

TOWN PLANNING BOARD

Minutes of 419th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 11.6.2010

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

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Dr. W.K. Lo

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Chief Traffic Engineer/New Territories East (Atg),
Transport Department
Mr. K.L. Ma

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

Dr. James C. W. Lau

Professor Edwin H.W. Chan

Dr. C.P. Lau

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Mr. Wallace W.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 418th RNTPC Meeting held on 28.5.2010

[Open Meeting]

1. The draft minutes of the 418th RNTPC meeting held on 28.5.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Approval of Outline Zoning Plans

2. The Secretary reported that on 1.6.2010, the Chief Executive in Council (CE in C) approved three draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). They were the Tung Chung Town Centre OZP (to be renumbered as S/I-TCTC/18), Lung Yeuk Tau & Kwan Tei South OZP (to be renumbered as S/NE-LYT/14) and Ma On Shan OZP (to be renumbered as S/MOS/16). The approval of these OZPs was notified in the Gazette on 11.6.2010.

(b) Reference Back of Approved Outline Zoning Plan

3. The Secretary reported that on 1.6.2010, the CE in C referred the approved Ping Shan OZP No. S/YL-PS/11 to the Town Planning Board (TPB) for amendment under section 12(1)(b)(ii) of the Ordinance. The reference back of the OZP was notified in the Gazette on 11.6.2010.

(c) New Town Planning Appeal Received

Town Planning Appeal No. 10 of 2010
Petrol Filling Station in “Village Type Development” zone,
Lots 2095 S.B RP, 2096 S.B RP and 2097 S.B RP in D.D. 111,
Kam Tin Road, Wang Toi Shan, Pat Heung, Yuen Long

(Application No. A/YL-PH/579)

4. The Secretary reported that an appeal dated 1.6.2010 against the decision of the TPB to reject on review an application (No. A/YL-PH/579) for a petrol filling station at a site zoned "Village Type Development" on the approved Pat Heung OZP No. S/YL-PH/11 on 26.3.2010 was received by the Appeal Board Panel (Town Planning) (ABP). The application was rejected by the TPB for the reason that the petrol filling station use was incompatible with the newly occupied village houses next to the application site and would be incompatible with the neighbouring village houses to be built in the vicinity. The hearing date of the appeal was yet to be fixed and the Secretary would act on behalf of the TPB in dealing with the appeal in the usual manner

(d) Appeal Statistics

5. The Secretary reported that as at 11.6.2010, a total of 28 cases were yet to be heard by the ABP. Details of the appeal statistics were as follows :

Allowed	:	24
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	137
Yet to be Heard	:	28
Decision Outstanding	:	3
Total	:	303

[Mr. Simon K.M. 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-KTN/2 Application for Amendment to the Approved Kwu Tung North
Outline Zoning Plan No. S/NE-KTN/8 from “Open Storage” to
“Residential (Group B)”, Lots No. 9 (Part), 10 S.A (Part)
and 12 in D.D. 95, Ho Sheung Heung, Sheung Shui
(RNTPC Paper No. Y/NE-KTN/2A)

6. The Secretary reported that Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with Hyder Consulting Ltd., who was one of the consultants for the application. The Committee noted that Dr. Lau had tendered apologies for not attending the meeting.

Presentation and Question Sessions

7. Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), of the Planning Department (PlanD), and the following applicant’s representatives were invited to the meeting at this point :

Ms. Betty Ho
Mr. Bonnio Wong
Mr. Roger Leung
Mr. Cheng Pui Kan
Mr. Nelson Tang

8. The Chairperson extended a welcome and explained the procedures of the hearing. She then invited Mr. W.K. Hui, DPO/STN, to brief Members on the background of the application. Mr. W.K. Hui did so as detailed in the Paper and made the following main points :

The Application

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

- (a) the applicant proposed to rezone the application site, with an area of about 13,200m², from “Open Storage” (“OS”) to “Residential (Group B)” (“R(B)”) on the approved Kwu Tung North OZP No. S/NE-KTN/8 to facilitate the development of 4 residential blocks with a proposed domestic plot ratio (PR) of 2.5 and site coverage (SC) of 20% respectively;
- (b) the application site was currently used for open storage of construction machinery and materials, and the surrounding land uses were mainly open storage yards and vehicle parks;
- (c) the application site was the subject of a previous rezoning application (No. Z/NE-KTN/3), submitted by another applicant, for rezoning the site from “OS” to “Comprehensive Development Area” (“CDA”) with a domestic PR of 5. The application was rejected by the RNTPC of the TPB on 31.3.2000 for reasons that Kwu Tung North had been identified as one of the Strategic Growth Areas (SGAs) to accommodate additional population and the proposed “CDA” zone was not in line with the planning intention of “District Open Space”, “Government, Institution or Community” (“GIC”) and “Road” as recommended under the Planning and Development Study on North East New Territories; the proposed development would have adverse impact on the provision of the planned GIC facilities within the SGA; there was no information in the submission to demonstrate that the proposed residential development would not have adverse impacts; and the approval of the rezoning request would set an undesirable precedent for other similar requests in the area;

Departmental Comments

- (d) the departmental comments were summarized as follows :
 - the Commissioner for Transport (C for T) did not support the application

at this stage as the applicant had failed to demonstrate that the proposal could meet the prevailing traffic engineering and highway standards in the junction improvement proposal and the pedestrian routes and public transport services were not satisfactorily addressed for the proposed development;

- the Director of Environmental Protection (DEP) had reservation on the application as the submitted Environmental Assessment was deficient and failed to demonstrate the environmental acceptability of the proposed rezoning. In particular, the applicant proposed to install a new sewerage system from the application site to the existing trunk sewer but there was insufficient capacity to cater for the additional sewage flow at the Shek Wu Hui Sewage Treatment Works. The proposed development would likely require on-site sewage treatment facility. As the proposed development was located within the sensitive Deep Bay Catchment, the residual pollution loads from the on-site sewage treatment facility would have to be off-set to achieve the no net increase in pollution loads requirement for the Deep Bay Catchment. Detailed information should be provided in that respect. He further commented that while the overall land use planning in the area was being reviewed under the North East New Territories NDAs Planning and Engineering Study (NENT NDAs Study), any decision on the subject rezoning request might impose constraints and pre-empt the findings and recommendations of the Study;
- the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) objected to the application because it was not clear whether the proposed drainage pipe or mitigation measures would be adequate to mitigate the adverse drainage impacts and the applicant should provide more details to substantiate the drainage mitigation measures;
- the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) objected to the application and commented that according to the extant Kwu Tung North OZP, the area where the application site fell within was mainly designated for open storage use.

The proposed residential development, including the landscape character, was considered incompatible with the adjacent open storage use in the area. The development intensity and building height as proposed in the development scheme were on the high side and were considered out of the context as the site was located at the rural fringe; and

- the Chief Town Planner/Studies and Research, PlanD (CTP/SR, PlanD) commented that the application site fell within the Kwu Tung North NDA which was an area intended partly for “Road”, “Residential Zone 3”, “Open Space” and “Amenity” uses on the Kwu Tung Preliminary Outline Development Plan (PODP) of the NENT NDAs Study. Stage Two Public Engagement of the NENT NDAs Study was completed and the Study was anticipated to be completed in 2011. In view of the above, she considered that the proposed rezoning should be considered in accordance with the provisions of the extant OZP and the existing infrastructure capacities;

Public Comments

- (e) during the statutory publication period, which ended on 28.12.2009, two public comments were received. One comment from a North District Council (NDC) Member objected to the application mainly from land use compatibility and urban design perspectives, and considered that the proposed residential development might have adverse traffic and drainage impacts to the surrounding area. Another public comment from a nearby Fung Kong villager also objected to the application on the grounds that the proposed development might affect the living environment and block the vehicular access to his village. The District Office (North) advised that while the residents’ representative of Kwu Tung (South) had no comment on the application, the Chairman of Sheung Shui District Rural Committee and the concerned NDC Member objected to the application on the grounds of adverse traffic impact, noise and air pollution, visual impact on the ridgeline and incompatibility with the overall planning of the area; and

The Planning Department (PlanD)’s Views

- (f) PlanD did not support the application based on the assessment made in

paragraph 11 and having taken into account the public comments received. PlanD's assessments were summarized below :

- (i) the application site, zoned "OS" on the extant OZP and surrounded by open storage yards and vehicle parks in its vicinity, was not conducive for residential development and the proposed residential use was not compatible with the surrounding land uses. Moreover, the proposed residential development, with a PR of 2.5 and building height of 18 and 26 storeys, was out of context with the surroundings as the site was located at the rural fringe;
- (ii) the applicant had failed to demonstrate that the proposed rezoning would not have adverse traffic, environmental, drainage, sewerage and landscape impacts on the surrounding area. Concerned Government departments consulted, including C for T, CE/MN of DSD, DEP and CTP/UD&L of PlanD, considered the submitted technical assessments unsatisfactory and had reservations on the application; and
- (iii) the application site fell within the future Kwu Tung North NDA. As pointed out by CTP/SR of PlanD, the site was proposed to be rezoned mainly for road use and partly for "Residential Zone 3", "Open Space" and "Amenity" uses according to the PODP of the NENT NDAs Study. The applicant's rezoning proposal was considered not in line with the proposed uses as indicated in the PODP. Approval of the application at this stage would pre-empt the results of the Study which was intended for completion in 2011.

9. The Chairperson then invited the applicant's representative to give a presentation of the rezoning proposal. Ms. Betty Ho presented the following main points of the proposed amendment with the aid of a PowerPoint presentation :

- (a) the applicant admitted that the existing land uses in the vicinity of the application site might not be compatible with the proposed residential development. However, the applicant considered that the proposed

development was in line with the long-term planning intention of the Kwu Tung North NDA;

- (b) by shifting the section of the proposed road near Ho Sheung Heung Road westwards to the foothill of Fung Kong Shan as indicated in the PODP, the application site could become one coherent piece of Residential Zone 3 area. The above would result in an improvement to the layout of the PODP with a rationalized road layout and a coherent residential neighbourhood;
- (c) the medium-density residential development proposal, with a PR of 2.5 and a SC of 20%, would be able to allow more space for landscaping. It had been carefully designed to mitigate the possible noise impacts, be compatible with the surrounding environment and incorporate air ventilation and view corridors;

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

- (d) the development proposal, if accepted, would result in planning gains to achieve an optimum utilization of the land resources, a reduction in air pollution and an improvement to the transport network for the area;
- (e) the proposed building height of the residential blocks was compatible with the urban design concept of the residential sites proposed under the PODP;
- (f) the application site was under single ownership. The proposed development intensity had been reduced, as compared to the previous application (No. Z/NE-KTN/3), in response to Government's future planning for the Kwu Tung North NDA; and
- (g) the proposed residential development, which was considered as a kind of 'private sector participation' as advocated by the Government under the NENT NDAs Study, could contribute to the smooth implementation of the NDA development to meet the long-term housing needs and the provision

of a quality living environment.

10. In response to a Member's enquiries on the applicant's proposal and the proposal under the NENT NDAs Study, Mr. W.K. Hui said that according to the PODP, the sites designated for "Residential Zone 3" use was subject to a PR of 1 while that for "Residential Zone 1c" and "Residential Zone 2" uses were subject to a PR of 5 and 3 respectively. He had doubt if the applicant's proposed change in the road alignment as well as the impact on the overall land use proposal for the Kwu Tung North NDA was acceptable in the context of the NENT NDAs Study and that the rezoning application should be considered in accordance with the extant OZP and the existing infrastructure capacities. With respect to the timeframe of the NENT NDAs Study, Mr. Hui said that it was planned for completion in 2011 for implementation in 2017/18.

11. The Chairperson remarked that the Stage Two Public Engagement of the NENT NDAs Study had been completed. The comments/views received during the public engagement were currently being examined by the study team, and the PODP might have to be revised afterwards before proceeding to the preparation of the Recommended Outline Development Plan (RODP). OZPs would then be prepared on the basis of the study findings and the RODP. The draft OZPs would be submitted to the TPB for agreement before they could be exhibited for public inspection in accordance with the provisions of the Town Planning Ordinance.

12. Upon the Chairperson's enquiry, Ms. Betty Ho said that the applicant had submitted his views on the Kwu Tung North PODP to the consultant during the Stage Two Public Engagement exercise.

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

Deliberation Session

14. Noting that the development of NDAs was amongst the ten major infrastructure projects announced by the Government and the NENT NDAs Study had come to the final stage for completion in 2011, a Member asked how the Committee should consider an application for amendment to the OZP to avoid pre-empting the future planning of the area.

15. The Chairperson said that the future land uses of the Kwu Tung North NDA were still subject to an on-going study. She considered that it would be piecemeal for the TPB to consider the zoning of the application site on an ad-hoc basis. It would be more appropriate for the Committee to wait until the completion of the NENT NDAs Study so that the proposal could be considered in a more comprehensive manner in the context of the overall land use planning and transport network of the Kwu Tung North NDA. The Chairperson said that there were channels for the public, including individual landowners, to convey their views or comments on the PODP for the NDA for consideration of the Government.

16. The Secretary said that it would be inappropriate to withhold the consideration of rezoning applications because of on-going planning studies. The Committee should consider rezoning applications based on the extant OZP instead of the preliminary findings of on-going planning studies as the land use proposals under the studies were subject to change. In the current application, the Kwu Tung North NDA proposal was not yet finalized and hence the applicant's proposal which was justified based on the preliminary land use proposals of the NENT NDAs Study should be carefully considered by Committee. This was in line with the existing practice of the TPB.

17. Two Members opined that the application should not be supported having considered the land use zoning of the extant OZP. They also agreed with the analysis in the RNTPC Paper. The Chairperson noted that the applicant had submitted his views on the NENT NDAs Study to the study consultants and concluded that Members generally agreed that the application should not be agreed.

18. 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 expressed at the meeting. After further deliberation, the

Committee decided not to agree to the application for the following reasons :

- (a) the application site was not suitable for residential use and the proposed residential development was not compatible with the surrounding land uses which comprised mainly open storage yards and vehicle parks;
- (b) the development intensity of the proposed residential development was considered out of context in the rural fringe context;
- (c) the applicant had failed to demonstrate that the proposed residential development would not have adverse traffic, drainage, environmental, sewerage and landscape impacts to the surrounding area; and
- (d) a land use review was being undertaken for the Kwu Tung North area under the ongoing North East New Territories New Development Areas Planning and Engineering Study. Consideration of the application at this stage was considered premature as it might jeopardize the overall land use planning for the area.

Sai Kung and Islands District

[Mr. Charles C.F. Yum, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/181 Temporary Film Studio for a Period of Five Years
in “Recreation” and “Green Belt” zones,
Lots 287 (Part), 288 (Part), 289S.A, 289RP, 295 and 299 in D.D. 247,
Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/181)

Presentation and Question Sessions

19. With the aid of a PowerPoint presentation, 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 temporary film studio for a period of five years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) eight public comments were received during the statutory publication period. Two of the comments, submitted by the Sai Kung District Council (SKDC) Members, supported the application while one comment, submitted by another SKDC Member, relayed the villagers' concerns on traffic and noise nuisance problems. The other five comments were from Designing Hong Kong Ltd, a local villager and three members of the public objecting to the application on the grounds that the current use was in conflict with "Recreation" ("REC") zone and the surrounding natural environment, and the area lacked a sustainable layout. The local villager further commented that the site was being used as a BBQ site instead of a film studio, and there were traffic and noise nuisance problems; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary film studio could be tolerated for a period of 3 years, instead of 5 years sought, based on the assessment made in paragraph 10 and having taken into account the public comments received. The Shing Fung Studio in Sai Kung was an important sound stage for shooting films and commercials, which provided an alternative for film/commercial making at a competitive rate other than the Shaw Studios in Tseung Kwan O. The operation of the film studio at the site was covered by 4 temporary planning permissions previously granted by the Committee or the TPB in 1995, 2000, 2005 and 2007 respectively. In considering the last planning application

(No. A/SK-HC/133) upon review, the TPB was aware of the concerns on the possible traffic impact on Ho Chung Road and the environmental nuisance to the surrounding residents and had imposed approval conditions, amongst others, not allowing medium/heavy goods vehicles and restricting outdoor shooting, prohibiting use of pyrotechnic materials. The approval conditions of that planning permission had been complied with and accepted by concerned departments. Compared to the last planning approval (No. A/SK-HC/133), the current application mainly involved an increase in site area by 340m² and GFA by 912m², mainly to meet the operational needs of the film studio. Relevant Government departments consulted had no objection to or adverse comments on the temporary film studio. To ensure the operation of the film studio under proper planning control without frustrating the long-term planning intention, it was recommended to grant permission for a period of 3 years, instead of 5 years sought. Appropriate approval conditions were also recommended to control the operations of the film studio with a view to avoiding any traffic and noise nuisance, and pollution risk to the surrounding area. Regarding the public comments expressing concerns on traffic and noise nuisance problems, the Commissioner for Transport had raised no objection to the application whilst the Director of Environmental Protection and Commissioner of Police had confirmed that no noise complaints regarding the film studio use and raised no adverse comments on the application. As to the public concern about the impact on natural environment, both the Director of Agriculture, Fisheries and Conservation and Chief Town Planner/Urban Design and Landscape of PlanD had no objection to the application from the conservation and landscaping points of view. It should also be noted that the BBQ site as raised by one of the commenters was outside the Site.

20. A Member referred to one of the public comments received and asked whether the application site was used for BBQ. In response, Mr. Charles C.F. Yum said that the Central Enforcement and Prosecution (CEP) Section of PlanD had conducted a site inspection and there was no evidence that the application site was used for BBQ purpose. By referring to Plan A-2 of the Paper, Mr. Yum pointed out that the BBQ site was located to

the north-eastern side of the application site. He said that the BBQ site was situated outside the application site and the two sites shared the same vehicular access from Ho Chung Road.

21. In response to another Member's question, Mr. Charles C.F. Yum confirmed that should the application site be found to be used for activities not covered by the planning permission, the CEP Section of PlanD would take appropriate enforcement action.

22. The Secretary explained that the site was the subject of five previous planning applications submitted by the same applicant for the same use (Nos. A/SK-HC/18, 28, 84, 121 and 133). In considering the last application (No. A/SK-HC/133) in 2007, there were public comments from local villagers nearby complaining about the environmental nuisance created at the application site. The applicant had at the review hearing clarified that the application site was not used for BBQ and the noise was mainly created by outdoor film shooting activities during night time. Hence the TPB decided to impose a number of approval conditions including no outdoor activity between 11:00p.m. and 7:00a.m., no use of pyrotechnic materials, not allowing medium / heavy goods vehicles, and submission and implementation of landscape and tree preservation proposals. All the approval conditions had been complied with and accepted by concerned departments. Mr. Yum confirmed that no complaint had been received during the last planning approval period.

Deliberation Session

23. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, instead of 5 years sought, until 11.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no outdoor shooting and related activities from 11:00 p.m. to 7:00 a.m. were allowed within the development during the approval period;
- (b) no use of pyrotechnic materials was allowed within the development at any time during the approval period;
- (c) no medium or heavy goods vehicles were allowed to enter the film studio

via Ho Chung Road at any time during the approval period;

- (d) maintained all existing and newly planted vegetation at any time during the planning approval period;
- (e) the provision of parking spaces within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 11.3.2011;
- (f) the submission of water supplies for fire fighting and 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 11.12.2010;
- (g) in relation to (f) above, the implementation of water supplies for fire fighting and fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.3.2011;
- (h) the submission of landscaping and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.12.2010;
- (i) in relation to (h) above, the implementation of landscaping and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.3.2011;
- (j) the submission of detailed proposals to ensure no pollution would occur to the water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 11.12.2010;
- (k) in relation to (j) above, the implementation of detailed proposals to ensure no pollution would occur to the water gathering grounds within 9 months

from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 11.3.2011;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) a temporary approval of 3 years was given in order to allow the Committee to monitor the compliance of the approval conditions and to ensure the long-term planning intention of the Site would not be jeopardised;
- (c) to apply to the District Lands Officer/Sai Kung, Lands Department for short term waiver and short term tenancy;
- (d) to resolve any land issue relating to the development with the concerned owners of the Site;
- (e) to note the following comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department :
 - (i) removal of all unauthorized building works/structures. In particular, there were unauthorized building works on site (three single storey structures) subject to Buildings Ordinance (BO) section 24 order no. C/AT/0040/96/NT. The applicant should be advised

to comply with the said order as soon as possible. Prosecution action against the owner was being considered;

- (ii) all building works were subject to compliance with the BO;
 - (iii) authorized person had to be appointed to coordinate all building works; and
 - (iv) the granting of the planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works;
- (f) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by the Buildings Department; and
- (g) to note the comments of the Director of Leisure and Cultural Services that the Ho Chung Archaeological Site was located in the vicinity of the Site. Pursuant to the Antiquities and Monuments Ordinance (Cap. 53), the applicant was required to report to the Antiquities and Monuments Office in case of discovery of antiquity or supposed antiquity in the course of excavation work. Also reasonable measures should be taken to protect the antiquity and supposed antiquity.

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/166 Proposed 5 Houses
(New Territories Exempted Houses – Small Houses)
in “Village Type Development” and “Green Belt” zones,
Lots 1090 sA (part), 1090 sB (part), 1090 sC (part), 1090 sD (part),
1090 sE, 1090 sF and 1090 RP (part) in D.D. 217 and
adjoining Government land, Kau Sai San Tsuen, Sai Kung
(RNTPC Paper No. A/SK-PK/166)

25. Mr. Stephen M.W. Yip declared an interest in this item as he was a consultant to the Executive Committee of the Sai Kung Rural Committee (SKRC), which had submitted a public comment on the application during the statutory publication period. Mr. Yip left the meeting temporarily at this point.

Presentation and Question Sessions

26. With the aid of a PowerPoint presentation, 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 5 houses (New Territories Exempted Houses – Small Houses);

[Mr. Walter K.L. Chan returned to join the meeting and Mr. B.W. Chan left the meeting temporarily at this point.]

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) objected to the application as there was insufficient information to demonstrate that the proposed development had little adverse impact on the existing “Green Belt” (“GB”) zone and

possible impacts on the mature woodland in the “Conservation Area” (“CA”) zone. The applicants also failed to demonstrate how the proposed small shrubs and climber planting could mitigate the adverse impacts of the site formation and the 4.5m high barrier of the development within the “GB” zone. In view of the site constraints, he did not see how the applicants could mitigate the landscape impact and provide a satisfactory landscape proposal in future even if relevant landscape clauses were imposed as approval conditions for the application;

- (d) five public comments were received during the statutory publication period. Three out of the five public comments, from two Sai Kung District Council (SKDC) Members and the Chairman of the SKRC, supported the application. The other two public comments objected to the application. While one commenter raised concern about illegal parking of cars in the area and considered that a maximum of two houses should be permitted, the other public comment, submitted by World Wide Fund for Nature Hong Kong, objected to the application on the grounds that the proposed development was not in line with the planning intention of the “GB” zone and the TPB Guidelines and that the proposed development might lead to substantial clearance of nearby vegetation; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 13 and taken into account the public comments received. The proposed development was not in line with the planning intention of the “GB” zone which was to define limits of urban development areas by natural features. The proposed development did not comply with the TPB Guidelines No. 10 for ‘Application for Development within “GB” Zone’ (TPB-PG No. 10) in that it would involve clearance of natural vegetation and affect the existing natural slope. Although there was a shortage of land within the “Village Type Development” zone in meeting the forecast demand for Small House development, the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ in that it would cause

adverse landscape impact on the surrounding woodland area. The site formation works of the proposed development would incur the creation of the 2-tier elevated platform in a steep slope which would cause damage to the nearby woodland. Head of the Geotechnical Engineering Office of the Civil Engineering and Development Department considered that a new Natural Terrain Hazard Study was required to address the geotechnical issues. CTP/UD&L of PlanD objected to the application and commented that approval of the application would set an undesirable precedent for similar applications within “GB” zone on the OZP. As to the public concern about possible illegal car parking in the area, the Commissioner for Transport had no comment on the parking requirement.

27. Members had no question on the application.

Deliberation Session

28. Members then went through the reasons for rejection as stated in paragraph 14.1 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 to define limits of urban development areas by natural features. There was no strong planning justification in the submission to merit a departure from the planning intention;
- (b) the proposed development was not in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” Zone’ in that it would involve clearance of natural vegetation and affect the existing natural slope. The application also did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’. The submission failed to demonstrate that the proposed development would not have adverse landscape impact on the surrounding area; and

- (c) approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such applications would result in the encroachment on the “GB” zone by development and cause adverse landscape impact in the area.

[The Chairperson thanked Mr. Charles C.F. Yum, STP/SKIs, for his attendance to answer Members’ enquires. Mr. Yum left the meeting at this point. Professor Paul K.S. Lam left the meeting temporarily at this point.]

Sha Tin, Tai Po and North District

Agenda Item 6

Section 12A Application

[Open Meeting]

Y/NE-TKL/3

Application for Amendment to the Approved Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/14 from “Agriculture” to “Comprehensive Development Area”, Lots 2034, 2052 S.A (Part), 2052 S.B, 2053 (Part), 2054 (Part), 2055 (Part), 2056, 2057, 2059 RP, 2060 RP, 2062, 2063 S.A RP, 2063 S.B RP, 2063 S.C RP, 2064 (Part) and 2065 RP (Part) in D.D. 76 and Adjoining Government Land, Ping Che, Fanling
(RNTPC Paper No. Y/NE-TKL/3)

29. The Committee noted that the applicant’s representative on 1.6.2010 requested for deferment of the consideration of the application for two months in order to allow more time to revise the technical assessments in response to the comments of the Drainage Services Department and prepare the landscape master plan.

30. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the

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

[Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN) and Ms. Lisa L.S. Cheng, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), were invited to the meeting at this point. Mr. Stephen M.W. Yip returned to join the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/193 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot 2807 S.A in D.D. 91, Tsung Pak Long Village, Sheung Shui
(RNTPC Paper No. A/FSS/193)

Presentation and Question Sessions

31. 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 District Lands Officer/North (DLO/N) objected to the application in accordance with the prevailing land policy as the site fell entirely outside the village ‘environs’ (‘VE’) of Tsung Pak Long Village. The Commissioner for Transport (C for T) had reservation on the proposed development as NTEH development should be confined within the planned “Village Type Development” (“V”) zones as far as

possible and such development if permitted would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) did not support the application as four existing trees of common species within the site might be felled for the proposed Small House and would incur some adverse impact to the landscape resources in the vicinity. Approval of the proposed Small House application might set an undesirable precedent and encourage further extension of the village area into the “Green Belt” (“GB”) zone;

- (d) two public comments were received during the statutory publication period. One comment from a member of the general public supported the application. The other comment from Designing Hong Kong Ltd objected to the application on the grounds that the application site was zoned “GB” and the lack of a sustainable village layout might further deteriorate the living environment, affect the well being of residents, and create health and social problems and future costs to the society; 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 and taken into account the public comments received. Although there was insufficient land in the “V” zone of Tsung Pak Long Village to meet the demand of village houses, the application did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that both the application site and the footprint of the proposed Small House fell entirely outside the ‘VE’ of Tsung Pak Long Village. The application was not in line with the planning intention of the “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. CTP/UD&L of PlanD had reservation on the application on the grounds that the proposed development would incur some adverse impact to the landscape resources in the vicinity. The “GB” zone formed a buffer to the adjoining village.

Approval of the application would set an undesirable precedent for other similar applications and the cumulative effect would result in a general degradation of the environment of the area. C for T had reservation on the application for the reason that NTEH development should be confined within the planned “V” zones as far as possible and the resulting cumulative adverse traffic impact could be substantial.

32. Members had no question on the application.

[Professor K.S. Lam and Mr. B.W. Chan returned to join the meeting at this point.]

Deliberation Session

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

- (a) the application did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH)/Small House as the application site and footprint of the proposed Small House fell entirely outside the village environ of Tsung Pak Long Village; and
- (b) approval of the application which did not comply with the Interim Criteria for assessing NTEH/Small House might set an undesirable precedent for other similar applications in the “Green Belt” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/194 Proposed Minor Relaxation of Building Height from 20m to 26.2m
for Permitted Commercial Development
in “Commercial/Residential” zone, 89-95 San Fung Avenue,
Shek Wu Hui, Sheung Shui (FSSTL No. 225)
(RNTPC Paper No. A/FSS/194)

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 minor relaxation of building height from 20m to 26.2m for permitted commercial development;
- (c) departmental comments – the District Lands Officer/North (DLO/N) did not support the application for reason that the proposed relaxation of building height would exceed the building height under the lease by 2.97m, resulting in a breach of the height limit under the lease. The prevailing land policy was that application for major modification of a lease sold at full market value by auction or tender would not normally be entertained within 5 years from disposal;
- (d) one public comment was received during the statutory publication from a member of the general public indicating no comment on the application. The District Officer (North) advised that while the Shek Wu Hui Merchants Association supported the application, the Sheung Shui District Rural Committee and the Hong Kong New Territories Commercial Industrial General Association had no specific comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 and having taken into account the public comment received. The application was for minor relaxation of the building height restriction for a permitted commercial development from 20m to 26.2m in order to fully achieve the permissible PR of 6.7 under the OZP and the lease while providing reasonable headrooms for the proposed commercial building and a basement. The currently proposed floor-to-floor height of the proposed commercial development (3.15m) was considered not unreasonable. The proposed minor relaxation of building height by 6.2m was to allow a basement level for Electrical and Mechanical (E&M) facilities and the building height above the street level would only be 22.87m, i.e. only an increase of about 2.87m. Although the proposed relaxation of building height restriction from 20m to 26.2m (31% increase) appeared not minor, the proposed relaxation in effect could be considered as minor, would not pose adverse visual and landscape impacts on the surrounding area and the overall building height of the proposed development was generally comparable with that of the surrounding developments in the neighbourhood. In this regard, the Chief Town Planner/Urban Design and Landscape of PlanD had no objection to the application. Moreover, the application did not involve any change in the PR of the proposed development, no adverse traffic, drainage or environmental impacts were anticipated. In this regard, concerned Government departments consulted had no adverse comment/objection to the application. Regarding DLO/N's comments that application for major modification of a lease sold at full market value by auction or tender would not normally be entertained within 5 years from disposal, it was considered that the matters relating to lease modification should be separately dealt with between the applicant and the Lands Department.

35. Upon the enquiry of a Member, Mr. W.K. Hui explained that the application site, which was zoned "C/R" on the OZP and with an area of less than 340m², was subject to a maximum domestic PR of 3.9 or a non-domestic PR of 6.7 and a maximum building height of 20m under the OZP. If a 7-storey commercial development with a PR of 6.7 was to be

built, it would result in a floor-to-floor height of about 2.85m which was rather stringent for a commercial development especially when modern building design standard was applied. The applicant's request for a floor height of 3.15m was not unreasonable. Mr. Hui also drew Members' attention to the fact that the proposed relaxation of building height by 6.2m was to allow a basement level for E&M facilities and the increase in building height above street level would be of 2.87m. He also confirmed that there would be no increase in GFA or PR as a result of the proposed minor relaxation of building height.

36. The Vice-chairman asked if the roof top structure of 4.8m in height was not included in the calculation of building height of the development scheme under application. In response, Mr. W.K. Hui said that it was an established practice to exclude roof top structures such as E&M facilities or water tanks from the calculation of building height restriction and the 20m building height restriction stipulated under the Notes of the OZP excluded the roof top structures.

37. Another Member asked how the building height restriction of 20m under the Notes of the OZP was measured. Mr. W.K. Hui explained that the building height should be measured from the mean site formation level upon which the building stood up to the main roof level. Under the current application, a basement was included in the proposed development and hence the total building height calculation included the basement. As a result, the increase in building height as calculated from the mean street level was only about 2.87m. In view of the above, that Member agreed that the visual impact generated by the proposed minor relaxation of building height was not significant.

Deliberation Session

38. A Member said that the PR and building height restrictions imposed on the OZP for the application site appeared rather unreasonable and that might have rendered an application for minor relaxation of building height inevitable. Mr. W.K. Hui explained that the type of restrictions was not uncommon in the Fanling/Sheung Shui area where developments mainly comprised mixed commercial and residential uses in one building. The building height restriction of 20m was sufficient to accommodate such type of development. Mr. Hui said that a relaxation of the building height restriction might be necessary should the application site be used for a pure non-domestic development. The

Chairperson said that the subject area was previously a “market town” where commercial uses were found on the lower floors and the upper floors were used for domestic purpose. A review on the restrictions might be necessary to cater for future development.

39. Another Member said that in view of the changes in building design standards and the planning circumstances, the TPB should be flexible in considering planning application as long as the case was well-justified and the visual impact on the surrounding area was not unacceptable.

40. 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 11.6.2014, 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 condition that the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/North, (DLO/N) Lands Department that the applicant should be aware of the prevailing land policy that application for major modification of a lease sold at full market value by auction or tender would not normally be entertained within 5 years from disposal;
- (b) to liaise with DLO/N on lease modification matters;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the site coverage of the proposed commercial building for height above 15 m should not exceed the permissible site coverage of 92% in accordance with the First Schedule of Building (Planning) Regulations; and
- (d) to note the comments of the Director of Fire Services that detailed fire

safety requirements would be formulated upon receipt of formal submission of general building plans.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/139 Proposed Temporary Barbecue Area for a Period of 3 Years
in “Agriculture” zone, Lots 1453 (Part), 1545 (Part), 1555 (Part),
1556, 1557, 1558 (Part), 1559, 1560 (Part), 1561 (Part), 1562, 1563,
1564, 1565, 1566, 1567 (Part), 1568, 1570 (Part), 1571 (Part),
1586 (Part), 1587 (Part) in D.D. 95 and adjoining Government Land,
Ho Sheung Heung, Sheung Shui
(RNTPC Paper No. A/NE-KTN/139)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary barbecue area for a period of 3 years;
- (c) departmental comments – the Commissioner for Transport (C for T) did not support the application as no information on the estimated number of vehicular trips to/from the site as well as the vehicular access, parking, loading/unloading, picking up/setting down and manoeuvring arrangement (on a scaled plan) had been submitted. The Director of Environmental Protection (DEP) had reservation on the application as the application site was located within the Consultation Zone (CZ) of the Sheung Shui Water Treatment Works and the applicant should seek approval from the Coordinating Committee on Land-use Planning and Control Relating to Potentially Hazardous Installations before applying for planning permission.

He also commented that an environmental complaint on flytipping at the site was received in 2009. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as it was anticipated that the use under application and associated activities would contaminate and disturb the existing fish pond farming activities. Moreover, the site and its surrounding area were good quality agricultural land with high potential for agricultural rehabilitation. The proposed use might set an undesirable precedent for unauthorized filling of ponds in the surrounding area. The site was also located in the Long Valley and Ho Sheung Heung area which consisted of freshwater wetland of particular importance to migratory birds. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had reservation on the application because the landscape character and resources of the site had been deteriorated by the proposed development. Approval of the application would encourage further pond filling and encroachment of agricultural land;

- (d) five public comments were received during the statutory publication period. While one public comment from a member of the general public supported the application, one public comment from another member of the public stated that the application, which was for regularization of an illegal development, was unacceptable. The other three public comments, submitted by the Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, and Designing Hong Kong Ltd, raised objection to the application mainly on the grounds of land use incompatibility, potential ecological impact on the Long Valley and Ho Sheung Heung, the planning intention of “Agriculture” (“AGR”) zone, the adoption of ‘destruction first’ approach in the development process as well as the setting of undesirable precedent to other similar applications. The District Officer (North) advised that the Chairman of the Sheung Shui District Rural Committee, the concerned North District Committee member and the village representatives of Ho Sheung Heung supported the application; and

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 and having taken into account the public comments received. The application site fell within the “AGR” zone which was intended primarily to retain and safeguard good quality agricultural land/farm/fish pond for agricultural purposes. DAFC did not support the application as the proposed development would contaminate and disturb the existing fish pond farming activities, and the site and its surrounding areas were good quality agricultural land with high potential for agricultural rehabilitation. The application site fell within the Long Valley and Ho Sheung Heung area which was one of the 12 priority sites for enhanced conservation under the New Nature Conservation Policy. The area consisted of freshwater wetland was of particular importance to migratory birds. The application site fell within the CZ of the Sheung Shui Water Treatment Works but the applicant had not submitted any information to demonstrate that the proposed development would not result in unacceptable risk to human life. Besides, as there were domestic structures in the vicinity, the proposed operation hours of the proposed barbecue area till 12:00 a.m. on daily basis would cause potential noise concerns. In these regards, DEP had reservation on the application. C for T did not support the application at this stage because the applicant had not provided the information required by Transport Department to demonstrate the traffic impacts from the proposed use. Besides, public comments against the application were received.

43. In response to the Chairperson's enquiry, Mr. W.K. Hui stated that the CZ was designated for the Sheung Shui Water Treatment Works due to the storage of chlorine inside the Treatment Works.

Deliberation Session

44. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee

decided to reject the application and the reasons were :

- (a) the proposed use was not in line with the planning intention of the “Agriculture” zone for the area which was primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
- (b) there was no information to demonstrate that the proposed development would not have adverse traffic, environmental and ecological impacts on the surrounding area;
- (c) the application site was located within the Consultation Zone of the Sheung Shui Water Treatment Works which was a Potentially Hazardous Installation. The applicant had not submitted any information to demonstrate that the proposed development would not result in unacceptable risk to human life; and
- (d) the use under application and associated activities would contaminate and disturb the existing fish pond farming activities. In views that there were good quality agricultural land and existing fish ponds in the surrounding area, and the cumulative impact of approving these similar applications would likely result in a degradation of the environmental and ecological value of the area. Approval of the application might set an undesirable precedent for unauthorized filling of ponds in the surrounding area.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

45. Mr. W.K. Hui, DPO/STN, informed the meeting that replacement page 10 for the Paper was tabled at the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

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

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

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site was a piece of open space with some abandoned land and a vehicle repair centre. The site with good accessibility was considered possessing high potential for agricultural rehabilitation. The Chief Town Planner, Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had reservation on the application as the site previously had many existing trees and was of a natural and green character but moderate disturbances to the existing landscape character and resources had been caused. The proposed changes of existing use/condition in the southern portion of the site were considered not quite compatible with the adjacent agricultural landscape character or in line with the planning intention of the “Agriculture”

(“AGR”) zone;

- (d) during the statutory publication period, which ended on 9.2.2010, one public comment from a member of the general public indicating no comment on the application was received. Further information on the application were published for public inspection on 19.3.2010 and 20.4.2010. During the statutory publication periods, which ended on 9.4.2010 and 11.5.2010 respectively, one public comment from the same member of the general public indicating no comment on the application was received. The District Officer (North) advised that the Chairman of the Fanling District Rural Committee cum Resident Representatives (RR) of Ko Po, RR and Indigenous Inhabitants Representatives (IIR) of Hung Leng and IIR of Ko Po raised objection to the application mainly on the grounds of adverse impacts on the tranquil environment of nearby villager, traffic and road safety, possible abuse of uses, and undesirable precedent. IIR and RR of Kan Tau Tsuen had no comment on the application; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary training centre (adventure training centre) could be tolerated for a period of 3 years based on the assessment made in paragraph 11 and taking into account the public comments received. Although the application was not totally in line with the planning intention of the “AGR” zone and DAFC did not support the application, the proposed development was considered not incompatible with the surrounding area which was mainly rural in character with some vehicle parking and open storage yard. In view of the small-scale nature of the proposed adventure training centre with no requirement of parking and loading/unloading activities, it was unlikely to generate significant adverse traffic, environmental and drainage impacts on the surrounding area. Concerned Government departments consulted had no adverse comment on the application. The applicant had proposed to plant 42 trees within the site. CTP/UD&L of PlanD had reservation on the application as the landscape proposals submitted should be further revised and no tree preservation proposal has been submitted. It was considered that such technical concern could be appropriately

addressed by imposing relevant approval conditions. Regarding the local objections on the grounds of adverse traffic and environmental impacts on the surrounding area, the Director of Environmental Protection and Commissioner for Transport had no adverse comment on the application and appropriate approval conditions restricting the operation hours and parking and loading/unloading activities within the site were recommended.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no parking, loading/unloading and picking up/setting down were allowed on the application site during the planning approval period;
- (c) the submission of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB within 6 months from the date of approval by 11.12.2010;
- (d) in relation to (c) above, the implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB within 9 months from the date of approval by 11.3.2011;
- (e) 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 11.12.2010;

- (f) in relation to (e) above, the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB within 9 months from the date of approval by 11.3.2011;
- (g) the submission of tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the TPB within 6 months from the date of approval by 11.12.2010;
- (h) in relation to (g) above, the submission of tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the TPB within 9 months from the date of approval by 11.3.2011;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the District Lands Officer/North, (DLO/N) Lands Department's comments to amend the application boundary to reflect the actual occupation situation and to apply to DLO/N for Short Term Waiver and Short Term Tenancy for regularization;
- (b) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that:
 - (i) for provision of water supply to the development, the applicant was

requested to extend his/her inside services to the nearest suitable government water mains for connection;

- (ii) to resolve any land matter (such as private lots) associated with the provision of water supply and the applicant should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
 - (iii) the site was within the flood pumping ground;
- (c) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (d) to note the Director of Fire Services' advice that detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans and his recommendations regarding fire service installations proposals:
- (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
 - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008;
 - (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and FSD Circular Letter 1/2002. One actuation point and one audio warning device to be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;

- (iv) a modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pumping room and hose reel should be clearly marked on plans;
 - (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans;
 - (vi) for those structures over 230m², sprinkler system should also be provided in addition to the above-mentioned provisions (i) to (v), to the entire building in accordance with BS EN 12845: 2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet, sprinkler control valve group should be clearly marked on plans; and
 - (vii) for those structures not exceeding 230m² and in form of open shed without storage or storage of indisputable non-combustibles or standalone container used as office and stores (except DG), portable hand-operated approved appliances should be provided and should be clearly indicated on plans; and
- (e) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that there were spaces available for screen planting along the boundaries adjacent to temporary structures A, C, D3, D4 and D5. To achieve adequate screening, the trees should be planted at 3 – 4m apart.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/335 Proposed 11 Houses
(New Territories Exempted Houses - Small Houses)
in “Agriculture” and “Village Type Development” zones,
Lots 302 S.A - S.G, 302 RP, 310 S.A - S.D and 310 RP in D.D. 77,
Ping Che, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/335)

Presentation and Question Sessions

49. Mr. W.K. Hui, DPO/STN, informed the meeting that replacement pages 6, 9 and 10 for the Paper and replacement pages 1 and 6 in Appendix V for the Paper were tabled at the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 11 houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the Director of Environmental Protection (DEP) had reservation on the application as there was an “Industrial (Group D)” (“I(D)”) zone within 10m of the western boundary of the application site and hence there was potential interface issue associated with the application. The Commissioner for Transport (C for T) had reservation on the application on the ground that the NTEHs development should be confined within the “Village Type Development” (“V”) zone as far as possible. Such development if permitted would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural life in the application site and its vicinity was active and the application site

was of high potential for rehabilitation of agricultural activities;

- (d) two public comments were received during the statutory publication period. One public comment from a member of the general public indicated no comment on the application. The other comment submitted by Designing Hong Kong Ltd objected to the application for reasons that the area was largely zoned “Agriculture” (“AGR”), the proposed development was incompatible with the surrounding uses, and there was a lack of a plan for a sustainable village layout for the area. The District Officer (North) advised that the Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitants Representative and Residents Representative of Ping Che had no comment on the application; and

[Dr. W.K. Lo returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 and having taken into account the public comments received. The application site was the subject of a previous application (No. A/NE-TKL/114) for the proposed 11 NTEHs (Small Houses) submitted by the same applicants of the current application at the same location, which was approved with conditions by the Committee on 11.6.1999 but had subsequently lapsed on 11.6.2008. The current submission was a fresh application which needed to be assessed on the basis of the latest planning circumstances. The application site and all the footprints of the proposed 11 Small Houses fell entirely within the village ‘environs’ (‘VE’) of Ping Che Kak Tin Village. There was insufficient land in the “V” zones of Ping Che Kak Tin Village, Ping Che Yuen Ha Village and Ping Che Village to meet the demand of village houses. Notwithstanding the above, the proposed NTEHs (Small Houses) under application did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that the proposed Small Houses development was considered not compatible with the “I(D)” zone to the west and south-west of the application site, which was currently occupied by a mix of warehouses,

workshops for steel materials and open storage yards. As compared with the previous approval, there was a change in planning circumstances in that DEP had reservation on the industrial/residential (I/R) interface issue this time. However, there was no information or assessment in the current submission to address this concern. Other than the above, DAFC did not support the application as the application site was of high potential for rehabilitation of agricultural activities and there could be felling/trimming of trees, including a population of the rare tree *Cephalanthus tetrandrus* (風箱樹) and impact on a natural watercourse (Ping Yuen River). C for T had reservation as the NTEH development should be confined within the “V” zone as far as possible. There was a public comment objecting to the application on the grounds that the majority of the application site was zoned “AGR” and the lack of a plan for a sustainable village layout might deteriorate the living environment in the village.

50. A Member noted that there was a general shortage of land suitable for Small House development in the New Territories and it was not uncommon to have Small Houses developed in close proximity to open storage yards/godowns in the rural area. The Member asked what was the concern in respect of the I/R interface problem. In response, Mr. W.K. Hui said that as the application site was located close to an “I(D)” zone on its west, DEP was concerned with the I/R interface problem and considered that there should be a buffer between the “I(D)” site and the residential development. Mr. Hui said that during a recent site visit, it was found that northern part of the “I(D)” site was currently an agricultural land, which might provide a buffer between the open storage yard/godown use and the application site. However, industrial uses were permitted as of right in “I(D)” zone thus there was not control as to the disposition of possible industrial use. Members could take into account the surrounding land uses in considering the acceptability of the application.

51. Mr. C.W. Tse clarified that the “I(D)” site was within 10m of the western boundary of the application site. As existing storage uses were found within the “I(D)” site, it would likely result in potential I/R interface problem with the proposed 11 Small Houses under application. However, there was no information/assessment in the current submission to address his concern.

Deliberation Session

52. The Chairperson said that the area zoned “I(D)” was intended for the development of industrial uses and hence the Committee should consider carefully whether the Small Houses application could be approved in the absence of any submission/assessment to address the potential I/R interface problem.

53. A Member said that the applicants should be well aware of the proximity of the application site to the “I(D)” zone. As the application was made out of their own initiative, it was the applicants’ duty to overcome the potential nuisance generated by the industrial activities. The Member considered that sympathetic consideration might be given to the application as it was a previously approved case and there was a general lack of suitable land for Small House development in the New Territories.

54. The Secretary explained that apart from considering whether there was shortage of land for Small House development, the Committee would need to consider whether the application site was suitable for residential use and whether the applicant had submitted any information in the application to address any potential I/R interface problem identified.

55. A Member agreed to reject the application and said that the applicants could re-submit their application together with the proposals to address the potential I/R interface problem.

56. Members then went through the reason for rejection as stated in paragraph 12.1 of the Paper and considered that it was appropriate. After further deliberation, the Committee decided to reject the application and the reason was :

- the proposed development did not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in that the proposed development was considered not compatible with the “Industrial (Group D)” zone. There was no information or assessment in the current submission to address potential industrial/residential interface issue associated with the proposed development.

[The Chairperson left the meeting at this point. The Vice-chairman took over and chaired the meeting. The Vice-chairman suggested taking a 5 minutes break at this point. Mr. B.W. Chan, Mr. Y.K. Cheng, Professor Paul K.S. Lam and Dr. W.K. Lo left the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/704 Temporary Shop and Services (Local Provisions Store)
for a Period of 18 Months in “Industrial” zone,
Portion of Workshop I-3, G/F, Century Centre,
33-35 Au Pui Wan Street, Fo Tan, Sha Tin

(RNTPC Paper No. A/ST/704)

Presentation and Question Sessions

57. 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 shop and services (local provisions store) for a period of 18 months;
- (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 local provisions store could be tolerated for a period of 18

months based on the assessment made in paragraph 11 of the Paper. The planning intention of the “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. Commercial uses in industrial buildings within the “I” zone might be permitted on application to the TPB based on individual merits and the planning assessment criteria set out in the TPB Guidelines No. 25D for ‘Use/Development within “I” Zone’ (TPB PG-No. 25D). According to the TPB PG-No. 25D, the limit on aggregate commercial floor space limits did not apply to local provisions store. The temporary local provisions store use 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, and was generally in line with the planning intention of the “I” zone. The local provisions store was small in size (about 5m²) and would not result in a significant loss of industrial floor space. 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.

58. Members had no question on the application.

Deliberation Session

59. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 18 months until 11.12.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 11.12.2010;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 11.3.2011; and

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (c) 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 the workshop by compartment walls having a fire-resisting period of not less than two hours;
- (d) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans; and
- (e) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises', which was promulgated by the TPB in September 2007, for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/404 Proposed Six Houses (New Territories Exempted Houses)
in “Agriculture” zone,
Lot 452 RP in D.D.9, Yuen Leng Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/40)

Presentation and Question Sessions

61. 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 six houses (New Territories Exempted Houses);
- (c) departmental comments – the District Lands Officer/Tai Po (DLO/TP) considered the application not acceptable as the proposed six NTEHs were in contravention of the lease conditions, and the application for land exchange or lease modification to facilitate NTEH development falling outside the New Territories Small House Policy would not be considered under normal circumstances. The Director of Environmental Protection (DEP) did not support the application in view of the potential rail noise impact from the nearby East Rail, which was just 35m away from the application site. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the application site fell outside the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) within the upper indirect Water Gathering Ground (WGG) and water mains in the vicinity of the application site could not provide the standard fire-fighting flow. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for rehabilitation of agricultural activities. The Commissioner for Transport (C for T) had reservation on the application as

NTEH development should be confined within the “V” zone as far as possible. Such development if permitted would set an undesirable precedent for similar application, the cumulative adverse traffic impact of which could be substantial. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had strong reservation on the application as the proposed development was extensive and would likely have adversely effect on the existing trees on the application site. No tree preservation proposal had been submitted for consideration;

- (d) 13 public comments were received during the statutory publication period. 11 public comments from residents of Kam Fung Garden were against the application for reasons of possible traffic and environmental impacts brought by the proposed development and that the application site was not within the “V” zone. One public comment from village representatives of Kau Lung Hang Village pointed out that the application site was not suitable for Small House development. Another public comment was from Designing Hong Kong Ltd against the application as the site fell within the “Agriculture” (“AGR”) zone and there was a lack of a sustainable village layout plan; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 10, and having taken into account the public comments received. The proposed development of six NTEHs was not in line with the planning intention of the “AGR” zone and there was no strong planning justification in the current submission for a departure from the planning intention. According to DAFC, the application site had high potential for rehabilitation of agricultural activities and the application was not supported. Noting that the site contained many trees in good condition, CTP/UD&L of PlanD also had strong reservations on the application. Approval of the application would set an undesirable precedent for other similar applications in the area causing adverse impact on the rural landscape of the area. The application site fell within the WGG and was less than 30m away from the nearest stream. CE/Dev(2) of WSD objected

to the application from the protection of WGG point of view. CE/PM of DSD advised that although public sewerage connection points would be provided in the vicinity of the application site under 'North District Sewerage, Stage 2 Phase 1 for Yuen Leng Village' tentatively scheduled for completion in 2016/2017, the applicant failed to demonstrate in the submission that the proposed development would be connected to the planned public sewerage system in the area. DEP did not support the application in view of the potential adverse noise impact. C for T had reservation on the application as village development should be confined within the "V" zone as far as possible. Moreover, DLO/TP advised that the application was not acceptable from the lease point of view and the application for NTEHs by a non-indigenous villager would not be considered by his office under normal circumstances. There were also local objections against the application on the potential adverse impacts of the development.

62. Members had no question on the application.

Deliberation Session

63. Members then went through the reasons for not supporting the application as stated in paragraph 11.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intention of the "Agriculture" ("AGR") zone, 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 for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention;
- (b) the proposed development would affect the existing trees on the application site. The applicant failed to demonstrate in the submission that the

proposed development would not have adverse impact on the existing trees located within the site;

- (c) the proposed development was located within the water gathering ground and was close to a stream course. The applicant failed to demonstrate in the submission that the proposed development would not cause adverse impact on water quality in the area;
- (d) the proposed development would be subject to adverse noise impact generated by the East Rail nearby; and
- (e) approval of the application would set an undesirable precedent for similar applications within the “AGR” zone, the cumulative effect of which would result in adverse impact on the traffic and rural landscape of the area.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/405 Proposed Three Houses (New Territories Exempted Houses)
in “Agriculture” zone,
Lot 956 S.C in D.D.7, Wai Tau Tsuen, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/405)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed three houses (New Territories Exempted Houses);
- (c) departmental comments – the District Lands Officer/Tai Po (DLO/TP)

considered the application not acceptable as the proposed three NTEHs were in contravention of the lease conditions, and the application for land exchange or lease modification to facilitate NTEH development falling outside the New Territories Small House Policy would not be considered under normal circumstances. The Director of Environmental Protection (DEP) did not support the application as the sewage discharge from the proposed houses would have the potential to cause water pollution to the Water Gathering Ground (WGG). The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the application site within the upper indirect WGG which was near to a stream was outside the sewerage catchment area of the project 'North District Sewerage Stage 2, Phase 1' and water mains in the vicinity could not provide the standard fire-fighting flow. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site had high potential for rehabilitation of agricultural activities. The Commissioner for Transport (C for T) had reservation on the application as NTEH development should be confined within the "Village Type Development" ("V") zone as far as possible. Such development if permitted would set an undesirable precedent for similar application, the cumulative adverse traffic impact of which could be substantial. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had reservation on the application as approval of the application would set an undesirable precedent to other similar applications in the area leading to urbanization in the Lam Tsuen Valley rural setting;

- (d) one public comment from Designing Hong Kong Ltd was received during the statutory publication period, objecting to the application as the site fell within the "Agriculture" ("AGR") zone and there was no sustainable village layout plan for the area; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10, and having taken into account the public comments received. The proposed development of three NTEHs was not in line with the planning intention of

the “AGR” zone and there was no strong planning justification in the current submission for a departure from the planning intention. According to DAFC, the application site had high potential for rehabilitation of agricultural activities. CTP/UD&L of PlanD had reservation on the application as approval of the application would set an undesirable precedent for other similar applications and cause adverse impact on the rural landscape of the area. The application site fell within the WGG and there was a stream to its east. According to the Chief Engineer/Project Management of Drainage Services Department, the application site fell outside the catchment area of the proposed village sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Wai Tau Tsuen and the proposed development would not be able to be connected to the planned sewerage system in the area. Both DEP and CE/Dev(2) of WSD objected to the application. C for T had reservation on the application as village development should be confined within the “V” zone as far as possible. Moreover, DLO/TP advised that the application was not acceptable from the lease point of view and the application for NTEHs by a non-indigenous villager would normally not be considered. There was also a public comment against the application on the grounds that the site fell within the “AGR” zone and there was no sustainable village layout plan for the area.

65. Noting that the subject application and the previous item for NTEH development were submitted by non-indigenous villagers, a Member asked if there was a clear indication under the Notes of the OZP to prevent people from abusing the planning application system. That Member said that there should be indication that land exchange or lease modification for NTEH development by non-indigenous villagers fell outside the New Territories Small House Policy would not be considered by the Lands Department (LandsD). It would therefore be a non-starter even if the applicant obtained approval of the TPB. The Member suggested setting out clearly the above matters in the Explanatory Statement of the OZPs.

66. Mr. W.K. Hui said that under the Notes of the OZP, planning permission was required for NTEH, as distinct from Small House, under the “AGR” zone and the granting of Small House was a land administrative matter considered separately by LandsD. Such

policy matter would not be included in the Explanatory Statement or Notes of the OZP.

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

67. The Secretary explained that land zoned “V” covered both recognized villages and other existing non-recognized villages. Land within the former “V” zone was intended for development of Small House by indigenous villagers while the latter “V” zone was intended for retention and expansion of existing villages. ‘NTEH’, which described the form of the house, was used in the Notes of the OZPs for both types of “V” zone. ‘Small House’ was for indigenous villagers under the Small House Policy processed by LandsD. In a “V” zone for recognized village, an application for NTEH submitted by an indigenous villager within the village ‘environs’ of a recognized village would be regarded as ‘Small House’ whereas an application for NTEH submitted by non-indigenous villagers would not be regarded as a ‘Small House’ and was not in line with the planning intention of such “V” zone. For land zoned “V” which was intended for other existing villages, a non-indigenous villager could apply to LandsD for a land grant to facilitate the NTEH development, upon payment of a land premium. That type of NTEH would not be regarded as Small House developments. The Secretary further remarked that the latter type of application was very rare in recent years.

68. Noting that NTEH was a Colum 2 use under the “AGR” zone, the same Member asked whether there was a need to restrict the Column 2 use for “Small House” only so as to prevent non-indigenous villagers from making planning application. The Secretary explained that it would not be appropriate to restrict the Column 2 use to “Small House” only as provision would have to be made for development on lots with building entitlement. In any event, the TPB would consider each application carefully and as far as she could recall, no such case had been approved by the TPB in the past decade.

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

Deliberation Session

69. Members then went through the reasons for not supporting the application as stated in paragraph 11.1 of the Paper and considered that they were appropriate. After

deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, 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 for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention;
- (b) the proposed development, which was located within the water gathering ground and was close to a stream course, would not be able to be connected to the planned sewerage system in the area. The applicant failed to demonstrate in the submission that the proposed development would not cause adverse impact on the water quality in the area; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “AGR” zone, the cumulative effect of which would result in adverse impact on the rural landscape of the area.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/406 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 344 S.A ss.6 RP in D.D.9, Yuen Leng Village,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/406)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the application as NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent for similar application in future and the resulting cumulative adverse traffic impact could be substantial;
- (d) one public comment was received during the statutory publication period. The Designing Hong Kong Ltd objected to the application as the site fell within the “Agriculture” (“AGR”) zone and there was a lack of sustainable village layout plan for the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11, and having taken into account the public comments received. The application site fell within the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land for agricultural purposes. However, it was noted that the application site was currently a piece of formed land encircled by village houses. The Director of Agriculture, Fisheries and Conservation advised that the application site had very low potential for rehabilitation of agricultural activities and had no strong view on the application. The application generally met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that the proposed Small House footprint entirely fell within the village ‘environs’ of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai, and there was a general shortage of land in meeting the demand for Small House development in the “V” zones of the villages concerned. The District Lands Officer/Tai Po had no objection to the application. The application site was within the upper indirect water gathering ground

(WGG) and located adjacent to a stream. The Chief Engineer/Project Management of Drainage Services Department advised that public sewerage connection points would be provided in the vicinity of the application site and the proposed Small House would be able to be connected to the planned sewerage system in the area. As such, both the Director of Environmental Protection and Chief Engineer/Development(2) of Water Supplies Department had no objection to the application. The proposed Small House was not incompatible with the existing village setting. There were a number of similar applications for Small House developments approved by the TPB in the vicinity. Although there was a public comment against the application on the grounds that the site fell within the "AGR" zone and there was a lack of sustainable village layout plan for the area, Government departments consulted had no comment on these aspects.

71. Members had no question on the application.

Deliberation Session

72. 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 11.6.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;

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

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (d) to note the Director of Agriculture, Fisheries and Conservation's comments to follow the Practice Note for Authorized Persons and Registered Structural Engineers No. 295, 'Protection of natural streams/rivers from adverse impacts arising from construction works' issued by Buildings Department, in particular the Appendix B, 'Guidelines on Developing Precautionary Measures during the Construction Stage';
- (e) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's (DSD) comments to maintain a minimum clearance of 3.5m between the top of the bank of the drainage channel/stream course and the

house boundary at any time;

- (g) to note the Chief Engineer/Project Management, DSD's comments to continue to pay attention on the latest development of the proposed sewerage scheme. DSD would also keep all the relevant Village Representatives informed of the latest progress;
- (h) to note the Chief Engineer/Drainage Projects, DSD's comments to closely liaise with his Division for coordination of works on the 'Drainage Improvement Works in Kau Lung Hang, Yuen Leng, Nam Wa Po and Tai Hang Areas and Construction of Ping Kong Drainage Channels' under Contract No. DC/2006/09 as the proposed Small House was in close proximity to the drainage project;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's comments in paragraph 4 of Appendix IV of the RNTPC Paper; and
- (j) to note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/407 Proposed House (New Territories Exempted House - Small House)
in "Village Type Development" and "Agriculture" zones,
Lot 344 S.A ss.2 in D.D. 9, Kau Lung Hang Village,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/407)

Presentation and Question Sessions

74. 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) one public comment was received during the statutory publication period. The Designing Hong Kong Ltd objected to the application as most of the site fell within the “Agriculture” (“AGR”) zone and there was a lack of sustainable village layout plan for the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11, and having taken into account the public comments received. The application site partly fell within the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land for agricultural purposes. Nonetheless, the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the application site had very low potential for rehabilitation of agricultural activities and has no strong view on the application. The application generally met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that not less than 50% of the proposed Small House footprint (i.e. 89.7%) fell within the “Village Type Development” (“V”) zone and the application site fell entirely within the village ‘environs’ of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai, and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the villages concerned. The application site was within the upper indirect water gathering ground (WGG) and located about 30m away from the nearest stream. The Chief Engineer/Project Management of Drainage Services Department advised that public sewerage connection points would be provided in the vicinity of the application site. The

proposed Small House would be able to be connected to the planned sewerage system in the area. In this regard, both the Director of Environmental Protection and Chief Engineer/Development(2) of Water Supplies Department had no objection to the application. The proposed Small House was not incompatible with the surrounding rural environment. There were a number of similar applications for Small House developments approved by the TPB in the vicinity. Although there was a public comment against the application on the grounds that most of the site fell within the “AGR” zone and there was a lack of sustainable village layout plan for the area, Government departments consulted had no objection/no adverse comment on the application.

75. Members had no question on the application.

Deliberation Session

76. 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 11.6.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (d) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (e) to note the Director of Agriculture, Fisheries and Conservation's comments to follow the Practice Note for Authorized Persons and Registered Structural Engineers No. 295, 'Protection of natural streams/rivers from adverse impacts arising from construction works' issued by Buildings Department, in particular Appendix B, 'Guidelines on Developing Precautionary Measures during the Construction Stage';
- (f) to note the Chief Engineer/Project Management, Drainage Services Department's (DSD) comments to continue to pay attention on the latest development of the proposed sewerage scheme. DSD would also keep all the relevant Village Representatives informed of the latest progress;
- (g) to note the Chief Engineer/Drainage Projects, DSD's comments to closely

liaise with his Division for coordination of works on the ‘Drainage Improvement Works in Kau Lung Hang, Yuen Leng, Nam Wa Po and Tai Hang Areas and Construction of Ping Kong Drainage Channels’ under Contract No. DC/2006/09 as the proposed Small House was in close proximity to the drainage project;

- (h) to note the Chief Engineer/Development (2), Water Supplies Department’s comments in paragraph 4 of Appendix IV of the RNTPC Paper; and
- (i) to note the Director of Fire Services’s comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/71 Proposed Public Utility Installation (Electricity Package Substation) in “Comprehensive Development Area” and “Village Type Development” zones, Government Land in D.D.218, Che Ha Village, Shap Sz Heung (RNTPC Paper No. A/NE-SSH/71)

Presentation and Question Sessions

78. Ms. Lisa L.S. Cheng, STP/STN, informed the meeting that replacement page 7 for the Paper had been sent out to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (electricity package substation);
- (c) departmental comments – no objection from concerned Government

departments was received;

- (d) one public comment from a member of the general public was received during the statutory publication period, who objected to the application in view of its close proximity to the house nearby and the possible adverse impacts on their safety, health and ‘fung shui’; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 and having taken into account the public comment received. The proposed development was a mini-type single-storey substation for provision of power supply to the existing villages and future developments in the vicinity of Che Ha Village. Relevant Government departments consulted had no objection to/adverse comment on the application. To address the potential landscape and visual impacts of the proposed electricity package substation on the surrounding environment, approval condition related to the submission and implementation of landscaping proposal was recommended. With respect to the public comment concerning the possible adverse impact on their safety, health and ‘fung shui’, the applicant had provided further information confirming that the proposed electricity package substation design was widely used and proven to be safe and would not impose any side effects to the nearby residents. The applicant also pointed out that the proposed location was determined by the village representatives of Che Ha Village. Regarding the issue of ‘fung shui’, it was not a material consideration in considering planning application.

79. Members had no question on the application.

Deliberation Session

80. 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 11.6.2014, 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 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 implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) when defining the boundary of the substation, the applicant should avoid any encroachment on the proposed lot boundary for the adjoining development (TPTL 157) currently under consideration of Lands Department (LandsD);
- (b) the proposed development should not block the existing village access to Che Ha village or adversely affect the traffic flow or sight line of the motorists;
- (c) the applicant should apply to the District Lands Officer/Tai Po, LandsD for a short term tenancy for the substation and excavation permits for excavation works on Government land;
- (d) the applicant should note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as stated in paragraph 8.1.8 of the RNTPC paper;
- (e) upon commissioning of the electricity package substation, compliance with the International Commission on Non-Ionizing Radiation Protection

(ICNIRP) guidelines should be verified by direct on-site measurements by relevant parties;

- (f) the applicant should note that there was no existing Drainage Services Department maintained public stormwater drain available for connection in the area. The applicant was required to ensure that proposed installation would not obstruct overland flow and free flow condition should be maintained before and after the proposed works. The applicant should take all precautionary measures to avoid damage of existing drainage facilities. The applicant should verify the actual site condition by sub-surface explorations before carrying out any works. The applicant should be held responsible for making good the damage at his own cost;
- (g) the applicant should note that the track adjoining the application site was not maintained by the Highways Department;
- (h) 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 Water Supplies Department's standards;
- (i) water mains in the vicinity of the above site could not provide the standard fire-fighting flow;
- (j) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (k) the applicant should note that the stainless steel panels proposed for the substation construction were considered not compatible to the rural character of the adjoining village development. The design, finishes and

colour of the structure that were sympathetic to the landscape character of the area should be adopted;

- (l) as the proposed package transformer was to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substations as far as possible; and
- (m) the applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/304 Proposed Two Houses (New Territories Exempted Houses)
in “Agriculture” zone,
Lots 132, 136 and 137 in D.D. 17, Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/304)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses);
- (c) departmental comments – the District Lands Officer/Tai Po (DLO/TP) did not support the application as the two proposed NTEHs were in contravention of the lease conditions. Applications for land exchange or lease modification to facilitate NTEH development falling outside the New

Territories Small House Policy would not be considered under normal circumstances. The Commissioner for Transport (C for T) had reservation on the application and considered that although the traffic associated with the proposed development was not expected to be significant, such development, if permitted, would set an undesirable precedent for similar application, and the cumulative adverse traffic impact could be substantial. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) objected to the application. The subject site was previously covered with vegetation including some medium to large trees but was recently cleared and the “Agriculture” (“AGR”) zone served as a buffer between the existing village and the “Other Specified Uses” annotated “Spa Resort Hotel” (“OU(SRH)”) zone. If the application was approved, it would set an undesirable precedent to other similar applications in the area. Moreover, the site was located adjacent to an existing stream but no information was provided to demonstrate that there would be no adverse landscape impact on the stream;

- (d) two public comments were received during the statutory publication period. One public comment, submitted by the concerned Tai Po District Council Member indicated no comment on the application. The other comment, from Designing Hong Kong Ltd, objected to the application for reasons that the area was zoned “AGR” and there was a lack of a plan for a sustainable village layout for the area; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 10 and having taken into account the public comments received. The site was considered not desirable for the proposed NTEH development as the site served as a buffer between the existing Ting Kok Village to its west and the proposed spa resort hotel development in the “OU(SRH)” zone to its east. There was also concern that the approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. Moreover, the Director of Agriculture, Fisheries and Conservation had concerns on the potential impact caused by the proposed development on

the nearby stream course. C for T also had reservation on the application as the proposed development would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. There was also a public comment objecting to developing the “AGR” zone without a sustainable village layout.

83. Members had no question on the application.

Deliberation Session

84. Members then went through the reason for rejection as stated in paragraph 11.1 of the Paper and considered that it was appropriate. After deliberation, the Committee decided to reject the application and the reason was :

- the site served as a buffer between the existing Ting Kok Village within the “Village Type Development” zone to its west and the proposed spa resort hotel development within the “Other Specified Uses” annotated “Spa Resort Hotel” zone to its east. The approval of the application would disintegrate this buffer and set an undesirable precedent for other similar applications within the “Agriculture” zone. The cumulative effect of approving such applications would cause adverse impact on the rural landscape of the area.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/305 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 646 S.J (Part) in D.D. 15 and Adjoining Government Land,
Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/305)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was zoned “Agriculture” (“AGR”) and had high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application as the proposed development if permitted would set an undesirable precedent for similar application in the future. The resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) objected to the application for the adverse impact on the existing rural landscape and the degraded landscape quality of the area, and considered that the approval of the application would set an undesirable precedent and encourage more village house developments in the area resulting in an extension of the village landscape character well beyond the existing “Village Type Development” (“V”) zone boundary;
- (d) two public comments were received during the statutory publication period. One of the comments, submitted by the concerned Tai Po District Council Member, supported the application. The other comment, submitted by Kadoorie Farm & Botanic Garden Corporation, objected to the application and raised concern on the destruction first approach adopted to facilitate the approval of the application and whether the site could be connected to the public sewerage system; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 and having taken into account the public comments received. The proposed Small House was considered in compliance with the ‘Interim Criteria for

Consideration of Application for NTEH/Small House in New Territories' in that more than 50% of the footprint of the proposed Small House fell within the village 'environs' ('VE') and there was a general shortage of land in meeting the demand for Small House development in the "V" zone. While the site was located within the lower indirect water gathering ground, the proposed Small House could be connected to the planned sewerage system and the Drainage Services Department (DSD) advised that the proposed trunk sewer system was feasible to cater for the proposed development. Although there were reservations from concerned Government departments, including the C for T, DAFC and CTP/UD&L of PlanD, on the application and a public comment objecting to the application on sewerage connection issue, it was considered that sympathetic consideration might be given as the site was currently an abandoned field and located entirely within the 'VE' of Shan Liu Village and there was a general shortage of land in meeting the Small House demand. Nevertheless, to address the concerns of CTP/UD&L of PlanD, an approval condition on submission and implementation of landscape proposal was recommended.

86. Members had no question on the application.

Deliberation Session

87. In response to a Member's enquiry, Ms. Lisa L.S. Cheng said that a number of previous applications were rejected as there was previously no plan for a public sewerage system. Recently, DSD advised that the trunk sewers along Shan Liu Road, which were intended to serve the potential Small House development within the existing "V" zone of Shan Liu Village, would be constructed along Shan Liu Road under the "Tolo Harbour Village Sewerage Stage 1 – Remaining Works" project, and was tentatively scheduled for completion in 2013. One similar application had been approved in the vicinity as a result of that. More applications for Small House development in the area was anticipated.

88. 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 11.6.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage system;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage system;
- (c) the trunk sewers would be laid along Shan Liu Road under the “Tolo Harbour Village Sewerage Stage 1 – Remaining Works” project. Upon completion of the trunk sewers, the applicant should extend his sewer, at his own cost, to the nearest connection point of the planned sewerage system in the area;

- (d) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (e) to note the comments of the District Lands Officer/Tai Po, (DLO/TP) Lands Department that any change of site formation level would inevitably affect the Government land in the vicinity of the site. For works to be carried out on Government land, prior written consent and agreement on the proposal from the DLO/TP should be sought. As the applicant could not provide the site formation proposal at this stage, it was uncertain whether the proposed works could satisfy the criteria listed in APP 56 for exemption in respect of site formation works. The applicant might be required to submit site formation plan for the Buildings Department's approval;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that as the site was close to the adjoining Shan Liu Road, the applicant was reminded to provide mitigation measures at his own cost against any nuisance (e.g. noise, dust, etc.) from the road;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no existing public stormwater drains available for connection in the vicinity of the site. The applicant was required to submit and implement a drainage proposal for the site to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant/owner was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the whole of foul effluent should be conveyed through cast iron pipes with sealed joints and hatchboxes from the proposed Small House to the public sewers. The proposed Small House should be located as far away from the watercourse as possible. Water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (i) 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.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/306 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Government land in D.D. 27, Sha Lan Village, Tai Po
(RNTPC Paper No. A/NE-TK/306)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and

Conservation (DAFC) had reservation on the application the site was located on a vegetated slope and the proposed Small House development would require felling of trees within the “Green Belt” (“GB”) zone. The Commissioner for Transport (C for T) did not support the application as the proposed development if permitted would set an undesirable precedent for similar application in the future and the resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) objected to the application as it was likely that the proposed development would require cutting into the existing slope to form the foundation for the proposed house and affect an area larger than the application site. Adverse impact on the existing landscape resources was expected, resulting in uncontrolled urban sprawl and degradation of existing landscape resources in Sha Lan. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) considered that the site was located on natural hillsides and might affect or be affected by natural terrain near the site. The applicant should submit a Geotechnical Planning Review Report (GPRR) in support of the planning application to assess the geotechnical feasibility of the proposed development;

- (d) 17 public comments were received during the statutory publication period. One of the public comments, submitted by the Indigenous Inhabitants Representative of Shuen Wan Sha Lan Village, supported the application. The other comment, submitted by Designing Hong Kong Ltd, objected to the application for reason that the area was zoned “GB” and there was a lack of a plan for a sustainable village layout for the area. The remaining 15 comments, submitted by Sha Lan Villas Residents’ Association and local residents of Sha Lan Villas, objected to the application on the grounds that the proposed development might result in adverse traffic, environmental and landscape impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 and having taken into account the public comments received. The proposed

development was not in line with the planning intention of the “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. Although the application site fell entirely within the village ‘environs’ and there was a general shortage of land in meeting the Small House demand, the proposed development did not meet the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ and did not comply with the TPB Guidelines No. 10 for ‘Application for Development within “GB” Zone’ (TPB-PG No. 10) as the proposed development would cause adverse landscape impacts on the surrounding area. DAFC had reservation on and CTP/UD&L of PlanD objected to the application as the construction of the proposed Small House would likely require cutting of slopes and felling of vegetation that could cause adverse landscape impacts on the surrounding environment. H(GEO) of CEDD pointed out that the site was located on natural hillsides and might affect or be affected by natural terrain near the site. The applicant was required to submit a GPRR in support of the planning application in order to assess the geotechnical feasibility of the proposed development. C for T also had reservation on the application as the proposed development, if permitted, would set an undesirable precedent for similar application in the future. Besides, strong local objections were received on the adverse traffic, environmental, and landscape impacts of the proposed development.

91. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define 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. There was a general presumption against development within this zone. The applicant failed to provide information in the submission to justify a departure from this planning intention;

- (b) the application did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve cutting of slopes and clearance of trees and natural vegetation that could cause adverse landscape impacts on the surrounding area. The applicant also failed to demonstrate that the proposed development would not adversely affect the slope stability; and
- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/445 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lot 947 SB in D.D. 26 and Adjoining Government Land,
Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/445)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) commented that the proposed Small Houses development was located below steep natural hillside, and met the alert criteria requiring a Natural Terrain Hazard Study (NTHS). Should the applicant wish to proceed with the development, a Geotechnical Planning Review Report to assess the natural terrain hazard as addressed in GEO Advice Note was required to be submitted;
- (d) one public comment from a Tai Po District Council Member was received during the statutory publication period, who supported the application and pointed out that the Indigenous Inhabitants Representatives of Wong Yue Tan Village had no objection to the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 and having taken into account the public comment received. Although the proposed Small House development was not in line with the planning intention of the “Green Belt” (“GB”) zone, it met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that the proposed Small House footprint fell entirely within the village ‘environs’ (‘VE’) of Wong Yue Tan Village and there was a general shortage of land in meeting the demand for Small House development. The proposed Small House was generally compatible with the surrounding rural environment and was unlikely to have any significant adverse environmental, drainage and traffic impacts. Concerned Government departments consulted had no adverse comment/no objection to the application. Nevertheless, approval conditions, including the submission and implementation of landscape and tree preservation proposals prior to all site levelling and site formation works, and the submission of natural

terrain hazard study and implementation of the associated mitigation measures identified, were recommended to address the technical concerns of relevant Government departments. Besides, approval of the current application was also in line with the similar application No. A/TP/442 in the same “GB” zone recently approved by the Committee in January 2010.

94. Members had no question on the application.

Deliberation Session

95. 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 11.6.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB prior to all site levelling and site formation works;
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.

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

- (a) the applicant should not fall any existing trees within the “Green Belt” zone;
- (b) the applicant should maximize the distance between the proposed Small House and the existing trees and minimize the disturbance to the existing trees as far as possible;
- (c) the applicant should note that there were no existing the Drainage Services Department maintained public stormwater drains available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems; sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (d) 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 Water Supplies Department’s standards;
- (e) the water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (f) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;

- (g) the applicant should note that the access adjoining the subject site was not maintained by the Highways Department;
- (h) the applicant should submit a Geotechnical Planning Review Report (GPRR) to assess the natural terrain hazard of the proposed development as addressed in the Geotechnical Engineering Office Advice Note (Appendix VII of the RNTPC Paper), which set out the essential contents of a GPRR. Depending on the findings of the GPRR, a Natural Terrain Hazard Study and mitigation measures found necessary might have to be undertaken as part of the proposed development; and
- (i) the applicant should make necessary submission to the DLO to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in the Practice Note for Authorized Persons (PNAP) APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance.

[The Vice-chairman 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. Mr. Simon K.M. Yu left the meeting and Mr. Rock C.N. Chen left the meeting temporarily at this point.]

Tuen Mun and Yuen Long District

Agenda Item 22

Section 16 Application

[Open Meeting]

A/TM/399

Proposed Houses

in "Green Belt" zone,

Lot No. 33 R.P. in D.D. 300, Area 45, Tuen Mun

(RNTPC Paper No. A/TM/399)

97. The Committee noted that the applicant's representative on 25.5.2010 requested for deferment of the consideration of the application for two months in order to allow sufficient time for him to prepare further information and responses to address specific comments from various Government departments.

98. 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.

[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 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/201 Temporary Private Vehicle Park (Private Cars and Light Goods Vehicles) for Villagers of To Yuen Wai and Recreation and Village Affairs Centre (with Ancillary Self-help Car Cleansing Facilities) for a Period of 3 Years
in "Village Type Development" zone and Area Shown as 'Road',
Lots 538 s.B-L, 581, 586 s.A-C and 586 RP in D.D. 130, To Yuen Wai,
Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/201)

Presentation and Question Sessions

99. 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 private vehicle park (private cars and light goods vehicles) for villagers of To Yuen Wai and recreation and village affairs centre (with ancillary self-help car cleansing facilities) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application on consideration that the grey water from the activities would pose an environmental nuisance and that there was no public sewerage connection within the area. He further pointed out that two pollution complaints regarding noise and water were received by DEP in 2008 and 2009 regarding the application site. The District Lands Officer/Tuen Mun (DLO/TM) commented that Small House applications on Lots 586 S.C, 538 S.B, 538 S.C, 538 S.D, 538 S.E, 538 S.H, 538 S.I, 538 S.J, 538 S.K, 538 S.G and 586 S.A, and 538 S.F and 586 S.B in D.D. 130 were being processed by his Office. One of the applications was in an advance stage of processing. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that the site was in an area where no direct public stormwater drainage connection was available and where no public sewerage connection was available. The applicant should arrange his own stormwater collection and discharge system to cater for runoff generated within the site as well as overland flow from areas in the vicinity to his satisfaction;

[Mr. Rock C.N. Chen returned to join the meeting and Dr. W.K. Yau left the meeting temporarily at this point.]

- (d) two public comments were received during the statutory publication period. One comment, lodged by a villager of To Yuen Wai, objected to the application mainly on the grounds of adverse traffic, noise and water pollution impacts as well as road safety. The other public comment from a private individual supported the application as it would provide a convenient carpark for the villagers; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 and the public comments received. A large part of the site was zoned “Village Type Development” (“V”) and intended for the development of Small Houses by indigenous villagers. Approval of the proposed development for 3 years would frustrate the development of Small House at the site. There were a number of village houses in close proximity to the site, including two elderly homes to the south and southwest of the site. According to DEP, two environmental complaints on noise and water pollution were received in 2008 and 2009. The proposed vehicle park with 80 parking spaces might pose environmental nuisance to the nearby villagers and the residents of the elderly homes, especially when lorries and coaches were found on the site. DEP did not support the car cleansing activities on the consideration that the grey water from these activities would pose further environmental nuisance and that there was no public sewerage connection within the area. Moreover, CE/MN of DSD advised that the site was in an area where no sewerage connection was available. Although permission had been given to two previous applications (Nos. A/TM-LTYT/154 and A/TM-LTYT/184) for temporary private vehicle park (private cars) and temporary vehicle park (private cars and light goods vehicles) and recreation and village affairs centre respectively, their application site area was much smaller as compared to the current application and the latter also included a car cleansing facility. It should be further noted that the approvals under Applications No. A/TM-LTYT/154 and A/TM-LTYT/184 were revoked on 7.12.2007 and 5.9.2009 respectively for failing to comply with the planning conditions relating to submission of landscape, drainage and fire service installations proposals. The last application (No. A/TM-LTYT/194) covering the same site as the current application for essentially the same use by the same applicant was rejected by the Committee on 15.1.2010 on the grounds that the proposed development would frustrate development of Small Houses at part of the site and contravene with the planning intention of the “V” zone; the proposed development would cause adverse environmental and road safety impacts to the local residents; and there was no information in the submission to

demonstrate that the proposed development would not cause adverse drainage impacts on surrounding areas. A public objection to the application was also received from a villager of To Yuen Wai.

100. Members had no question on the application.

Deliberation Session

101. The Vice-chairman asked if DEP had strong reservation on the subject application. Mr. C.W. Tse said that the proposed car cleansing activities would pose environmental pollution problem on the surroundings as there was no public sewer connection within the area.

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

- (a) the proposed development would frustrate development of Small Houses at part of the site and contravene the planning intention of the “Village Type Development” zone;
- (b) the proposed development would cause adverse environmental impacts to the local residents and surrounding environment; and
- (c) there was no information in the submission to demonstrate that the proposed development would not cause adverse drainage impacts on the surrounding areas.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/388 Temporary Retail Area of Second-Hand Goods Vehicles of above 5.5 Tonnes, Container Tractors and Trailers for a Period of 3 Years in “Residential (Group D)” zone, Lots 16 S.B RP (Part), 47 (Part), 170RP and 174S.C RP(Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/388)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary retail area of second-hand goods vehicles of above 5.5 tonnes, container tractors and trailers for a period of 3 years;

[Ms. Anita W.T. Ma left the meeting temporarily at the point.]

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application in view that there were sensitive receivers in close proximity to the site and the involvement of heavy goods vehicles in the proposed use, which was considered environmentally undesirable;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The site fell within the “Residential (Group D)” (“R(D)”) zone which was

primarily intended for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. The applied use involving heavy goods vehicles was not compatible with the neighbouring residential uses (with the nearest one being 33m away). The application fell within Category 3 areas and was not in line with the TPB Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E) in that no previous planning approval for a similar use had been given to the site and there was adverse departmental comment on the environmental aspect. DEP did not support the application as there were residential structures in the vicinity of the site and the involvement of heavy goods vehicles in the proposed use was considered environmentally undesirable. The site was the subject of five previously approved planning applications for mainly temporary retail shop for vehicle parts but the current application was different as it involved heavy goods vehicles and container vehicles. The last planning permission under Application No. A/YL-ST/366 submitted by the same applicant was revoked on 9.10.2009 due to non-compliance with condition which prohibited the parking/storage of heavy goods vehicles or container trailers/tractors on-site.

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 involving heavy goods vehicles was not compatible with the neighbouring residential uses; and
- (b) the proposed 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 there were adverse comments from concerned Government

department on the environmental aspect, and the development would have adverse environmental nuisances to the nearby residents.

[Ms. Anita W.T. Ma returned to join the meeting at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-HT/636 Proposed Temporary Logistics Transport Transit Centre with Ancillary Vehicle Parking Facilities for a Period of 3 Years in “Comprehensive Development Area” zone,
Lots No. 57(Part), 61(Part), 62(Part), 63(Part), 64, 65, 66, 67, 71, 140(Part), 141(Part), 143(Part), 144(Part), 145, 146(Part), 148(Part), 149(Part), 150(Part), 151, 152(Part) and 157(Part) in D.D. 125,
Lots No. 3220(Part), 3221 S.B(Part), 3222(Part), 3223(Part), 3224(Part), 3225 S.A(Part), 3225 S.B(Part), 3226, 3227, 3228, 3229, 3230(Part), 3231, 3232, 3234(Part) and 3235(Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/636)

106. The Committee noted that the applicant on 27.5.2010 requested for deferment of the consideration of the application for two months in order to allow more time for him address the concerns of the Drainage Services Department and the Urban Design and Landscape Section of PlanD.

107. 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 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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), 4
47 (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)

Presentation and Question Sessions

108. Mr. Stephen M.W. Yip declared an interest in this application as he, being a Councillor of the Heung Yee Kuk, had provided advice on the application. Mr. Yip left the meeting temporarily at this point. Dr. W.K. Yau, being a Co-opted Councillor of Heung Yee Kuk, also declared an interest in the application. The Committee noted that Dr. Yau had left the meeting temporarily.

109. Mr. Anthony C.Y. Lee, STP/TMYL, informed the meeting that replacement pages 10, 13 and 15 for the Paper had been out sent to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of containers and container repairing area for a period of 3 years;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period. A Yuen Long District Council (YLDC) Member objected to the application on the grounds that the development was not in line with the planning intention of the “Recreation” (“REC”) zone, the traffic impact as well as the noise and dust nuisance to the residential dwellings along the access road; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of containers and container repairing area could be tolerated for a period of 3 years based on the assessment made in paragraph 12 and having taken into account the public comment received. The applied use was not incompatible with the land uses in the adjoining “Open Storage” zone. Given that there was not yet any programme/known intention to implement the zoned use, approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “REC” zone. The development, which fell within Category 2 areas, was in line with the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB-PG-No. 13E) in that permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. The Commissioner for Transport’s concerns could be addressed by way of approval condition restricting left turning of container vehicles into Ha Tsuen Road upon leaving the site, and stacking of containers within the container vehicle queuing area. The technical concerns raised by the Chief Engineer/Mainland North of Drainage Services Department on the implementation of drainage mitigation measures, the Director of Fire Services on the provision of fire service installations for the structure, and

the Chief Town Planner/Urban Design and Landscape of PlanD on the submission and implementation of a landscape and tree preservation proposal could also be addressed by approval conditions. Other Government departments consulted, including the Director of Environmental Protection, Director of Agriculture, Fisheries and Conservation, District Lands Officer/Yuen Long and Commissioner of Police, had no adverse comment on/objection to the application. The Committee had recently approved 2 similar applications No. A/YL-HT/599 and 603 for the same temporary container storage use in the vicinity within the subject "REC" zone. Since granting these similar approvals, there had been no material change in the planning circumstances and approval of the application was in line with the Committee's previous decisions. With respect to the public comment from a YLDC Member against the application, concerned Government departments had no specific comment on the traffic and environmental aspects of the application.

110. Members had no question on the application.

Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.6.2013, 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 6:00 p.m. to 9:00 a.m. on any day, and 2:00 p.m. to 6:00 a.m. on Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no stacking of containers within 6m from the boundary of the site, as proposed by the applicant, during the planning approval period;

- (d) the stacking height of containers stored on the site should not exceed 8 units, as proposed by the applicant, during the planning approval period;
- (e) a fixed row of 5-unit high container stack along the western boundary of the site, as proposed by the applicant, should be maintained at all times during the planning approval period;
- (f) no left turn of container vehicles into Ha Tsuen Road upon leaving the site during the planning approval period;
- (g) no stacking of containers within the queuing area for container vehicles during the planning approval period;
- (h) the implementation of the drainage mitigation measures proposed in the Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.12.2010;
- (i) 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 11.12.2010;
- (j) in relation to (i) 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 11.3.2011;
- (k) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 11.12.2010;
- (l) in relation to (k) above, the implementation of the accepted landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.3.2011;

- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.12.2010;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his office; to apply to his office for Short Term Tenancy (STT) and Short Term Waiver (STW) to regularize the unlawful occupation of Government land and the unauthorized structures on-site. Should no STW/STT application be received/approved,

his office would consider taking appropriate lease enforcement/control action against the registered owner/occupier according to his office's prevailing programme;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement;
- (g) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations proposals as stated in Appendix V of the RNTPC Paper;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as office were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; formal submission of any proposed new works for approval under the BO was required; if the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan

submission stage; and

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

[Ms. Anna S.Y. Kwong left the meeting temporarily and Mr. Stephen M.W. Yip returned to join the meeting at this point.]

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/677 Temporary Vehicle Park for Private Cars and Light Goods Vehicles
for a Period of 3 Years in “Village Type Development” zone,
Lot No. 1713 RP (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/677)

Presentation and Question Sessions

113. Mr. Anthony C.Y. Lee, STP/TMYL, said that a replacement page 10 for the Paper had been sent out to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vehicle park for private cars and light goods vehicles for a period of 3 years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had reservation on the application as the applied use was incompatible with the landscape character of the low-rise residential dwellings adjoining the site;

- (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 vehicle park for private cars and light goods vehicles could be tolerated for a period of 3 years based on the assessment made in paragraph 11 of the Paper. The public vehicle park could serve the needs of residents in nearby villages and was not in conflict with the planning intention of “Village Type Development” (“V”) zone on the OZP. It was also not incompatible with the surrounding residential neighbourhood and the existing container storage use further east and southeast. Since the District Lands Officer/Yuen Long (DLO/YL) advised that no small house application had been received for the site concerned, approval of the application on a temporary basis would not frustrate the planning intention of the “V” zone. The Director of Environmental Protection had no objection to the application and indicated that there had not been any environmental complaint against the site over the past 3 years. However, to mitigate any potential environmental impacts, approval conditions restricting night-time operation, types of vehicle to be parked, repairing and workshop activity had been recommended. CTP/UD&L of PlanD's reservation on the application could be addressed by way of landscaping approval conditions. The technical concerns raised by the Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Highway Engineer/New Territories West of Highways Department regarding drainage, fire service installations and run in/out provisions, could also be addressed by approval conditions. Other Government departments consulted, including the Commissioner for Transport, Commissioner of Police, DLO/YL and Director of Agriculture, Fisheries and Conservation, had no adverse comment on the application. Although the Committee had rejected the previous application No. A/YL-HT/86, it was noted that the applied use at that time was temporary open storage of used vehicles and vehicle repairing workshop with ancillary storage of repairing tools, which was of an entirely different

nature from the present application. Besides, no local objection was received during the statutory publication period.

114. Members had no question on the application.

[Dr. W.K. Yau returned to join the meeting at this point.]

Deliberation Session

115. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.6.2013, 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 (i.e. no vehicular movement in/out/within the site) 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 vehicle other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes was allowed to be parked or stored on the application site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, vehicle repair and workshop activity was allowed on the site during the planning approval period;
- (d) the removal of structures, including converted containers, along the southwestern boundary of the site within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.12.2010;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.12.2010;
- (f) in relation to (e) above, the implementation of the drainage proposal within

9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.3.2011;

- (g) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.12.2010;
- (h) in relation to (g) above, the implementation of the fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.3.2011;
- (i) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 11.12.2010;
- (j) in relation to (i) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 11.3.2011;
- (k) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.12.2010;
- (l) in relation to (k) above, implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.3.2011;
- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.12.2010;
- (n) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the lot under application was an Old Schedule Agricultural Lot held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office; and to apply for Short Term waiver (STW) to regularize the unauthorized structures in the form of 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;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land

status of the road/path/track leading to the site from a public road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) to construct the run-in/out at the access point at Ping Ha Road in accordance with the latest version of HyD's Standard Drawing No. H1113 and H1114, or H5313, H5314 and H5315, whichever was appropriate to suit the pavement of the adjacent areas; to provide adequate drainage measures at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run in/out; and that the Civil Engineering and Development Department was planning to widen the northern section of Tin Ha Road from Ping Ha Road;
- (g) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations proposals as stated in Appendix III of the RNTPC Paper; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department to remove the existing structures that apparently have not obtained approval under the Buildings Ordinance (BO); that temporary buildings were subject to control under the Building (Planning) Regulations Part VII; and formal submission under the BO was required for any proposed new works, including any temporary structures.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/679 Proposed Temporary Open Storage of Construction Machinery
with Ancillary Workshop for a Period of 3 Years
in “Undetermined” zone,
Lots No. 1932 (Part), 1933 (Part), 1934 RP (Part), 1936 S.B RP (Part),
and 1937 RP (Part) in D.D. 125 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/679)

Presentation and Question Sessions

117. Mr. Anthony C.Y. Lee, STP/TMYL, informed the meeting that replacement pages 1, 11, 12 and 13 for the Paper had been sent out to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery with ancillary workshop for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment from a Yuen Long District Council (YLDC) Member was received during the statutory publication period, who objected to the application on the grounds that the previous planning permissions were revoked due to non-compliance with approval conditions, reflecting the applicant’s lack of sincerity in this regard; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of construction machinery with ancillary workshop could be tolerated for a period of 3 years based on the assessment made in

paragraph 12 and having taken into account the public comment received. The applied use was not incompatible with the surrounding land uses in the subject “Undetermined” (“U”) zone, which was predominantly open storage and workshop uses, and there was no known development programme for the site. Approval of the application on a temporary basis would therefore not frustrate any long-term permanent development within the zone. The proposed development, which fell within Category 1 area, was in line with the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) in that there was no adverse comment from concerned Government departments, including the Director of Environmental Protection, District Lands Officer/Yuen Long, Director of Agriculture, Fisheries and Conservation, Commissioner of Police and Chief Town Planner/Urban Design and Landscape of PlanD. The technical concerns raised by the Chief Engineer/Mainland North of Drainage Services Department regarding the provision of drainage system, and Director of Fire Services regarding the provision of fire service installations could be addressed by approval conditions. The Committee had approved 4 previous applications for similar temporary open storage and workshop uses under Applications No. A/YL-HT/97, 342, 451 and 547 since 1999. Although the last application No. A/YL-HT/646 was rejected by the TPB upon review on 5.2.2010 taking into consideration the revocation of 3 previous approvals, it should be noted that these applications were submitted by a different applicant for a different use, and the site was currently vacant. The applicant had also demonstrated his willingness to address various technical concerns by including landscaping, drainage and environmental mitigation proposals in his submission. The Committee had recently approved similar applications No. A/YL-HT/608, 609, 626, 632, 662 and 666 for various temporary open storage and workshop uses within the same “U” zone. As the site was in close vicinity to these applications, and there had been no material change in the planning circumstances, approval of the subject application was in line with the Committee’s previous decisions. There was one public comment from a YLDC Member against the application. Since the application was submitted by a different applicant for a different use, it was unreasonable to

assume that the present applicant would not comply with the approval conditions.

118. In response to a Member's question, Mr. Anthony C.Y. Lee explained that the previous applications were revoked mainly due to non-compliance of the approval conditions on the submission and implementation of landscaping proposals, provision of drainage facilities, paving and fencing of the site, run-in proposals and submission and implementation of fire service installations proposals. Mr. Lee, however, remarked that as the current application was submitted by a different applicant and for a different use, it would be unreasonable for the Committee to assume that the current applicant would not attempt to comply with the approval conditions imposed. The same Member asked and Mr. Lee confirmed that all the relevant approval conditions were recommended to be imposed in the subject application to address the technical concerns of relevant Government departments.

Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the access to the site should be maintained in good condition at all times during the approval period;
- (d) all existing trees on the site should be maintained at all times during the approval period;
- (e) the submission of a tree preservation and landscape proposal within 6 months from the date of the planning approval to the satisfaction of the

Director of Planning or of the TPB by 11.12.2010;

- (f) in relation to (e) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 11.3.2011;
- (g) the submission of a revised drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.12.2010;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.3.2011;
- (i) the submission of fire service installations proposals with 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.12.2010;
- (j) in relation to (i) above, the implementation of the fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.3.2011;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to resolve any land issues relating to the development with the concerned

owner(s) of the application site;

- (b) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office. The temporary structure covered by Short Term Waiver (STW) No. 2782 appeared to have straddled onto the adjoining lot. The applicant should rectify such irregularities. His office reserved the right to take enforcement action under the conditions of STW No. 2782 should any irregularities be found. The site also encroached onto temporary Government Land Allocation No. TYL 825 granted to the Chief Engineer/Land Works of Civil Engineering and Development Department for 'Ping Ha Road Improvement – Remaining Works';
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads/drains through the run-in/out;
- (f) to note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the access road to the site was located near Ping Ha Road which was within the works limit of Contract No.

CV/2006/01 ‘Ping Ha Road Improvement Works (Ha Tsuen Section)’, which construction works commenced in December 2007 for completion by end 2010; that ingress/egress route to/from the site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation thereof. Moreover, a run-in adjoining Ping Ha Road and a 300mm wide covered U-channel had been constructed in the vicinity of the site under Contract No. CV/2006/01;

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/680 Proposed Public Utility Installation (Package Substation)
in “Village Type Development” zone,
Government Land in D.D.125, San Sik Road, Sik Kong Tsuen,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/680)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (package substation);
- (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 had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed package substation was an essential facility to enhance the electricity supply to the existing village and to cater for future developments/new village houses in the vicinity. It was in line with the planning intention of the “Village Type Development” zone, and was not incompatible with the surrounding residential uses. Taking into account the nature and small scale of the proposed package substation, it was unlikely to cause any significant adverse impact on the surrounding environment. In this connection, concerned Government departments had no adverse comment on the application. The technical concerns of the Chief Town Planner/Urban Design and Landscape of PlanD and Director of Fire Services regarding the submission and implementation of landscape mitigation measures, and the provision of fire service installations and water supplies for fire fighting could be addressed by the approval conditions recommended.

122. In response to the Vice-chairman's enquiry, Mr. Anthony C.Y. Lee confirmed

that an approval condition requiring the submission and implementation of a landscape mitigation proposal to address the possible visual impact of the proposed development was recommended.

Deliberation Session

123. 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 11.6.2014, 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 a landscape mitigation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of a fire service installations proposal, and the provision of water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long that the site should be excluded from the boundary of Short Term Tenancy (STT) No. 1977 and maintenance access should be allowed for before implementing the proposal. The applicant should apply for an STT if the proposed package substation, including its landscaping area, occupied aggregate Government land greater than 12m² but there was no guarantee that the STT application would be successful;
- (b) to note the comments of the Director of Environmental Protection to take appropriate measures to avoid noise nuisance arising, such as locating openings of the proposed electricity substation away from sensitive receivers;

- (c) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, fire service installations were anticipated to be required. The provision of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue, which was administrated by the Buildings Department (BD);
- (e) to note the comments of the Chief Building Surveyor/New Territories West, BD that the proposed package substation was subject to control under the Buildings Ordinance (BO). Formal submission under the BO was required for any proposed new works, including any structures and excavation works. The existing structures that apparently had not obtained approval under the BO should be removed. The site should be provided with means of access thereto from a street under Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under the B(P)R 41D. 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 the B(P)R 19(3) at building plan submission stage;
- (f) to note the comments of the Director of Electrical and Mechanical Services that the associated electricity demand should be provided by the nearby substation as far as possible; and
- (g) to note the comments of the Director of Health that according to the World Health Organization (WHO), compliance with the relevant International

Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines should not pose any significant adverse health effects to workers and the public from exposure to electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities. Upon commissioning of the electricity substation, it was advisable to verify compliance with the ICNIRP guidelines with direct on-site measurements by the relevant parties.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/490 Temporary Open Storage of Private Cars for Sale and Display
for a Period of 3 Years in “Village Type Development” zone,
Lot 291 (Part) in D.D. 109, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/490)

Presentation and Question Sessions

125. 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 private cars for sale and display for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as sensitive receivers, i.e. existing residential dwellings/structures, were located to the immediate east and in the vicinity of the site, and environmental nuisance was expected. He, however, stated that there was no environmental complaint received in the

past three years. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had reservation on the application as the proposed development was considered incompatible with the existing village setting and adverse impact on the village landscape character and the surrounding environment was anticipated. No landscape mitigation measures had been included in the development proposal to alleviate the adverse impact;

- (d) seven public comments from the local residents were received during the statutory publication period. Three commenters objected to the application and four commenters expressed concerns on the application as the development would generate nuisance on noise and glare, environmental pollution problem on the nearby residents, cause security and privacy problems, lead to fire/fuel leakage accidents and spoil the tranquillity of the nearby developments as well as increase the traffic flow of Kam Sheung Road; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 and having taken into account the public comments received. The development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. The development was also incompatible with the surroundings, which were predominantly rural and residential in character, and the scattered open storage/storage yards, parking lots and workshops in the vicinity were mostly suspected unauthorized developments. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The development, which fell within Category 4 areas, was not in line with the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) in that no previous planning approval had been granted and there were adverse departmental comments and local objections against the

application. The applicant also failed to demonstrate in the submission that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas. Though similar applications were approved by the Committee or the TPB on review, they were approved in the 1990s before the introduction of the locational assessment criteria under TPB Guidelines No. 13B in October 2001. Since then, no similar application had been approved. The approval of the application would set an undesirable precedent for similar applications within the “V” zone. Local objections mainly on nuisance, environmental, security and privacy, traffic and land use compatibility grounds were received.

126. Members had no question on the application.

Deliberation Session

127. 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 “Village Type Development” (“V”) zone on the Outline Zoning Plan, which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The development was incompatible with the surroundings which were predominantly rural and residential in character. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” in that

the there was no previous planning approval granted for the site and there were adverse departmental comments and local objections against the development;

- (c) the applicant failed to demonstrate in the submission that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/492 Temporary Public Car Park (Private Cars and Lorries)
for a Period of 3 Years in “Agriculture” zone,
Lots 111 RP, 112 (Part), 113 (Part), 115 RP, 116 (Part) and
117 RP in D.D. 113 and Adjoining Government Land,
Kam Tin South, Yuen Long
(RNTPC Paper No. A/YL-KTS/492)

Presentation and Question Sessions

128. 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 public car park (private cars and lorries) for a period of 3 years;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was supported by good transportation system with high potential for agricultural rehabilitation;

- (d) two public comments were received during the statutory publication period. One public comment from Designing Hong Kong Ltd objected to the application as there was an over supply of parking spaces for private cars resulting in lowering the cost of car use and ownership, which was in direct conflict with Hong Kong’s traffic demand management policy. The other comment was from a Yuen Long District Council Member who expressed that the TPB should consider if the temporary public car park would affect the environment and take into account the actual situation/environment; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary public car park (private cars and lorries) could be tolerated for a period of 3 years based on the assessment made in paragraph 11 and having taken into account the public comments received. Although the development of public car park (private cars and lorries) was not in line with the planning intention of the “Agriculture” (“AGR”) zone, it was considered that the development could satisfy some of the local parking demand. Given its temporary nature, the development would not jeopardize future rehabilitation of the site for agricultural purposes and the long-term planning intention of the “AGR” zone. On the other hand, the development was considered not incompatible with the surrounding land uses which were predominated by fallow agricultural land, orchards, a few residential structures, open storage/storage yards, warehouses, a workshop and vacant/unused land. It was noted that the applicant had complied with the approval conditions of the previous application related to landscape, drainage, traffic and fire safety aspects. Relevant departments consulted, except DAFC, had no adverse comment on the application and no environmental complaint was received by the Director of Environmental Protection in the past three years. Hence, sympathetic consideration could

be given to the current application. Regarding the public comment objecting to the application on the grounds that the supply of parking spaces for private cars was in conflict with the policy to control traffic demand, the Commissioner for Transport had no comment from the traffic policy perspective.

129. Members had no question on the application.

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

Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations, as proposed by the applicant, were allowed to be parked on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance and container vehicles, as proposed by the applicant, were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no right turning of vehicles from the access road to Kam Ho Road was allowed at any time during the planning approval period;
- (e) no vehicles exceeding 7 metres long were allowed to enter the site through Kam Ho Road at any time during the planning approval period;

- (f) all existing trees and landscape plantings within the site should be maintained at all times during the planning approval period;
- (g) the drainage facilities within the site should be maintained at all times during the planning approval period;
- (h) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.12.2010;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.12.2010;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.3.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (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.

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

- (a) planning permission should have been renewed before continuing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the District Lands Officer/Yuen Long's comments that there were unauthorized structures (including converted containers) within the site. Besides, the Government land (GL) within the site was also occupied without prior approval from his office. Applications for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize these irregularities were received. If planning permission was given, his office would resume processing of the STW/STT applications. Based on earlier site inspection, an area of about 130m² was covered by on-site temporary structures including a large porch in front of the office, which far exceeded the total floor area of 72m² as provided in the application. Clarification from the applicant was required. Besides, the site was accessible to Kam Ho Road via a short stretch of informal track on GL. His office did not provide maintenance works to the track nor guarantee right-of-way;
- (d) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not responsible for the maintenance of any existing vehicular access connecting the site and Kam Ho Road;
- (f) to note the Commissioner for Transport's comments that the land status of the track between the site and Kam Ho Road should be checked with the lands authority. The management and maintenance responsibilities of the same track should also be clarified with the relevant lands and maintenance

authorities accordingly;

- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person had to be appointed to coordinate all building works;
- (h) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that there should be no change to the drainage works previously implemented based on the agreed drainage proposal and the subject development would not obstruct overland flow and cause any adverse drainage impact to the adjacent areas. In this regard, the agreed drainage facilities on-site should be maintained in good condition without obstructing overland flow and/or causing adverse drainage impact to the adjacent areas; and
- (i) to note the Director of Fire Services's comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. In formulating the FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirements in Appendix IV of the RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, he was required to provide justifications to his department for consideration.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/493 Renewal of Planning Approval for Temporary “Open Storage of Forklifts” Use under Application No. A/YL-KTS/396 for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 567 and 609 RP in D.D. 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/493)

Presentation and Question Sessions

132. 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 renewal of planning approval for temporary “open storage of forklifts” use under Application No. A/YL-KTS/396 for a period of 3 years;

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

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings, located to the immediate northeast and in the vicinity of the site, and environmental nuisance was expected. He however commented that there was no environmental complaint received in the past three years;
- (d) two public comments were received during the statutory publication period. One comment from a Yuen Long District Council (YLDC) Member concerned that the operation involving heavy vehicles would cause traffic congestion on Kam Sheung Road and affect the safety of children and parents of the nearby kindergarten. The other comment, submitted by the

Village Affairs Committee of Ng Ka Tsuen, objected to the application in view of its close proximity to the residential developments and complaints from villagers on exhaust gas and noise had been received. The District Officer (Yuen Long) advised that a public comment from a YLDC Member, which was same as the public commenter, had been received by his Office; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of forklifts could be tolerated for a period of 1 year, instead of 3 years sought, so as to monitor the situation on the site based on the assessments made in paragraph 12 and having taken into account the public comments received. The development was considered not incompatible with the surrounding area, which were mixed with open storage yard, warehouse, parking lot, workshops, residential structures, a church, a kindergarten and vacant/unused land. A similar application No. A/YL-KTS/479 for temporary open storage of new coaches and new vehicle parts with ancillary workshop was approved with conditions by the Committee on 4.12.2009 for 1 year in order to monitor the situation on that site and to address the environmental concern of DEP. As there was no known development programme for the subject “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) site, temporary permission could be considered to make good use of the land resource. On the other hand, the development, which fell within Category 3 areas, was generally in line with the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) and TPB Guidelines No. 34A for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34A) in that the approval conditions in relation to maintenance of boundary fence, existing trees and landscape plantings and existing drainage facilities under the last application (No. A/YL-KTS/396) had been complied with and no adverse comment on the current application from the Government departments consulted, except DEP, had been received. Given that there was no major change in planning circumstances and the applicant had complied with the relevant approval conditions under the last

approval, sympathetic consideration could be given to the current application. Nevertheless, to address the environmental concern of DEP and the local villagers on environmental issues, a shorter approval period of 1 year, instead of 3 years as proposed by the applicant, and relevant approval conditions were recommended. It could also allow monitoring of the development at the “OU(RU)” zone so that the long-term planning intention for the zone would not be unduly frustrated. Regarding the concerns of local villagers on traffic and road safety, relevant departments, including the Commissioner for Transport and Commissioner of Police, had no comment on these aspects.

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

133. In response to the Vice-chairman’s enquiry, Mr. Kepler S.Y. Yuen stated that no environmental complaint was received by the DEP in the past 3 years regarding the subject site though there was public comment on the possible environmental nuisance to be created by the development.

134. A Member enquired why a shorter approval period of 1 year, as compared with the previous approvals of 3 years, was recommended in the renewal application. Mr. Kepler S.Y. Yuen explained that the two previous applications (No. A/YL-KTS/312 and 396) were approved for 3 years as there were no adverse departmental comments and no local objection to the applications. With respect to the current application, DEP had reservation on the close proximity of the application site to the sensitive receivers and local objections were received during the statutory publication period. Therefore a shorter approval period was recommended so as to allow monitoring of the situation.

135. In response to the enquiry of the same Member, Mr. C.W. Tse said the environmental standards had not been changed since the last approvals. DEP raised concerns on the proposed development because there were both residential dwellings and a kindergarten in the vicinity of the application site. Nevertheless, noting that approval conditions restricting the operation hours and days were recommended, he considered that the application could be tolerated.

136. The same Member further asked if the approval period of 1 year was appropriate when there appeared to be no change in circumstances for the application. Mr. Kepler S.Y. Yuen explained that according to DEP's comment, there were sensitive receivers in the surroundings and hence a shorter approval period was recommended to allow the situation to be monitored. Mr. Yuen also drew Members' attention to a similar application No. A/YL-KTS/479 for temporary open storage of new coaches and new vehicle parts with ancillary workshop, which was approved with conditions by the Committee on 4.12.2009 for 1 year in order to monitor the situation on that site and to address the environmental concern of DEP. Besides, there were also a number of applications for residential development rejected by the Committee in the vicinity of the application site in view of the presence of temporary uses but without the submission of strong justifications to substantial the applications.

137. The Secretary explained that normally, the TPB would grant a planning permission with a shorter compliance period for certain approval conditions when the applicant had failed to comply with the approval conditions in the previous application. On the other hand, the TPB would usually grant a shorter approval period to monitor the situation when adverse departmental comment(s) and/or objection(s) with valid grounds were received on the application.

Deliberation Session

138. A Member agreed to the granting of a shorter approval period of 1 year so that the applicant could take note of the potential environmental impacts of his application to the surrounding area. The views were generally shared by other Members.

139. 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, from 23.6.2010 to 22.6.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (d) the boundary fence along the application site should be maintained at all times during the planning approval period;
- (e) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (f) the drainage facilities within the site should be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.9.2010;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.12.2010;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (k) upon 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.

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

- (a) a shorter approval period was granted and shorter compliance periods were imposed so as to monitor the situation and fulfillment of approval conditions on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long's comments that there were unauthorized structures within the site. Application for Short Term Waiver (STW) in respect of Lot 609RP to regularize such irregularities was received. The earlier information revealed that unauthorized structures were found on Lot 567. Clarification from the applicant was required. Besides, Modification of Tenancy (MOT) Nos. M20102 and M20162 for Lots 567 and 609RP respectively were granted to the owners of the concerned lots permitting erection and maintenance of agricultural structures. Apparently, these agricultural structures had been removed or converted for non-agricultural purpose. His office would consider cancellation of these MOT as appropriate. The owner of the lot should apply to his office for STW to regularize the irregularities on-site. His office would also resume processing the application for STW on Lot 609RP. Should no STW application be received/approved and any irregularities persist on the site, his office, on review of the situation, would take appropriate lease enforcement/land control action against the registered owner;
- (d) to note the Commissioner for Transport's comments that the ingress/egress of the site did not abut Kam Sheung Road. The status of the strip of land between the site and Kam Sheung Road should be checked with the lands

authority. The management and maintenance responsibilities of the same strip of land should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that there should be no change to the drainage works previously implemented on-site under the previous Application No. A/YL-KTS/312. The agreed drainage facilities on-site should be maintained in good condition without causing adverse drainage impact to the adjacent areas;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments that existing water mains would be affected. The applicant should bear the costs of the necessary diversion works for the water mains affected by the proposed development. In case it was not feasible to divert the affected water mains, an area within 1.5 metres from the centerline of the water mains should be provided to WSD. No structure should be erected over this area and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize;

- (i) to note the Director of Fire Services's comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements in Appendix VI of the RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to his department for consideration; and

- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/467 Temporary Open Storage of Recyclable Materials
(including Metal and Plastic) for a Period of 3 Years
in "Village Type Development" zone,
Lots 287 (Part), 296 (Part), 298 (Part), 300 (Part), 301 (Part),
302 S.A (Part), 302 RP (Part), 303 (Part) and 304 (Part) in D.D.119,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/467)

Presentation and Question Sessions

141. 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 recyclable materials (including metal and plastic) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate southeast and in the vicinity of the site, and environmental nuisance was expected. He, however, commented that there was no environmental complaint concerning the site received in the past three years. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had reservation on the application unless the applicant could demonstrate that the proposed development would not cause any increase in the flooding susceptibility of the adjacent areas, and the proposed development would not cause adverse drainage impact on the adjacent areas and worsen the existing drainage conditions;
- (d) two public comment was received during the statutory publication period. The first comment was submitted by four villagers of Shan Ha Tsuen objecting to the application as the area was planned for Small Houses development. They considered that the stockpiling and burning of the poisonous electronic and computer parts/waste at the storage yards could cause various kinds of pollution problems and environmental nuisance, affecting the health of the villagers and posing fire risk. The second commenter was from a Yuen Long District Council Member, who objected to the application for reasons of traffic impacts and pollution problems; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 and having taken into account the public comments received. The development was not in line with the planning intention of the “Village Type Development” (“V”) zone, which was to designate both existing recognized villages and

areas of land considered suitable for village expansion and land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. The site, which fell within Category 4 areas, was not in line with the TPB Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E) in that there was no previous approval granted at the site and there were adverse comments from DEP and CE/MN, DSD on the application since open storage of recyclable materials could bring environmental nuisance to the nearby residential uses. However, the applicant had not included any relevant technical assessments in the submission to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding area. Although there were some open storage yards located within the "V" zone, most of them were suspected unauthorized developments subject to enforcement action. No similar application had been approved on sites falling entirely within the same "V" zone. Besides, there were local objections to the application raising concerns mainly on the possible environmental pollution, malodour, land contamination, fire risk and health and traffic safety impacts caused by the development.

142. Members had no question on the application.

Deliberation Session

143. In view of the highly inflammable and polluting nature of the materials stored in the open storage yard as well as the poor conditions of the vehicular access to the application site, a Member considered that the application should not be approved having regard to the adverse departmental comments and strong local objections.

144. 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 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 “Village Type Development” (“V”) zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. 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 application did not comply with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted for the applied use on the site, no relevant technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas, and there were adverse departmental comments on and local objections to the application. The development was also not compatible with the village houses to its immediate southeast and other village houses of Shan Ha Tsuen to its northwest and west; and

- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/475 Temporary Warehouse for Storage of Construction Materials
(with Ancillary Workshop Activities and Site Office)
for a Period of 3 Years in “Undetermined” zone,
Lots 1018 S.B, 1156, 1157 S.A, 1157 S.B, 1158 S.A and
1158 S.B in D.D. 119, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/475)

Presentation and Question Sessions

145. 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 (with ancillary workshop activities and site office) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate south and west of the site, and environmental nuisance was expected. He, however, advised that no environmental complaint concerning the site was received in the past three years;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary warehouse for storage of construction materials (with ancillary workshop activities and site office) could be tolerated for a period of 3

years based on the assessments made in paragraph 11 of the Paper. The applied warehouse use with ancillary office and minor workshop activities for cutting of materials was not in conflict with the planning intention of the “Undetermined” zone, which was intended to cater for the continuing demand for open storage which could not be accommodated in conventional godown premises. Besides, the development was considered not incompatible with the areas to its north which already comprised a number of warehouses and open storage yards. Since there was no known programme for permanent development, the applied use on a temporary basis would not frustrate the long-term use of the area. Although DEP did not support the application in view of the residential uses in the vicinity, the development was mainly for storage purpose within an enclosed warehouse structure and there was no environmental complaint against the site in the past three years. The area for workshop activities was also inside the warehouse. It was expected that the development would not generate significant environmental impact on the surrounding area. To address possible concern on the environmental impact, approval conditions restricting the operation hours, prohibiting the carrying out of workshop activities in the open area of the site and limiting to the cutting of materials and prohibiting open storage use were recommended. Other than DEP, Government departments consulted generally had no adverse comment on the application. No public comment was received during the statutory publication period.

146. Members had no question on the application.

Deliberation Session

147. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning

approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, except cutting of materials, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) no workshop activities should be carried out in the open area of the application site at any time during the planning approval period;
- (e) no storage at the open area of the application site was allowed during the planning approval period;
- (f) the existing trees on the application site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (h) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 11.12.2010;
- (i) in relation to (h) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 11.3.2011;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.12.2010;
- (k) in relation to (j) above, the provision of fire service installations within

9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.3.2011;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that his office would resume the processing of the Short Term Waiver (STW) applications for regularization of unauthorized structures on the lots within the site. Should no STW application be approved and the irregularities persist on-site, his office would consider taking appropriate lease enforcement action against the registered owners. Besides, access to the site opens onto Kung Um Road via a short stretch of Government land. His office did not provide maintenance works for this Government land nor guarantee right-of-way;
- (c) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same

road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run-in/out to be constructed at the access point at Kung Um Road should be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate, to suit the pavement of the adjacent areas. Adequate drainage measures should be provided at the site entrance to prevent surface water flowing from the site to the nearby public roads and drains through the run-in/out. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (e) 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;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the existing drainage facilities on-site should be maintained properly throughout the approval period without adverse drainage impact on the adjacent areas and the existing drainage facilities. Moreover, the development should not obstruct overland flow and surface runoff generated from the site and passing through the site at all times. The applicant should also consult DLO/YL, LandsD and seek consent from the relevant owners for any works carried out outside his lot boundary;
- (g) to note the Director of Fire Services's comments on the requirements on formulating fire service installations (FSIs) proposal in Appendix IV of the RNTPC Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to him for consideration; and

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

[The Vice-chairman thanked Mr. Anthony C.Y. Lee and Mr. Kepler S.Y. Yuen, STPs/TMYL, for their attendance to answer Members' enquires. Messrs. Lee and Yuen left the meeting at this point.]

Agenda Item 35

Any Other Business

149. There being no other business, the meeting was closed at 5:30 p.m..