated within an existing 1-storey structure of about 5m in height and 376 m² in floor area on the site. The use was not incompatible with the surrounding environment which was mixed with residential structures, warehouses and open storage yards. As there was no current proposal for residential development on the site, the temporary use would not jeopardize the long-term planning intention of the “Residential (Group B)1” zone and

could be tolerated for the interim period. It was anticipated that the proposed retail shop would not generate adverse environmental impact on the surrounding areas. Regarding the public comments on the use of the site and traffic problem, as this application was applying for temporary retail shop use and the relevant departments including Transport Department consulted generally had no adverse comment on the application, the applied use might be tolerated on a temporary basis. As the site was currently used as a warehouse for storage of stationery rather than the retail shop as applied for, an advisory clause was suggested reminding the applicants that the planning permission given did not condone the warehouse which currently existed on site but not covered by the application.

152. Members had no question on the application.

Deliberation Session

153. A Member noted that there were public comments on the use of the site for retail shop and asked whether enforcement action would be taken against the use not covered by any planning permission and the party responsible for the enforcement action. Mr. Kelper Yuen replied that the site was subject to planning enforcement action concerning unauthorized storage use and an Enforcement Notice was issued on 12.3.2010. Should the application be approved but the site was used for warehouse purpose instead of retail as applied for, the warehouse use would be subject to planning enforcement action. The Secretary said that an advisory clause was proposed to remind the applicant to discontinue the warehouse use. The Chairperson said that it was the responsibility of the Central Enforcement and Prosecution Section of Planning Department to carry out planning enforcement action. Another Member said that as the application site was located close to some residential developments, the approval period for the subject application should be shortened to allow close monitoring on the use of the site. Another Member agreed to grant a shorter approval period.

154. The Chairperson concluded that the approval period would be shortened to one year to allow close monitoring on the use of the site and the compliance period of the approval conditions would have to be shortened accordingly.

155. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 7.5.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicants, was allowed on the application site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance and container tractors/trailers were allowed for the operation of the application site at any time during the planning approval period;
- (c) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.8.2010;
- (d) in relation to (c) above, the provision of run-in/out within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.11.2010;
- (e) the implementation of the accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2010;
- (f) 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 7.8.2010;
- (g) in relation to (f) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.11.2010;

- (h) 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 7.8.2010;
- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2010;
- (j) 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;
- (k) if any of the above planning conditions (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.

156. The Committee also agreed to advise the applicants of the following :

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

comments that his office reserved the right to take land control action against the occupation of Government land within the application site. Should the application be approved, the occupier of the Government land should be reminded to apply to his office for Short Term Tenancy (STT) to regularize the irregularities on the site, and his office would also resume the processing of the Short Term Waiver (STW) applications at Lots 1147 S.B and 1149 S.C in D.D. 121 for regularization of unauthorized structures on the lots. However, should no STT/STW application be received/approved and the irregularities persist on-site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owners. It should also be noted that access to the site opens onto Tong Yan San Tsuen Road via a short stretch of Government land. His office did not provide maintenance works for this Government land nor guarantee right-of-way. This access also abut on the boundary of an active project, namely “Replacement and Rehabilitation of Water Mains Stage 2 – Mains in New Territories West – Investigation, Design and Construction”, under GLA-TYL 812. According to his recent site inspection, the site was found being used as warehouse and the boundary was somewhat different from that of the planning application. The applicants were suggested to clarify the discrepancy;

- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status of the road/path/track leading to the site should be checked with the Lands Authority, 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 Tong Yan San Tsuen Road should be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5134 and H5135, whichever set was appropriate, to match with the existing pavement condition. Adequate drainage measures should be provided at

the access points and along the site boundary to prevent surface runoff flowing from the site to nearby public footpath, road and road drainage. The applicants should be responsible for their own access arrangement;

- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structure, fire service installations (FSIs) were anticipated to be required. Therefore, the applicants were advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structure, the applicants were advised to make reference to the requirements in Appendix III of the Paper; and
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. The applicants should also note the requirements on provision of emergency vehicular access to all buildings under B(P)R 41D.

[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 35

Any Other Business

157. There being no other business, the meeting was closed at 6:35 p.m..