

TOWN PLANNING BOARD

**Minutes of 424th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 27.8.2010**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Dr. James C. W. Lau

Dr. C.P. Lau

Dr. W.K. Lo

Dr. W.K. Yau

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

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

Assistant Director/New Territories,
Lands Department
Mr. Alan K.L. Lo

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

Secretary

Absent with Apologies

Mr. Walter K.L. Chan

Vice-chairman

Ms. Anna S.Y. Kwong

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Ms. Anita W.T. Ma

Mr. Stephen M.W. Yip

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
Miss H.Y. Chu

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

- (a) background to the application;
- (b) the proposed three houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department advised that the application site was located below steep natural hillside with records of past instability. He had no objection to the application provided that a detailed natural terrain hazard study (NTHS) for the application site would be carried out by the applicants;
- (d) during the statutory publication period, two public comments were received from WWF Hong Kong and Kadoorie Farm and Botanic Garden Corporation. Both commenters requested the applicants to clarify whether the woodland would be affected by the proposed development. They also considered that the proposed houses were not compatible with the planning intention of the “Green Belt” (“GB”) zone, and the encroachment on the “GB” zone by the proposed house would degrade the ecological value and function of the “GB” zone. WWF Hong Kong commented that approval of the application would set an undesirable precedent for other applications within the “GB” zone; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development of three Small Houses met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that the application site fell entirely within the village ‘environs’ of Lung Mei Tsuen, and over 50% of the footprint of each of the proposed three Small Houses fell within the “Village Type Development” (“V”) zone. There was also a general shortage of land in meeting the future Small House demand in the “V” zone of Lung Mei Tsuen. Although part of the application site was zoned “GB”, the land involved was basically a

road-side amenity area. Regarding the Director of Agriculture, Fisheries and Conservation's concern that a number of mature trees were located to the north of Lots 45 S.Q and 45 S.R, the applicants had undertaken to pay special attention to the tree preservation on the northern side of the subject lots. To mitigate possible impact on the nearby mature trees, an approval condition on landscaping and an advisory clause on tree preservation were recommended should the application be approved. The applicants had also undertaken to carry out a NTHS and implement the mitigation measures if necessary. The proposed development would not have any adverse infrastructural impacts on the surrounding area. For the public comments against the application, it was considered that although part of the Site fell within the "GB" zone, the land involved was basically a road-side amenity area. The proposed development would not have any adverse impact on the surrounding environment and no tree felling was involved.

4. Mr. T.K. Choi said that according to the applicants, there was a track connecting Lots 45 S.Q and 45 S.R with the local access road – Lung Mei Tsuen Road. He suggested incorporating an advisory clause to request the applicants to check with the relevant authorities on the land status and the management/maintenance responsibilities of the concerned access track. Members agreed.

Deliberation Session

5. 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 27.8.2014, 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 with tree preservation plan to the satisfaction of the Director of Planning or of the TPB;

- (b) the submission of a Natural Terrain Hazard Study and the implementation of the geotechnical mitigation measures, if any, to the satisfaction of the Director of Civil Engineering and Development or of the TPB; and
- (c) 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.

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

- (a) to apply to the District Lands Officer/Sai Kung for the land grant to effect the proposed New Territories Exempted House (Small House);
- (b) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for the provision of water supply to the proposed development, the applicants might need to extend their inside services to the nearest suitable Government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's satisfaction;
- (c) to note the Director of Agriculture, Fisheries and Conservation's comments that the applicants should pay special attention to the tree preservation on the northern side of Lots 45 S.Q and 45 S.R;
- (d) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that trees should be planted in the "Green Belt" ("GB") portion of the application site to maintain a smooth transition from the "Village Type Development" zone to the "GB" zone and act as the green buffer between the proposed houses and Lung Mei Tsuen Road on the north; and
- (e) to note the Commissioner for Transport's comments that the land status of

the track leading to the site from Lung Mei Tsuen Road should be checked with the lands authority, and the management and maintenance responsibilities of the same track should be clarified with the relevant lands and maintenance authorities accordingly.

[The Chairman thanked Mr. Charles C.F. Yum, STP/SKIs, for his attendance to answer Members' enquires. Mr. Yum left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/711 Shop and Services (Fast Food Shop)
 in "Industrial" zone,
 Unit 3C, G/F, Goldfield Industrial Centre,
 29 Shan Mei Street, Fo Tan, Sha Tin
 (RNTPC Paper No. A/ST/711)

Presentation and Question Sessions

7. 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 – the application premises was the subject of a previous Application No. A/ST/688 for the same use submitted by the same applicant, which was approved with conditions by the Committee on 4.12.2009 for a period of three years. The planning permission was revoked on 4.6.2010 due to non-compliance of the approval condition on

the submission of fire safety measures;

- (b) the shop and services (fast food shop);
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The fast food shop under application was considered not incompatible with the adjoining units on the ground floor of the same industrial building which were occupied by mixed industrial and commercial uses. It was small in size (about 33m²) and would not result in a significant loss of industrial floor space. The Commissioner for Transport had no objection to the application provided that there would be adequate space inside the shop for the queuing of customers so that the queue would not obstruct pedestrian flow on public footpath. Since the fast food shop had a floor area of about 33 m², waiting area could be provided therein for the queuing of customers. In view of the small scale of the fast food shop and its nature of operation, no adverse environmental, hygiene, infrastructural and traffic impacts on the surrounding areas were anticipated. According to the Town Planning Board Guidelines No. 25D, the limit on aggregate commercial floor space on fire safety concerns did not apply to fast food counter which was sited at street level without seating accommodation and licensed as food factory. In this regard, the Fire Services Department had no objection to the application subject to the provision of fire service installations. If the application was approved, a temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to monitor the supply and demand of industrial floor space in the area. Since the last

approval (Application No. A/ST/688) was revoked due to non-compliance with the approval condition on the submission of fire safety measures, shorter compliance periods were proposed to monitor the progress of compliance. Moreover, the applicant would be advised that should he fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

8. Members had no question on the application.

Deliberation Session

9. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.8.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire safety measures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2010;
- (b) in relation to (a) above, the implementation of fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.2.2011; 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.

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

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

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

- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the Chief Building Surveyor/New Territories East (1) and Licensing Unit, Buildings Department's comments that the applied use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls having a fire resisting period of not less than two hours. Building safety requirements would be formulated upon receipt of food licence application, where applicable;
- (f) to note the Commissioner for Transport's comments that customers should only queue up inside the application premises and should not obstruct pedestrian flow on public footpath;
- (g) to note the Director of Fire Services' comments that the fast food shop under application should only be licensed as 'food factory'. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans;
- (h) to note the Director of Food and Environmental Hygiene's comments that the proposed food business should comply with the provisions of the Public Health and Municipal Services Ordinance (Cap. 132) and the requirements made under it, including the Food Business Regulation, and any prevailing

requirements or conditions as specified by the Food and Environmental Hygiene Department or any requirement or condition imposed or might be imposed by the Building Authority, the Director of Fire Services, the Director of Electrical and Mechanical Services, the Director of Environmental Protection or any other Government departments; and

- (i) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’, which was promulgated by the TPB in September 2007, for 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 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/195 Proposed Residential Institution and Columbarium
in “Government, Institution or Community” zone,
Annex Structures, Kun Chung Temple,
12 Chi Fuk Circuit, Fanling
(Fanling Sheung Shui Town Lot 187) (Part)
(RNTPC Paper No. A/FSS/195A)

11. The Secretary informed the meeting that Mr. Cheung Chi-kong, Chairman of the Incorporated Owners (IO) of Fortune House (Fanling), and Mr. Poon Chung-yin, a Sha Tin District Council Member, representing the IO of six residential developments (i.e. Royal Knoll, Wealthy Villas, Magdalene Garden, Parkford Garden (Fanling), Century Court (Fanling) and Fortune House (Fanling)) launched a petition against the application in the afternoon. A copy of the letter to the Town Planning Board was tabled at the meeting for Members’ reference.

Presentation and Question Sessions

12. 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 residential institution and columbarium – the applicant proposed to redevelop six annex structures (1 to 2-storey) of Kun Chung Temple into a new 4-storey (above one electrical/mechanical (E/M) floor) annex block accommodating dormitories, columbarium and other ancillary facilities to Kun Chung Temple. The proposed new annex block would provide 17 en-suite dormitory rooms for the monks and nuns of Kun Chung Temple as well as occasional visiting monks and nuns, 1 000 niches (including the reprovisioning of existing 634 niches), and other ancillary facilities such as storage, kitchen and canteen, temple office and toilets;

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

- (c) departmental comments – the District Lands Officer/North had no objection to the application. He advised that under Special Condition (9)(b) of the New Grant, Kun Chung Temple was allowed to include a columbarium subject to a maximum number of 634 niches. Should the application be approved, the applicant was required to apply for a lease modification to relax the restrictions under the New Grant and obtain the necessary approval prior to implementation of the proposal. The Director of Environmental Protection had no objection to the application as the applicant had proposed practical means to minimize potential air quality problem, such as locating incense-burning activities as far as practicable away from air sensitive receivers and imposing good in-house management as appropriate to avoid causing air pollution. The applicant had also proposed air-conditioning and window insulation to all sensitive uses within the proposed development as noise mitigation measures;
- (d) a total of 1 564 public comments were received during the statutory publication period, with 1 323 public comments from followers (with 48 signatures), Buddhist Po Ching Home for the Aged Woman (with 26

signatures) and members of the general public supporting the application for the reasons that the use and scale of the proposed redevelopment were reasonable and it would meet the modern standards to serve the community. The remaining 241 public comments objected to the application, which were summarised in paragraphs 10.2 to 10.4 of the Paper and highlighted below :

- (i) Legislative Councillor Hon. Cheng Kar-foo redirected an objection to the proposed columbarium from a resident of Ka Shing Court for the reason of incompatibility with the residential developments in the vicinity;
- (ii) North District Council Member Mr. Yip Yiu-shing had received a lot of comments from the residents of Fanling Town Centre about their dissatisfaction on the proposed redevelopment as there were already many columbaria in the North District, and an additional columbarium would have adverse traffic and pedestrian impacts on local road networks; and
- (iii) the IOs of Parkford Garden (Fanling), Fortune House (Fanling), Century Court (Fanling), Royal Knoll and Wealthy Villas, the Management Office of Magdalene Garden, residents of Fanling Town Centre, residents at Chi Fuk Circuit and members of the public objected to the application on the following major grounds:
 - burning of incense and holding of ceremonies had already created adverse air, noise and environmental impacts on the local residents. Approval of the proposed columbarium would further worsen the situation;
 - the proposed columbarium was too close to and not compatible with the surrounding residential developments. It would generate nuisance and psychological impact on local residents, and affect the tranquil environment and property value;
 - the proposed columbarium would have adverse impacts on traffic, car parking and pedestrian circulation/ safety of the area and Chi Fuk Circuit, especially during Ching Ming and Chung Yeung

festivals;

- increased building height of the proposed redevelopment would create wall effect to the nearby residential developments, affecting air ventilation, light penetration, and generating adverse visual impact on the surrounding areas;
 - local residents worried that the applicant would eventually increase the number of niches again;
 - the proposed columbarium was for profit making. The applicant could renovate the existing facilities to improve the environment of Kun Chung Temple without increasing the gross floor area;
 - there were many columbaria in the area;
 - the Government should build more columbaria in areas far from existing residential developments; and
 - Kun Chung Temple should be relocated to a more suitable location away from the existing residential developments;
- (e) a residents' forum organized by the Chairmen of the IOs of the nearby residential developments was held on 20.5.2010 with the attendance of representatives of Kun Chung Temple, the District Office (North) and the Planning Department (PlanD). The local residents raised objections to the application on similar grounds mentioned in paragraph (d)(iii) above;
- (f) the District Officer (North) advised that the Chairmen of Mutual Aid Committees for Fuk On House and Fuk Tai House of Ka Fuk Estate supported the application as the followers would rest in peace and the proposed development would have no impact to the local residents. The Chairlady of the IO of Century Court, the Chairman of IO of Fortune House and seven residents in Fanling objected to the proposed development mainly because of its adverse impacts in terms of traffic, visual quality, wall effect, ventilation, landscape, noise/air nuisance, psychology of residents, property value and incompatibility with the surrounding

residential developments. The Representative of Fung Ying Seen Koon had no comment on the application; and

(g) the PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below :

- the proposed development was intended to upgrade the existing old structures, including dormitories and columbarium chamber, to meet the need of the community as well as to comply with modern building and fire safety standards;
- the proposed columbarium within the new annex block was not a new use in the Kun Chung Temple complex. The proposed increase in the number of niches was to meet the anticipated increase in the demand for the deceased masters and followers of Kun Chung Temple. The proposed columbarium chamber only occupied a small portion and was located at the far end of the new annex block;
- the proposed development complied with the TPB Guidelines No. 16 on 'Development/Redevelopment within "Government, Institution or Community" Zone for Uses other than GIC Uses' in that the provision of GIC facilities within the Kun Chung Temple would not be jeopardized, and the use and scale of the proposed redevelopment were not incompatible with the religious use and the temple setting at Kun Chung Temple;
- the surrounding areas of the application site were occupied by institutional uses of 4 to 5-storey, including a home for the aged, a care and attention home for the aged and low-density residential developments of 8 to 10 storeys above podium. The proposed 4-storey (above one E/M floor) new annex block was considered not incompatible with its immediate surroundings in terms of development scale and building height;
- as demonstrated by the technical assessments submitted by the

applicant, including traffic impact assessment, environmental assessment, drainage impact assessment and sewerage impact assessment, as well as the proposed tree planting, green roof and creeper planting along the western boundary, and the proposed in-house management to restrict burning incense and to locate movable censer away from sensitive receivers as far as practicable, the proposed development would unlikely cause significant adverse traffic, environmental, drainage, sewerage, visual and landscape impacts on the surrounding areas; and

- regarding the local objections and public comments against the provision of columbarium in the proposed development, it was noted that the columbarium chamber only occupied parts of the upper ground floor and first floor of the new annex block which would be screened off by a green roof on top. The new annex block would also be set back from the boundary wall. To address some of the local concerns, an approval condition restricting the maximum number of niches to 1 000 was recommended. Moreover, the applicant would be advised to restrict incense burning activities and to locate the movable censer away from the nearby residential developments as far as practicable, and to liaise with the local residents to address their concerns.

13. In response to a Member's enquiry, Mr. W.K. Hui said that according to the applicant, the proposed 1 000 niches had included the 634 niches which were already in existence in Kun Chung Temple. The 1 000 niches would be placed in two columbarium chambers within the new annex block. The applicant had explained to the local residents on this aspect during the residents' forum held on 20.5.2010. Moreover, as the niches would be accommodated in columbarium chambers, they could not be seen from the surrounding developments.

14. Another Member asked whether the District Council (DC) had been consulted on the proposal. Mr. W.K. Hui said that the proposed development had not been submitted to the DC for consultation, but the applicant had attended a residents' forum organized by the IOs of nearby residential developments. It was noted that the local residents were against the proposed columbarium, but not the proposed residential institution.

Deliberation Session

15. A Member said that there was an imminent need to increase the supply of niches in the territory to meet the public demand. From the land use compatibility point of view, the provision of columbarium facility within a religious institution was considered acceptable. This Member considered that the application could be supported. The above views were shared by two other Members.

16. Another Member said that whilst there was a need to increase the provision of columbarium facilities, the local residents should be consulted on the provision of such facilities, in particular private columbaria. In this regard, it was noted that there were many objections from the local residents. This Member opined that local consultation through the relevant DC could help resolve the conflicts of different parties.

17. A Member said that the proposed columbarium under application was small in scale, with the provision of only 366 new niches and reprovisioning of 634 existing niches. Moreover, as these niches would be accommodated in chambers and could not be seen from the outside of Kun Chung Temple, they would have insignificant adverse visual impact on the area. The proposed 4-storey annex block also would not cause any wall effect or air ventilation problems.

18. 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 27.8.2014, 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 maximum number of niches within the application site should not exceed 1 000;
- (b) the design and provision of parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;

- (c) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the design and provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the submission and implementation of landscape proposals, including tree preservation proposals, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approval of the application did not imply that the necessary approvals would be given by any Government departments. The applicant should approach the relevant Government departments direct for any necessary approvals;
- (b) to apply to the District Lands Officer/North for a lease modification to relax the restrictions under the New Grant, and to obtain the necessary approval prior to implementation of the proposal as well as before any trees on the lot or adjacent thereto were to be interfered;
- (c) to restrict incense burning activities and to position the movable censer away from sensitive receivers to avoid any nuisance to local residents as far as practicable;
- (d) to note the Director of Environmental Protection's comments that:
 - (i) potential air quality and noise nuisance within the premises of Kun Chung Temple was subject to control under the existing Pollution Control Ordinance; and
 - (ii) to confirm with the relevant authority about the building requirements on the provision of air conditioning and window

insulation;

- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that:
 - (i) the development intensity should be within the permissible plot ratio and site coverage in the First Schedule of the Building (Planning) Regulations (B(P)R);
 - (ii) the development intensity of the site should be based on the site parameters of the whole Fanling Sheung Shui Town Lot 187;
 - (iii) the floor area of dormitory rooms should be accountable for domestic gross floor area;
 - (iv) open space should be provided for the domestic part of the proposed annex block in accordance with B(P)R 25;
 - (v) the provision of emergency vehicular access (EVA) to the proposed annex block should in all aspects comply with B(P)R 41;
 - (vi) the proposed annex block should be provided with adequate access and facilities for use by person with a disability in accordance with B(P)R 72; and
 - (vii) detailed comments would be made at the building plan submission stage;

- (f) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the application site was located within the flood pumping gathering ground;

- (g) to note the Director of Fire Services' comments that:
 - (i) the EVA 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

- (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/NE-FTA/101 Temporary Container Vehicle, Heavy and Medium Goods Vehicle and Private Car Park, Loading/Unloading and Storage Yard for a Period of 3 Years in “Other Specified Uses” annotated “Port Back-up Uses”, “Agriculture” and “Green Belt” zones, Lots 168 RP (Part), 170 RP (Part) and 181 RP (Part) in D.D. 52 and Adjoining Government Land, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/101A)

20. The Committee noted that the applicant requested on 11.8.2010 for a further deferment of the consideration of the application for two months in order to allow time for the applicant to re-submit revised parking and loading/unloading arrangements to address the Transport Department’s comments.

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/NE-TKL/340 Renewal of Planning Approval for Temporary Private Car Park under Application No. A/NE-TKL/301 for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lot 365 S.C (Part) in D.D. 84, Tai Po Tin Village, Ping Che (RNTPC Paper No. A/NE-TKL/340)

22. The Secretary reported that the applicant’s representative submitted the current application on 7.7.2010 to seek a renewal of the planning approval under Application No. A/NE-TKL/301 for a temporary private car park at the application site for a period of three years. Since the previous Application No. A/NE-TKL/301 was approved with conditions on a temporary basis for three years up to 11.3.2011, the renewal application was submitted eight months before the expiry date. In view of the long lead time before the expiry of the planning permission, it would be too early to consider the renewal application given that the planning circumstances might be different at the time nearer to the expiry of the planning permission. This might have a material bearing on the decision of the application. The assessment on the application should be made nearer the time of expiry. As such, the Planning Department (PlanD) recommended to defer a decision on the current application. The Secretary drew Members’ attention that the Town Planning Board (TPB) at its meeting on 20.8.2010 agreed to the proposed revision to the TPB Guidelines No. 34A by adding a new paragraph stating that an application for renewal of planning permission for temporary use should be submitted no more than four months before the expiry of the original temporary approval.

23. After deliberation, the Committee decided to defer a decision on the application as requested by the PlanD. The Committee also agreed that the application should be submitted to the Committee for consideration at the time nearer to the expiry of the planning permission (Application No. A/NE-TKL/301).

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/73 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Government Land in D.D. 209, Kei Ling Ha San Wai Village,
Shap Sz Heung, Sai Kung North
(RNTPC Paper No. A/NE-SSH/73)

Presentation and Question Sessions

24. 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 Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. The application site was an integral part of the existing woodland in the “Green Belt” (“GB”) zone. However, the site photograph taken in July 2010 showed that the site had been disturbed with vegetation cleared in the course of Small House development, which was approved under Application No. A/NE-SSH/58 on 24.8.2007. Although the proposed Small House might not have direct conflict with the existing landscape resources, it would definitely defeat the purpose of having the “GB” zoning as a green buffer to contain urban sprawl;
- (d) during the statutory publication period, two public comments were received from the Designing Hong Kong Limited and WWF Hong Kong. Both commenters objected to the application for the reason that the site fell within the “GB” zone and there was a lack of sustainable village layout

plan for the area; and

- (e) the PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. While the proposed Small House development was not in line with the planning intention of the “GB” zoning for the area, it met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ (Interim Criteria) in that the proposed Small House footprint fell entirely within the village ‘environs’ of Kei Ling Ha San Wai Village and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the village concerned. The application was compatible with the surrounding environment which was predominantly rural in character occupied by village houses. Regarding CTP/UD&L's concerns over the cumulative effect of similar applications and adverse impacts of the proposed development on the adjoining woodland, an advisory clause on the preservation of existing trees outside the application site prior to the commencement of construction work was recommended. Because of its small scale, it was unlikely that the proposed development would have significant adverse environmental and drainage impacts on the surrounding area. There were three similar applications No. A/NE-SSH/40, 45 and 58 in the same “GB” zone approved by the Town Planning Board (TPB) in December 2004, August 2005 and August 2007 respectively on the grounds of compliance with the Interim Criteria; insufficient land in the “V” zone of the village concerned to meet the future Small House demand; in line with the TPB Guidelines No.10 and no adverse comments from the concerned departments. The same consideration of the approved similar applications for Small House development within the same “GB” zone could also be applicable to the current application.

25. Members had no question on the application.

Deliberation Session

26. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.8.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) no existing trees growing outside the application site should be interfered with or removed;
- (b) adequate protective measures should be provided to preserve existing trees outside the application site prior to the commencement of construction;
- (c) the nearby access leading from Sai Sha Road was not maintained by the Highways Department;
- (d) to note the Chief Engineer/Mainland North, Drainage Services Department (DSD)'s comments that :
 - (i) there were no existing DSD 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. There was an existing stream discharging run-off from the upper catchment at the other side of Sai Sha Road and the proposed site was located at the middle of the slope. The applicant should therefore demonstrate the adequacy of

the proposed drainage system in the drainage proposal. The applicant was also required to maintain such system properly and rectify the system if it was found to be inadequate or ineffective during operation. The applicant should be liable for and indemnify claims and demands arising out of damage or nuisance caused by a failure of the system;

- (ii) the public sewerage system at Kei Ling Ha San Wai was planned to be implemented under the project ‘Tolo Harbour Sewerage of Unsewered Areas – Stage 2’. The project was at its design stage and was tentatively scheduled to start in phases commencing in 2011 for staged completion in 2018. Upon completion of the public sewerage system at Kei Ling Ha San Wai, the Environmental Protection Department (EPD) might require the applicant to make proper sewer connection from his premises into the public sewer at his own cost;
 - (iii) the site was in an area where no public sewerage connection was available. EPD should be consulted regarding the sewage treatment/disposal facilities for the proposed development; and
- (e) detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/316 Temporary Barbecue Site for a Period of 3 Years
in “Agriculture” zone and an area shown as ‘Road’,
Various Lots in D.D. 17 and Adjoining Government Land,
Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/316)

Presentation and Question Sessions

28. 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 temporary barbecue site for a period of three years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the potential of the site for agricultural rehabilitation was high, such as leisure farm, plant nursery or horticultural garden;
- (d) one public comment from the Designing Hong Kong Limited was received during the statutory publication period raising objection to the application as the applied use was not in line with the planning intention of the “Agriculture” zone, and there were concerns on traffic, noise, sewerage and waste impacts on the nearby residents; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of two years based on the assessments set out in paragraph 11 of the Paper. The applied use was not incompatible with the floricultural gardens and the leisure farm in the vicinity although DAFC did not support the application from the agricultural point of view. It was compatible with the recreational uses in the surrounding areas, and the applied use in different scales had been in existence since 2002. The applicant had complied with the approval conditions on vehicular access, parking, loading/unloading, landscape and provision of environmental measures under the previous Application No. A/NE-TK/257. Although the approval conditions on the submission and implementation of drainage proposals were not complied with, it was noted that the applicant had made efforts to submit various proposals with a view to complying with the approval conditions and the

Drainage Services Department had no objection to the current application subject to stipulation of approval conditions on drainage proposals. The applied use would unlikely cause significant adverse traffic, environmental, drainage, landscape, hygiene and sewerage impacts on the surrounding areas. To address the DAFC's concern, it was recommended that a shorter approval period of two years could be granted so that any impacts of the recreational uses on the nearby coastal area could be closely monitored. In this regard, it should be noted that the two nearby temporary barbecue sites along Ting Kok Road (Applications No. A/NE-TK/265 and 281) were both approved for a period of two years. It was also recommended that shorter periods for complying with the approval conditions be imposed to closely monitor the progress of compliance should the Committee decide to approve the application. Regarding the public comment, it was considered that as the applied use was temporary in nature, it would unlikely frustrate the long-term planning intention of the "AGR" zoning for the site. Besides, the applied use had been in existence on the site for many years and no adverse comment from relevant departments or environmental complaint was received.

29. Members had no question on the application.

Deliberation Session

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 27.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation after 11:00 p.m. was allowed on the site during the planning approval period;
- (b) the existing vehicular access, parking, loading/unloading, trees and landscape plantings on the site should be maintained at all times during the planning approval period;

- (c) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.11.2010;
- (d) in relation to (c) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.2.2011;
- (e) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2010;
- (f) in relation to (e) above, the provision of water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.2.2011;
- (g) the provision of precautionary/protective measures within 3 months from the date of planning approval to ensure no adverse impacts on the nearby "Coastal Protection Area" zone and Ting Kok Site of Special Scientific Interest to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 27.11.2010;
- (h) 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;
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) 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

- (j) 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.

31. 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 application site;
- (b) to resolve any land issue relating to the use with the concerned owner(s) of the application site;
- (c) a shorter approval period of two years was granted so as to monitor the operation of the barbecue site;
- (d) shorter compliance periods for approval conditions were imposed in order to monitor the situation and compliance of approval conditions on the site;
- (e) to note the District Lands Officer/Tai Po's comments that the lot owner(s) or the applicant should apply to his office for a short term waiver and a short term tenancy;
- (f) to note the Chief Highway Engineer/New Territories East, Highways Department (HyD)'s comments that the applicant was required to construct, maintain and reinstate the interface portion between the proposed vehicular access road and Ting Kok Road to the satisfaction of the Transport Department and HyD;
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's comments that part of the existing water mains would be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed temporary use; and
- (h) to note the Chief Building Surveyor/New Territories West, Buildings

Department's comments that :

- (i) the granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the 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;
- (ii) use of containers as offices were considered as temporary buildings and subject to control under Building (Planning) Regulations (B(P)R) Part VII;
- (iii) formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. Also, the applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the proposed development.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/317 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Government Land in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/317)

Presentation and Question Sessions

32. 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 Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) objected to the application on the grounds of the potential water quality impact of the development on the water gathering ground (WGG) and the feasibility of connecting the proposed Small House to the public trunk sewer was questionable. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from the tree preservation point of view as the proposed Small House development would require the felling of some common native trees found within the subject “Green Belt” (“GB”) zone. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view as the site and the surrounding areas were densely wooded, and the construction of the proposed development would involve removal of existing trees and alteration of existing slope profile. The provision of access to the site and circulation space around the house would also cause adverse impact on the existing landscape resources and landscape quality;

- (d) two public comments were received during the statutory publication period. The comment from the Designing Hong Kong Limited raised objection to the application for the reasons that the site fell within the “GB” zone and there was a lack of sustainable village layout plan for the area. The other comment from Kadoorie Farm and Botanic Garden Corporation (KFBG) also objected to the application on the grounds that the application was not in line with the planning intention of the “GB” zone and the Town Planning Board (TPB) Guidelines for development within “GB” zone; the site was deliberately degraded prior to the application to demonstrate that it had no landscape or ecological value; and Small House should only be considered within the “Village Type Development” zone. The commenter also raised concerns on the approval of such kind of ‘destroy first, develop later’ application would set an undesirable precedent for other similar

applications in the future; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below :
- the subject site was situated in an area on the upper foothills between Pat Sin Leng Country Park and Ting Kok Village and was covered with trees and grass and surrounded by woodland. There was also a natural stream course with dense riparian vegetation to the north and east of the site. The proposed development was not in line with the planning intention of the “GB” zone, and did not comply with the TPB Guidelines No. 10 for development within “GB” zone as the proposed development would cause adverse landscape impacts on the surrounding areas. The construction of the proposed Small House and the associated access road would likely lead to felling of trees and clearance of vegetation as well as excavation works close to the stream, all of which could cause adverse landscape impacts on the surrounding environment. The applicant had not submitted any information to demonstrate that the trees, natural stream course and the riparian vegetation in the vicinity of the site would not be affected by the proposed development. Approval of the application would set an undesirable precedent for other similar applications in the area leading to urban sprawl in the green belt and degradation of the existing upland countryside landscape quality;
 - although the site was entirely within the village ‘environs’ of Shan Liu Village and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of Shan Liu, the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that it would cause adverse landscape impact on the surrounding areas resulting in a general degradation of the rural environment and landscape quality in the area. Moreover, the site was within the lower indirect WGG. The public trunk sewer

to be constructed was located on one side of a valley, but the application site was located on the other side of a valley across the stream. Given the site topography, the feasibility of connecting the proposed Small House to the public trunk sewer was questionable. In this regard, CE/Dev(2) of WSD objected to the application;

- while the applicant undertook to resolve the sewerage connection problems by forming an elevated platform or installing sewage pump, there were no details submitted for the proposals. It should be noted that even if the envisaged technical issues could be resolved, the construction of the sewerage connection and the proposed Small House would cause significant adverse landscape impacts on the surrounding environment, including felling of trees, pollution to the nearby stream course and clearance of riparian vegetation. Approval of the application would undermine the existing landscape resources and landscape quality of the area, resulting in a general degradation of the rural environment; and
- the similar approved Application No. A/NE-TK/299 was on a flat site sparsely covered with grass and located near the village access road and right next to the public trunk sewer with no felling of trees required. Unlike this similar application, the current application site was located on a sloping site in a heavily wooded valley covered with trees and grass abutting a natural stream course with dense riparian vegetation. The feasibility of sewerage connection was also questionable.

33. A Member said that as shown on Plans A-3 and A-4 of the Paper, the application site was densely covered with trees and grass. However, in the public comment submitted by KFBG at Appendix VI of the Paper, there was a photograph taken on 11.2.2010 showing that all trees on the site had been felled. In response, Ms. Lisa L.S. Cheng said that the photograph attached to the public comment showed a piece of flat land, but the application site was on a slope and abutted a natural stream course. It was suspected that the photograph indicated the site to the north of the application site, and enforcement action against the extensive tree felling on the site had been undertaken by the Planning Authority.

Deliberation Session

34. Members agreed that the proposed Small House development was not in line with the planning intention of the “GB” zone, and would cause significant adverse landscape impacts on the surrounding environment. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate.

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

- (a) the proposed development was not in line with the planning intention of the “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;
- (b) the application did not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would cause adverse landscape impacts on the surrounding area. The applicant failed to demonstrate that the trees, the natural stream course and the riparian vegetation in the vicinity of the site would not be affected by the proposed development;
- (c) the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ as the proposed Small House would cause adverse landscape impacts on the surrounding areas. Being located within the water gathering ground, the feasibility of connecting the proposed Small House to the planned sewerage system was also doubtful; and
- (d) 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 rural

environment and landscape quality of the area.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/318 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Green Belt” zones,
Government Land in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/318)

Presentation and Question Sessions

36. 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 District Lands Officer/Tai Po (DLO/TP) did not support the application as the site fell outside the village ‘environs’ (‘VE’) of Shan Liu Village and was outside the “Village Type Development” (“V”) zone which encircled this recognized village. The Chief Engineer/ Development (2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was within the lower indirect water gathering ground (WGG). The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the potential of the site for agricultural rehabilitation was high. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view as the site was located on the edge of an existing woodland and the proposed development would cause adverse impact on the existing landscape resources and

landscape quality;

- (d) two public comments were received during the statutory publication period. The comment submitted by the Designing Hong Kong Limited raised objection to the application for the reason that the site fell within the “Agriculture” and “Green Belt” zones and there was a lack of sustainable village layout plan for the area. The other comment was from Kadoorie Farm and Botanic Garden Corporation. It also objected to the application on the grounds that the application did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ (Interim Criteria); the proposed Small House, which was located within the WGG, might not be able to be connected to the planned sewerage system in the area; and a ‘destroy first, develop later’ approach was adopted by the applicant to facilitate the approval. This commenter pointed out that in rejecting the application, the Town Planning Board could send a clear message to the public that the ‘destroy first, develop later’ approach would not help in gaining approval for any development; and

- (e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. Although there was a general shortage of land in meeting the future Small House demand in Shan Liu Village, the proposed development did not comply with the Interim Criteria as the site was entirely outside the “V” zone and the ‘VE’ of any recognised villages. In this regard, DLO/TP did not support the application. As no similar planning application for Small House development outside the ‘VE’ had ever been approved in the vicinity, approval of this application would set an undesirable precedent for other similar applications in the area. While a public trunk sewer would be constructed to serve the Small House development within the “V” zone of Shan Liu, the CE/Dev(2) of WSD objected to the application as the site was within the lower indirect WGG and fell outside the “V” zone and the ‘VE’ of Shan Liu. The applicant failed to demonstrate that the proposed development located within the lower indirect WGG would not cause

adverse impact on the water quality in the area. The DAFC and the CTP/UD&L also did not support the application from the agricultural point of view and the landscape planning point of view respectively.

37. Members had no question on the application.

Deliberation Session

38. Members generally considered that the proposed Small House could not be supported. 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 did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories’ as the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages;
- (b) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground would not cause adverse impact on the water quality in the area; and
- (c) the approval of the application would set an undesirable precedent for other similar applications in the area.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/319 Proposed Public Utility Installation (Electricity Substation)
and Excavation of Land
in “Green Belt” zone,
Government Land in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/319)

Presentation and Question Sessions

39. 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 public utility installation (electricity substation) and excavation of land;
- (c) departmental comments – the Chief Engineer/Development(2), Water Supplies Department (CE/D(2), WSD) objected to the application as the site fell within the lower indirect water gathering ground (WGG), and the proposed substation was not permitted in the lower indirect WGG. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from the tree preservation point of view as development of the proposed substation and the associated cable draw pits would involve felling of trees in a well wooded area. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also objected to the application from the landscape planning point of view as the proposed substation, being located amidst the “Green Belt” (“GB”) zone, would become an isolated structure alien to the existing upland countryside landscape and hence would have adverse impact on the existing landscape resources. He also pointed out that new developments, infrastructures and public utilities should be developed in a cohesive and

orderly manner respecting the existing landscape pattern without disturbing the valuable landscape resources in the surrounding setting;

- (d) three public comments were received during the statutory publication period raising objection to the application. One of the comments, submitted by Kadoorie Farm and Botanic Garden Corporation, was concerned about the felling and trimming of trees, and the tree protection practices to be adopted during the construction of the proposed development. The other comment from the Designing Hong Kong Limited objected to the application on the grounds that no information had been provided in the submission on the felling or trimming of trees, and no protection work or compensation plan had been identified. The third comment, submitted by WWF Hong Kong, raised concern on the adverse impacts on trees and vegetation caused by the proposed development; and the concern that improper storage of excavated materials from the proposed development would cause pollution on the nearby WGG in the event of heavy rainstorms. The commenter pointed out that a detailed waste management plan should be provided to ensure no construction and demolition waste would be disposed improperly. The commenter also argued that approval of the application might set an undesirable precedent putting the natural environment at risk; and

- (e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone. Being located in the periphery of a woodland covered with grass and trees, the proposed development did not comply with the Town Planning Board Guidelines No. 10 for development within “GB” zone in that the proposed development would cause adverse landscape impacts on the surrounding environment and its approval 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 landscape quality of the area. In this regard, the DAFC had reservation on the application from the tree preservation point of view and the CTP/UD&L

objected to the application from the landscape planning point of view. In terms of water quality impact, the site was within the lower WGG and located in close proximity to a stream flowing towards the gathering ground for water storage. Hence, the CE/D(2), WSD did not support the application.

40. In reply to a Member's enquiry, Ms. Lisa L.S. Cheng said that the application was submitted by the village representative of Shan Liu Village with a view to providing electricity supply to the village concerned.

Deliberation Session

41. The Secretary informed Members that applications for electricity substation submitted by local villagers were not uncommon in the rural areas. These proposed electricity substations were usually small in scale and intended to provide electricity supply to a small area locally.

42. While Members were not against the development of an electricity substation for the village concerned, they were of the view that the application could not be supported as the proposed development was not in line with the planning intention of the "GB" zone and it would cause adverse landscape impacts on the surrounding environment. A Member suggested PlanD to liaise with the applicant to identify a more suitable site outside the "GB" zone for the proposed electricity substation. Other Members agreed.

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

- (b) the application did not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would cause adverse landscape impacts on the surrounding environment and its approval 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 landscape quality of the area; and
- (c) the applicant failed to demonstrate that the proposed development, which was located within the lower indirect water gathering ground, would not cause adverse impact on the water quality in the area.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/449 Proposed House (New Territories Exempted House – Small House)
in “Village Type Development” and “Green Belt” zones,
Lot 947 S.A in D.D. 26 and Adjoining Government Land in
Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/449)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had no objection to the application provided that the applicant undertook a Natural

Terrain Hazard Study (NTHS) and provided suitable mitigation measures, if necessary;

- (d) one public comment was received from the Designing Hong Kong Limited during the statutory publication period raising objection to the application for the reason that the site fell within the “Green Belt” (“GB”) 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 assessments set out in paragraph 12 of the Paper which were summarised below :
 - while the proposed Small House development was not in line with the planning intention of the “GB” zoning for the area, it met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ (Interim Criteria) 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 in the “Village Type Development” (“V”) zone of the village concerned;
 - the proposed Small House was generally compatible with the surrounding rural environment and would unlikely have any significant adverse environmental, drainage and traffic impacts;
 - noting the close proximity of the site to the mature trees on the adjacent slope, the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the applicant should maximize the distance between the proposed Small House and the existing trees and minimize the disturbance to the trees as far as possible. The Chief Town Planner/Urban Design and Landscape, PlanD also advised that an approval condition on the submission and implementation of landscape and tree preservation proposals was required. Regarding the H(GEO), CEDD’s concerns that the site was near a steep slope, an approval condition on the submission of a NTHS and the implementation of associated mitigation measures was recommended;

- there were similar Applications No. A/TP/442 and 445 in the same “GB” zone approved by the Committee in January 2010 and June 2010 respectively. These applications were approved on the grounds of general compliance with the Interim Criteria; compatibility with the surrounding rural environment; no significant adverse environmental, drainage and traffic impacts; a general shortage of land in meeting the demand for Small House development in the “V” zone; and no adverse comments from concerned Government departments. As the proposed Small House was located immediately to the west of the site of Application No. A/TP/445, it could warrant the same consideration from the Committee; and
- regarding the public comment, it was noted that concerned Government departments, including DAFC and CTP/UD&L, had no objection to or adverse comments on the application.

45. Mr. T.K. Choi said that the applicant indicated in the submission that there was an existing access to the site. He suggested incorporating an advisory clause to request the applicant to check with relevant authorities on the land status and the management/maintenance responsibilities of the concerned access. Members agreed.

Deliberation Session

46. 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 27.8.2014, 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 proposals to the satisfaction of the Director of Planning or of the TPB;

- (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 Director of Civil Engineering and Development or of the TPB.

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

- (a) to maximize the distance between the proposed Small House and the existing trees and minimize the disturbance to the existing trees as far as possible;
- (b) there were no existing Drainage Services Department maintained public stormwater drains available for connection in the area. As the applicant indicated that the platform of the proposed house would be about 600mm below the existing ground, he should demonstrate the adequacy and feasibility of this proposed drainage system in the drainage proposal. 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 indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (c) as the application site was in an area where no public sewerage connection was available, the 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 be responsible for the construction, operation and maintenance of the inside

services within the private lots to the standards of the Water Supplies Department;

- (e) detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (f) the access leading from Ting Kok Road to the application site was not maintained by the Highways Department;
- (g) to submit a Geotechnical Planning Review Report (GPRR) to assess the natural terrain hazard of the proposed development. The requirements for a GPRR were set out in the Geotechnical Advice Note at Appendix VII of the Paper. 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;
- (h) to make necessary submission to the District Lands Officer/Tai Po to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in the Practice Note for Authorized Persons APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (i) 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, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly.

[The 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.]

Tuen Mun and Yuen Long District

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/691 Temporary Open Storage of Scrap Metals with Two Loading/Unloading Spaces for a Period of 3 Years in “Open Space” zone,
Lots 480 S.A RP (Part), 485 (Part), 486 (Part), 487 S.A (Part),
487 S.B (Part) and 488 (Part) in D.D.124,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/691)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of scrap metals with two loading/unloading spaces for a period of three years;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period raising objection to the use of the site for open storage as it was a blight on the environment, and was not in line with the planning intention for the area. The commenter opined that the site was not suitable for open storage use as it fell within Category 3 areas under the Town Planning

Board (TPB) Guidelines No. 13E. If the application was approved, a condition requiring a quality landscape plan and well-designed perimeter fencing to mitigate the blight should be imposed; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below :
- approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “Open Space” (“O”) zone since there was yet any programme/known intention to implement the open space;
 - the applied use was not incompatible with the surrounding uses which were mainly open storage yards with valid planning permissions;
 - there was no environmental complaint pertaining to the site received in the past three years, and the nearest residential dwelling was over 100m away from the site. To mitigate any potential environmental impacts, approval conditions restricting the operation hours, types of activity, stacking height and types of materials stored on site were recommended;
 - the development was in line with the TPB Guidelines No. 13E in that the commenter's concerns could be addressed by way of approval conditions, and no adverse comment was received from concerned Government departments;
 - due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications in the subject “O” zone for similar temporary open storage and port back-up uses;
 - the last approval (Application No. A/YL-HT/585) at the site submitted by the same applicant was revoked due to non-compliance with the fire

service installations (FSIs) approval conditions despite having complied with other approval conditions. The applicant claimed that he was unable to enter the site to remove the ex-tenant's converted container site office to comply with the FSIs approval conditions due to tenancy restrictions. Although the converted container site office had now been removed, the provision of FSIs on-site was still required by the Director of Fire Services. In order to monitor the progress of compliance, shorter compliance periods were proposed should the application be approved. Moreover, the applicant would be advised that if he failed to comply with the approval condition(s) resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application; and

- regarding the public comment against the application, it was noted that the site had already been fenced under the previous approval (Application No. A/YL-HT/585); approval conditions requiring the submission and implementation of a landscaping and tree preservation proposal were recommended; the subject "O" site was presently not on the priority list for development by the Yuen Long District Council; the site was subject to a number of previous approvals; and the development was in line with the TPB Guidelines No. 13E in that the commenter's concerns could be addressed by way of approval conditions and no adverse comment was received from concerned Government departments.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.8.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing and workshop activities were allowed on the site during the planning approval period;
- (d) no handling (including loading, unloading and storage) of electronic waste should be carried out on the site during the planning approval period;
- (e) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (f) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
- (g) the existing run-in/out at the access point implemented under the previous approved Application No. A/YL-HT/585 should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/585 should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.11.2010;
- (j) the submission of a landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2010;
- (k) in relation to (j) above, the implementation of the landscape and tree

preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.2.2011;

- (l) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2010;
- (m) in relation to (l) above, the implementation of the fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.2.2011;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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.

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

- (a) prior planning permission should have been obtained before continuing the applied use at the application site;
- (b) shorter compliance periods were imposed in order to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the

Committee to any further application;

- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long's comments that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without his prior approval; and his office did not provide maintenance works nor guarantee right-of-way for vehicular access to the site through private land leading from Hung Tin Road;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the 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, and the management and maintenance responsibilities of this road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains through the site access;
- (h) to note the Director of Fire Services' comments that portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans when formulating the fire service installations (FSIs) proposals. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and

nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration;

- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval 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; formal submission of any proposed new works, including any temporary structure, for approval under the BO was required; if the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage; and provision of emergency vehicular access was applicable under B(P)R 41D; and

- (j) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that the applicant should resolve any land matter (such as private lots) associated with the provision of water supply to the development, and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/202 Proposed Land Filling (by 1.2m) for Agricultural Use
in “Green Belt” zone,
Lot 715 in D.D. 129, Mong Tseng Tsuen,
Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/202)

Presentation and Question Sessions

52. 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 land filling of the site by 1.2m with soil over boulders for agricultural use. The site was currently being dumped with construction and demolition (C&D) materials;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as both boulders and C&D materials were not suitable for farming. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. The dumping of debris on site had seriously changed the existing topography and caused significant landscape impact on the existing environment. A landscape proposal should be submitted at the application stage to demonstrate that the landscape impacts could be mitigated;
- (d) five public comments were received during the statutory publication period. A Mong Tseng Tsuen villager objected to the application without stating any reasons. The other four comments from a Yuen Long District

Council member, Kadoorie Farm and Botanic Garden Corporation, the Designing Hong Kong Limited and WWF Hong Kong also objected to the application mainly on the grounds of excessive filling depth proposed, adverse drainage and landscape impacts, degradation of the function and value of the “Green Belt” (“GB”) zone, and that approval of the application would set an undesirable precedent for other similar applications for filling of other abandoned farmlands, condone to the ‘destroy first, develop later’ approach, and encourage more unauthorised developments within the “GB” zone;

(e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below :

- the applicant applied to fill the site with 0.6m depth of agricultural soil on top of 0.6m depth of boulders (a total of 1.2m filling depth) for agricultural use. However, it was noted that the site had already been dumped with C&D materials to a height exceeding 3m high. In this regard, DAFC did not support the application as both boulders and C&D materials were not suitable for farming. CTP/UD&L also had reservation on the application as the dumping of debris on site had caused adverse landscape impacts on the existing environment. As the filled site would be higher than the adjoining areas to its east, northeast and southwest, surface runoff would flow to these surrounding areas. To this end, the Drainage Services Department required a drainage system for the proposed land filling. It was noted that the applicant had not submitted any landscape or drainage proposal;
- the applicant argued that the site was low-lying, and the proposed land filling was intended to prevent agricultural soil from spilling outside the site. In this respect, it was noted that before the occurrence of the unauthorized dumping on site, the application site (at +4.5mPD) was at the lowest level in the locality. However, as the level of the site had already been raised by the dumping of C&D materials to a substantially

higher level than the surrounding areas, the applicant's explanation for the need of boulders to raise the site level to avoid spillage of soil was unfounded. Even if the applicant was to remove the C&D materials currently being dumped on site and proceed to fill the site by 1.2m as proposed, the site would still be 0.8m–1.0m higher than the adjoining areas to its immediate east, northeast and southwest upon the proposed land filling. In this respect, the applicant had not provided any justifications for the 1.2m filling depth being applied for;

- the applicant advised that 25-tonne dump trucks would be used to transport fill materials to the site and there would be a maximum of about 10 vehicle trips per day for about 15 days. It was however noted that Deep Bay Road was a substandard single-lane carriageway for two-way traffic and was the only vehicular access to the site. Although the Transport Department had no comment on the application, there were doubts on the suitability of the substandard Deep Bay Road for heavy vehicular traffic; and
- there was a similar Application No. A/YL-LFS/132 for land filling for agricultural use approved by the Town Planning Board on 19.8.2005 within the same “GB” zone, with the considerations that the applicant was a genuine farmer, the proposed extent of land filling was acceptable, and the proposed Dragon Fruit orchard could be regarded as a planning gain. As there was neither proof that the current applicant was a genuine farmer nor any planning gain associated with the current application, and the current applicant had failed to justify the 1.2m filling depth being applied for, the similar application could not be drawn as a parallel.

53. In reply to a Member's question, Mr. Anthony C.Y. Lee said that an Enforcement Notice (EN) requiring the discontinuation of land filling at the application site was issued by the Planning Authority on 21.6.2010. The site inspections undertaken upon expiry of the EN revealed that the unauthorized development had been discontinued. In order to restore the greenery and amenity of the area, the site was also subject to reinstatement action.

Deliberation Session

54. Members generally considered that the application could not be supported. 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 materials for filling, including boulders as a substrata, were not suitable for farming; and
- (b) the site would be higher than the surrounding areas after the proposed land filling. The applicant failed to justify the need to fill up the site and the filling depth being applied for, and to demonstrate that the proposed land filling would not have adverse drainage and landscape impacts on the surrounding area.

Agenda Item 16

Section 16 Application

[Open Meeting]

A/YL-MP/183 Proposed Land and Pond Filling for Permitted New Territories
Exempted House Development in “Village Type Development” zone,
Lots 2348 S.A to S.K, 2348 RP, 2349 S.A to S.N and 2349 RP
in D.D. 104, Chuk Yuen Tsuen, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/183)

55. The Committee noted that the applicant’s representative requested on 13.8.2010 for a deferment of the consideration of the application in order to allow time for the applicant to prepare further information to address the public concerns on the drainage issue of the area and to resolve the issue with the Drainage Services Department.

56. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed

for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/343 Proposed Temporary Open Storage of Construction Materials
with Ancillary Office for a Period of 3 Years
in “Agriculture” zone,
Lots 126 S.A, 126 S.B, 126 RP, 149 RP (Part) and 151 RP (Part)
in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/343)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials with ancillary office for a period of 3 years;
- (c) departmental comments – the Chief Engineer/Railway Development 2-3, Railway Development Office, Highways Department (CE/RD2-3, RDO, HyD) fully supported the application as the applicant’s original open storage yard, warehouse and ancillary site office were affected by the resumption scheme under the Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) project. It was noted that the application site would have less impact and disturbance to the nearby environment, residents and traffic as compared with its original location. It was considered that the technical details and justifications mentioned in the applicant’s submission were sound and reasonable. The Director of

Environmental Protection (DEP) pointed out that the proposed open storage of construction materials would likely generate heavy vehicular traffic and cause noise nuisance to the residential structures in the vicinity of the site. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) considered that the proposed use was incompatible with the surrounding rural landscape setting and would likely have adverse impact on existing trees. The Director of Agriculture, Fisheries and Conservation (DAFC) had some concerns on the application from the agricultural point of view as the site was supported by good transportation and irrigation system with high potential for agricultural rehabilitation;

- (d) two public comments were received during the statutory publication period. The comment from the Designing Hong Kong Limited objected to the application as using the site for open storage was a blight on the environment and was not in line with the planning intention of the “Agriculture” zone. The other comment from a villager of Tsat Sing Kong Village strongly supported the application as agricultural land in the village had been abandoned and were not suitable for cultivation, and the applicant had to identify alternative site due to the railway project; and
- (e) the PlanD’s views – PlanD considered that the temporary use under the application could be tolerated for a period of one year based on the assessments set out in paragraph 12 of the Paper which were summarised below :
 - the applicant originally operated an open storage of construction materials at a site located about 500m away from the application site to serve the local construction contractors. The original site had been resumed for the XRL project under the Railways Ordinance. Site clearance was scheduled to take place before 31.10.2010. According to the applicant, he had made efforts in identifying a suitable site to continue his business of open storage and over 15 sites in the neighbouring areas had been considered since July 2009. These locations, however, were not suitable mainly due to accessibility, ownership or environmental problems. Land within the adjoining

Category 2 areas of the application site was also largely occupied by other open storage uses. Being located away from residential area, the applicant considered this application site suitable to meet his business operation and requirements in terms of accessibility, environmental consideration and relocation arrangement. In this regard, CE/RD2-3, RDO, HyD fully supported this application;

- the proposed use was considered not incompatible with the surrounding land uses which were characterized by open storage/storage yards, a workshop, a parking lot, a warehouse, agricultural lots, scattered residential structures/development, plant nurseries and orchards. The site was situated next to the Category 2 areas under the Town Planning Board Guidelines No. 13E where there were various existing open storage uses. Besides, the site was physically separated from the nearby major residential development (i.e. Seasons Villas) by Kam Tin River and Kam Tai Road. To address DAFC's concern on the need to preserve agricultural land, an approval condition requiring reinstatement of the site to a condition which was suitable for agricultural uses was recommended. Although the site fell within Category 3 areas, consideration could be given in view of the special background of the case and the planning circumstances. Nonetheless, approval of this application should not be considered as a precedent for other applications within the same Category 3 areas;
- regarding DEP's concern about the potential noise nuisance generated by heavy vehicular traffic, the applicant indicated that no heavy vehicles exceeding 24 tonnes would be used for the operation of the site. While there was a residential structure in the central portion of the site, its occupier had confirmed that he had no objection to the application. To monitor the situation on the site and to address DEP's concern, a shorter approval period of one year and approval conditions restricting the operation hours, types of vehicles and activities were recommended. Other technical concerns on landscape/visual, drainage and fire safety aspects could also be addressed by imposing relevant approval conditions; and

- regarding the public comment against the application, to address the possible environmental impact and to monitor the situation on the site, a shorter approval period of one year and appropriate approval conditions had been recommended if the application was approved.

58. A Member considered that the recommended approval period of one year was quite short and asked about the reasons. Mr. Kepler S.Y. Yuen said that as there was no previous approval granted at the site, the application did not comply with the TPB Guidelines No. 13E regarding those sites fell within Category 3 areas. In order to monitor the situation and the fulfilment of approval conditions, it was recommended to grant a shorter approval period of one year.

59. In response to another Member's enquiry, Mr. Kepler S.Y. Yuen said that the construction work of the XRL project was scheduled for completion in 2015. He also said that the original site operated by the applicant would be taken up permanently, which implied that the applicant was required to identify an alternative site to continue his business.

Deliberation Session

60. Upon a Member's query, the Secretary explained that it was prudent in granting a shorter approval period, normally for one year, if the proposed development would cause environmental nuisance or there was local objection to the application. If the applicant had complied with all the approval conditions, a longer approval period would be granted in considering the renewal application. Mr. C.W. Tse clarified that DEP had concern on the potential noise nuisance of the proposed use, but had no strong view on the approval period. Members generally agreed that, in view of the background of the application and that the concerns of Government departments could be addressed by relevant approval conditions, there was no objection to grant an approval period of three years as proposed under the application.

61. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.8.2013 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. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, as defined in the Road Traffic Ordinance, or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (e) 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 27.2.2011;
- (f) the submission of landscape 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 27.2.2011;
- (g) in relation to (f) above, the implementation of landscape 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 27.5.2011;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.2.2011;
- (i) in relation to (h) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.5.2011;

- (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 27.2.2011;
- (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 27.5.2011;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (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; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to the original state prior to the temporary open storage use, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with other concerned owners of the application site;
- (b) to note the District Lands Officer/Yuen Long's comments that the existing structures within Lot 126 S.A had exceeded the permitted size of structures under the Modification of Tenancy (MOT) No. 21466. His office reserved the right to cancel this MOT and take enforcement action against the registered owner of the lot. Abutting on the southern side, there was a

temporary Government Land Allocation No. GLA-TYL787 and the project department, i.e. Water Supplies Department, should be consulted. His office would cancel the Letter of Approval No. MT/LM 6585 for Lot 151 RP as the permitted agricultural structures had been removed. Building Licence No. 150 for Lot 151 RP was also granted in 1973 permitting the erection of a small house. The existing building on site could have been erected a bit off-site. Moreover, vehicular access on the south-western corner of the site would traverse a footpath on Government land (GL) and opened to Kam Tai Road. His office did not provide maintenance works to the GL nor guarantee right-of-way. In addition, the registered owners of the relevant lots should apply to his office for Short Term Waiver (STW) to regularize or permit any structures erected or to be erected on the site. Should no STW application be received/approved and any irregularities persisted on the site, his office would take appropriate lease enforcement action against the registered owners;

- (c) 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 minimise any potential environmental nuisances;
- (d) to note the Director of Agriculture, Fisheries and Conservation's comments that good site practice should be adopted and necessary measures should be implemented to preserve the large trees on site and to avoid causing potential disturbance and/or water pollution to the nearby watercourse;
- (e) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments on the preparation of landscape and tree preservation proposals, i.e. the existing tree group on the northeast of the site should be fenced off from the rest of the site; detailed design of tree protective fence and periphery fence should be submitted for approval as part of the proposals; as proposed by the applicant, the site should be reinstated to the original state once the planning approval had expired or the site was no longer in use; and a continuous planting strip of at least 1m

in width should be provided along the site boundary and with double row tree planting;

- (f) to note the Commissioner for Transport's comments that the land status of the strip of land between the site and Kam Tai Road should be checked with the lands authority. The provision, management and maintenance responsibilities of this strip of land should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. In formulating the FSIs proposal for the proposed structures, reference should be made to the requirements set out in Appendix IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration;
- (h) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tai Road;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that existing water mains would be affected. A waterworks reserve within 1.5m from the centreline of the water main should be provided to WSD. No structure should be erected over this Waterworks Reserve and such area should not be used for storage or car-parking 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. Besides, water mains in the vicinity of the site could not provide the standard fire-fighting flow; and

- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). The granting of 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 in the future. Authorized Person should be appointed to coordinate all building works.

Agenda Item 18

Section 16 Application

[Open Meeting]

A/YL-KTS/499

Proposed Houses

in "Other Specified Uses" annotated "Rural Use" zone,

Lot 618 RP in D.D. 106, Kam Sheung Road, Yuen Long

(RNTPC Paper No. A/YL-KTS/499)

63. The Committee noted that the applicant's representative requested on 12.8.2010 for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the departmental comments.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/610 Renewal of Planning Approval for Temporary ‘Open Storage of Construction Materials and Machinery’ Use under Application No. A/YL-PH/544 for a Period of 3 Years in “Residential (Group D)” zone, Lot 2899 in D.D. 111, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/610)

Presentation and Question Sessions

65. 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 construction materials and machinery’ use under Application No. A/YL-PH/544, which would lapse on 14.9.2010, for a period of three years;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received from the Designing Hong Kong Limited raising objection to the application on the grounds that the use of the site for open storage was a blight on the environment and was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone; and the site fell within Category 3 areas and was not suitable for open storage use. The commenter suggested that, if the application was approved, a condition requiring the provision of quality landscaping and well-designed peripheral fencing should be imposed; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for another three years based on the assessments set out in paragraph 12 of the Paper. The renewal application complied with the Town Planning Board (TPB) Guidelines No. 34A in that there were no adverse comments from concerned Government departments, and no change in planning circumstances since the previous approved application (No. A/YL-PH/544) for the same use on the site. There were no time-limited conditions under the previous approval and the applicant had complied with the conditions requiring maintenance of existing drainage facilities and landscape plantings on site. Besides, the development was in line with the TPB Guidelines No. 13E as previous planning approvals for the same use had been granted for the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone since there was no known permanent development programme for the site. Moreover, the development was not incompatible with the open storage uses to the west and south of the site. No sensitive receivers were found in its immediate vicinity. Concerned Government departments had no objection to or adverse comments on the application. Approval conditions restricting the operation hours as well as prohibiting the use of heavy goods vehicles and types of activities were recommended to minimize any potential environmental impacts of the development. Regarding the public objection, it should be noted that the site had already been fenced off and paved. The development complied with the TPB Guidelines No. 13E and 34A, and no adverse departmental comments had been received. Possible impacts of the development could be addressed by imposing relevant approval conditions.

66. Members had no question on the application.

Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 15.9.2010 to 14.9.2013, 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 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicles, i.e. over 24 tonnes, as defined in the Road Traffic Ordinance or container trailers/tractors were allowed for the operation of the site during the planning approval period;
- (e) the existing trees and landscape plantings within the site should be maintained at all times during the planning approval period;
- (f) the provision of drainage facilities as stated in the submitted drainage proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.3.2011;
- (g) the submission 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 14.3.2011;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 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 14.6.2011;

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

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

- (a) to resolve any land issues relating to the development with the concerned owners of the site;
- (b) to note the District Lands Officer/Yuen Long (DLO/YL)'s comments that no structure was allowed to be erected on site without prior approval from his office, and no approval had been given for the stone house on site. The site was accessible to Kam Tin Road via an informal village track on private land and Government land, and his office did not provide maintenance works to the track nor guarantee right-of-way. Besides, the registered owner of the lot should apply to his office for Short Term Waiver (STW) to regularize the above irregularities. Should no STW application be received/approved and the irregularities persisted on the site, his office would consider taking appropriate lease enforcement action against the registered owner;
- (c) to note the Commissioner for Transport's comments that the land status of the road leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same road 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 his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (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 alleviate any potential environmental nuisance;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that DLO/YL should be consulted or owner's consent should be sought as regards all proposed drainage works to be carried out outside the lot boundary or the applicant's jurisdiction;
- (g) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (h) to note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted 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 FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of

certain FSI, justifications should be provided to his department for consideration; and

- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person should 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 BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/267 Proposed Utility Installation for Private Project
(Sewage Treatment Facility) and Excavation of Land
in "Village Type Development" zone,
Lots 5151 S.A, 5151 S.B and 5151 RP (Part) in D.D. 116,
Shui Tsiu San Tsuen, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TT/267)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed utility installation for private project (sewage treatment facility) and excavation of land;
- (c) departmental comments – concerned Government departments had no

objection to or adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed sewage treatment facility was located at the northern part of the “Village Type Development” (“V”) zone amongst Shui Tsiu San Tsuen and Hung Tso Tin Tsuen. According to the applicants, it served as an interim sewage treatment system for the treatment of sewage generated by about 140 New Territories Exempted Houses to be built in the vicinity of the site before discharging to the nearest nullah. At present, there was no communal foul sewer nearby. In the long run, the sewage would be disposed to the government sewage treatment plant when the public sewer was available. The proposed sewage treatment facility was considered as a communal facility to serve the village type developments within the “V” zone in a more efficient manner. Moreover, the sewage treatment system would be installed in an enclosed concrete house equipped with an odour control and ventilation system. The Director of Environmental Protection pointed out that the proposed facility should be designed in accordance with the ‘Guidelines for the Design of Small Sewage Treatment Plants’ and the statutory requirements under the Water Pollution Control Ordinance should be followed, and that no major environmental impact was anticipated if the future operator could properly maintain the proposed facility. In this regard, the Drainage Services Department had no objection to the application. Technical requirements on drainage, landscaping and fire safety aspects could be addressed by imposing relevant approval conditions should the application be approved.

70. Members had no question on the application.

Deliberation Session

71. 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 27.8.2014, 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 of drainage proposal and provision of drainage facilities to the satisfaction of the Director of Drainage 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; and
- (c) the submission and implementation of water supplies for fire-fighting and fire service installations proposal to the satisfaction of Director of Fire Services or of the TPB.

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

- (a) to note the District Lands Officer/Yuen Long's comments that no structures were allowed to be erected without prior approval from his office. His office might consider granting a Short Term Waiver (STW) to permit the development or installation on a temporary basis. In view of the scale of the proposed sewage treatment facility, a formal submission to the Buildings Department for the relevant works under Cap. 123 was required. The site was accessible through the proposed emergency vehicular access (EVA) on Government land/other private land extended from Tai Tong Road. His office did not provide maintenance works for the proposed EVA nor guarantee right of way. The registered owner of the lots concerned should apply to his office for STW to permit the installation on site. Should no STW application be received/approved and any irregularities persisted on site, his office would consider taking appropriate lease enforcement action against the registered owners;

- (b) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that, based on the applicants' submission, the application site would be accessed from Tai Tong Road. If the proposed access arrangement was agreed by the Transport Department (TD), the applicants should construct a run-in/out at the access points at Tai Tong Road in accordance with the latest version of Highways Standard Drawings No. H1113/H1114 or H5133/H5134/H5135, whichever set was appropriate, to match with the existing pavement. Adequate drainage measures should be constructed at the proposed access to prevent surface water flowing from the access road to the site onto the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Tai Tong Road;
- (c) to note the Director of Environmental Protection's comments that the proposed facility should be designed in accordance with the 'Guidelines for the Design of Small Sewage Treatment Plants' and the statutory requirements under the Water Pollution Control Ordinance should be followed;
- (d) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the height of those proposed evergreen trees should be of minimum 2.75m when first planted. As the proposed sewage treatment facility would be 7.4m high, planting of 1.5m high vegetation as indicated on the submitted landscape proposal could hardly achieve the desired screening and greening effect in a short period of time;
- (e) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The provision of EVA should comply with Part VI of the 'Code of Practice for Means of Access for Firefighting and Rescue' which was administered by the Buildings Department; and
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the site should be provided with means of

obtaining access thereto from a street under Building (Planning) Regulations (B(P)R) 5 and EVA should be provided under B(P)R 41D. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. Formal submission under the Buildings Ordinance was required for the sewage treatment facility including the excavation works.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/269 Temporary Place of Entertainment (War Game Playground)
for a Period of 3 Years in “Recreation” zone,
Lots 1660 (Part), 1661 S.A&B (Part), 1673 (Part), 1674 (Part),
1675 (Part), 1676 (Part), 1677 (Part), 1678, 1679, 1680, 1681,
1682 (Part), 1683 (Part), Taxlord Lot 1672 S.A (Part) and
Taxlord Lot 1672 S.B (Part) in D.D. 117 and
Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/269)

Presentation and Question Sessions

73. 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 place of entertainment (war game playground) for a period of three years;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - according to the applicant, the war game playground was to provide both adventure-based training and team-building programmes for the participants, which were partly educational and partly recreational. The applied use was considered as a kind of place of entertainment serving both its members as well as the general public, and was therefore in line with the planning intention of the “Recreation” (“REC”) zone;
 - the applied use was not incompatible with the surrounding areas. The adjacent areas comprised a mixture of recreational uses such as radio control model car playing ground and horse stable. To the west of the site was a vegetated knoll with scattered graves which fell within the boundary of Tai Lam Country Park. To the north was a piece of vacant land covered by patchy wild grasses and weedy vegetation. Significant changes or disturbances to the existing landscape character and resources due to the development were not anticipated;
 - the Director of Environmental Protection advised that there were no sensitive receivers in the close proximity of the site, and there was no major environmental concern on the applied use. The Director of Agriculture, Fisheries and Conservation's concerns on the potential impact generated by war game activities to the surrounding habitats could be addressed by approval conditions prohibiting war game activities outside the site; requiring the provision of protective fencing and guiding net as well as the submission and implementation of tree preservation and landscape proposals. Besides, approval conditions

restricting the operation hours of the war game playground and prohibiting the use of audio amplification system on site were recommended to alleviate the possible nuisance from the development. The technical concerns on drainage and fire safety aspects could also be addressed by imposing relevant approval conditions; and

- although two previous applications (No. A/YL-TT/2 and 113) were rejected by the Committee, these applications involved a larger site area from about 3.4 ha to 5 ha. Application No. A/YL-TT/2 for horse riding school was rejected in 1994 when the area was zoned “Agriculture” and “Green Belt” (“GB”) on the then outline zoning plan, mainly on the grounds that there was insufficient information to enable a proper assessment on its impacts on the surrounding areas. Application No. A/YL-TT/113 was related to a playground for dingo fun karts involving the provision of substantial tracks and driving of karts, which was more environmentally intrusive in nature. This application was rejected as there was insufficient information to demonstrate that the playground for dingo fun karts would not generate adverse traffic, noise and drainage impacts on the surrounding areas and could meet the safety standards of the Government. On the other hand, a recent application (No. A/YL-TT/262) for temporary place of entertainment (war game playground) to the northeast of the application site within the subject “REC” zone and partly zoned “GB” at the fringe was approved by the Committee on 25.6.2010.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.8.2013, 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 10:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no war game activities were allowed to be carried out outside the site at any time during the planning approval period;
- (c) no audio amplification system was allowed to be used on the site at any time during the planning approval period;
- (d) the provision of protective boundary fencing and guiding net on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.2.2011;
- (e) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.2.2011;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.5.2011;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.2.2011;
- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.5.2011;
- (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 27.2.2011;
- (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 27.5.2011;

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

76. 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 land owners of the site;
- (c) to note the District Lands Officer/Yuen Long's comments that no structures were allowed to be erected without prior approval from his office. No permission had been given for the structures (including converted containers) erected or to be erected on the lots within the site, nor the occupation of Government land (GL) within the site. He reserved the right to take enforcement/control action against the irregularities. The site was accessible through a long stretch of informal track on GL/other private land extended from Tai Tong Shan Road. His office did not provide maintenance works for the track nor guarantee right of way. Some parts of the track traversed Water Supplies Department (WSD)'s project, namely 'Replacement and Rehabilitation of Water Mains Stage 2 – Mains in New Territories West – Investigation, Design and Construction'. The occupier

of the GL and the registered owner of the lots concerned should apply to his office for Short Term Tenancy/Short Term Waiver (STT/STW) to regularize the irregularities on site. Should no STT/STW application be received/approved and the irregularities persisted on site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owner;

- (d) 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;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department should not be responsible for the maintenance of any access connecting the site and Tai Tong Shan Road;
- (f) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the number and locations of existing trees as indicated on the submitted landscape plan did not tally with the actual site situation. A revised landscape plan showing the correct number and locations of the existing and proposed trees should be resubmitted for consideration;
- (h) to note the Director of Agriculture, Fisheries and Conservation's comments that as there was no tree along the western fringe area of the site, peripheral screen planting, as proposed by the applicant, should be provided for that part of the site. Moreover, as bullets and debris fallen into the adjacent stream could be difficult to re-collect, appropriate measures should be

taken to prevent pollution of the stream;

- (i) to note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted 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 be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI, justifications should be provided to his department for consideration;

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

- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person should 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 BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/487 Temporary Open Storage of Used Private Vehicles
for a Period of 3 Years in “Undetermined” zone,
Lots 1544 (Part) and 1545 (Part) in D.D. 119,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/487)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of used private vehicles for a period of three 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 southwest and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below :
 - the application was in line with the Town Planning Board Guidelines

No. 13E in that the technical concerns of relevant Government departments could be addressed through the implementation of approval conditions. There were similar applications in this part of the “Undetermined” (“U”) zone, i.e. Category 1 areas, which had been approved with conditions. Although the site was zoned “U”, the area was generally intended for open storage use. The designation of “U” zoning was mainly due to the concerns on the capacity of Kung Um Road. In this regard, the Transport Department had no adverse comment on the application. Approval of the application on a temporary basis for not more than three years would not frustrate the long-term use of the area;

- the applied use was not incompatible with the land uses of the surrounding areas, which were mixed with open storage yards, warehouses and vehicle repair workshops. Although DEP did not support the application on the ground of potential environmental nuisance, no environmental complaint had been received in the past three years. Besides, the applicant had proposed no operation on site between 6:00 p.m. and 9:00 a.m. as well as on Sundays and public holidays; no parking/storage of container tractors/trailers or containers; no vehicle repairing and workshop activities; and no use of heavy goods vehicles for the operation of the site. It was expected that the applied use would not generate significant environmental impacts on the surrounding areas. Relevant approval conditions had been recommended to alleviate potential environmental impact; and
- previous planning approval had been granted for the same use on the site under Application No. A/YL-TYST/355 submitted by the same applicant. The approval conditions in relation to the submission and implementation of landscape and tree preservation proposals and drainage proposal had been compiled with.

78. Members had no question on the application.

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.8.2013, 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 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no container tractors/trailers or containers were allowed to be stored/parked on the application site, as proposed by the applicant, at any time during the planning approval period;
- (d) no dismantling, repairing, paint-spraying, cleansing or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and container tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the submission of landscape 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 27.2.2011;
- (h) in relation to (g) above, the implementation of landscape 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 27.5.2011;

- (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 27.2.2011;
- (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 27.5.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including the vehicle repair workshop which currently exists on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;

- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long's comments that if the agricultural structures on Lot 1545 in D.D. 119 covered by Permit No. MNT 15306 were converted for non-agricultural purposes, his office would arrange to terminate the permit within the site as appropriate. His office would resume processing the submitted Short Term Waiver (STW) applications for regularization of unauthorized structures on the lots within the site. However, should no STW application be approved and the irregularities persisted on site, his office would consider taking appropriate lease enforcement action against the registered owners. Besides, the site was accessible through a long stretch of informal village track on Government land or other private land extended from Kung Um Road. His office did not provide maintenance works for this track nor guarantee right-of-way;
- (e) to note the Commissioner for Transport's comments that the land status of the track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) 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;
- (h) to note that the landscape and tree preservation proposals to be submitted should include the size and species of trees to be preserved and to be

planted. Moreover, the landscape tree planting and the preserved trees should be maintained throughout the planning approval period;

- (i) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (j) to note the Director of Fire Services' comments on the requirements of formulating fire service installations (FSIs) proposal as set out in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, justifications should be provided to his department for consideration; and
- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the existing structures without approval under the Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including any temporary structures. The proposed porches for storage of used private vehicles were temporary buildings 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 did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/488 Renewal of Planning Approval for Temporary ‘Warehouse for Storage of Metal Frames’ Use under Application No. A/YL-TYST/362 for a Period of 3 Years in “Undetermined” zone, Lot 785 in D.D. 117, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/488)

Presentation and Question Sessions

81. 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 ‘warehouse for storage of metal frames’ use under Application No. A/YL-TYST/362, which would lapse on 15.9.2010, for a period of three 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 northeast and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received from the Designing Hong Kong Limited raising objection to the application on the grounds that the use of the site for open storage was a blight to the environment; and that the application had already been renewed repeatedly, making it a permanent use was against the planning intention for the area; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a further period

of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:

- the application was in line with the Town Planning Board Guidelines No. 34A in that there had been no material change in planning circumstances since the granting of the previous approval under Application No. A/YL-TYST/362; the conditions of the previous approval, including the submission and implementation of landscape, drainage and fire service installations (FSIs) proposals, had been complied with; and the three-year approval period sought was of the same timeframe as the previous approval;
- the applied warehouse use was not in conflict with the planning intention of the “Undetermined” zone, which was intended to cater for the continuing demand of open storage sites that could not be accommodated in conventional godown premises. Besides, the applied use was not incompatible with the land uses in the surrounding areas which comprised a number of open storage yards, warehouses and workshops. Since there was no known programme for permanent development, approval of 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 of the site, the applied use was only for storage purpose in an enclosed warehouse structure and no environmental complaint against the site was received in the past three years. The applied use would unlikely generate significant environmental impacts on the surrounding areas. To address DEP’s concerns on potential environmental impacts, approval conditions on restricting the operation hours, prohibiting open storage use and workshop activities, and restricting the use of medium and heavy goods vehicles were recommended. The technical concerns of other departments on the maintenance of existing trees and drainage facilities as well as the submission and implementation of FSIs proposal could also be addressed by relevant approval conditions; and

- regarding the public objection, given that there was no known programme for permanent development of the area, the application was in line with the TPB Guidelines No. 34A, and the concerned departments generally had no adverse comment on the application, it was considered that the renewal of the planning approval for a period of three years would not frustrate the long-term use of the area.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 15.9.2010 to 14.9.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no open storage was allowed on the application site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities should be carried out on the application site, as proposed by the applicant, at any time during the planning approval period;
- (e) no medium or heavy goods vehicles over 5.5 tonnes as defined in the Road Traffic Ordinance or container tractors/trailers were allowed for the operation of the application site at any time 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 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 14.3.2011;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 9 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 14.6.2011;
- (j) 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;
- (k) if any of the above planning conditions (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long's comments that the

registered lot owners should apply to his office for Short Term Waiver (STW) to regularize the irregularities on site. Should no STW application be received/approved and the irregularities persisted on site, his office would consider taking appropriate lease enforcement action against the registered owners. Besides, the site was accessible through an informal village track on Government land or other private land extended from Kung Um Road. His office did not provide maintenance works for this track nor guarantee right-of-way;

- (c) to note the Commissioner for Transport's comments that the land status of the track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same 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 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/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Besides, water mains in the vicinity of the site could not provide the standard fire-fighting flow;

- (g) to note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, justifications should be provided to his department for consideration; and
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that existing structures without approval under the Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including temporary structures. 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 did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/402 Shop and Services (Real Estate Agency and Retail Shop)
 in "Industrial" zone,
 Unit E, G/F, Wai Cheung Industrial Centre,
 5 Shek Pai Tau Road, Tuen Mun
 (RNTPC Paper No. A/TM/402)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (real estate agency and retail shop);
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - the current application for shop and services uses complied with the Town Planning Board (TPB) Guidelines No. 25D in that there was a need to serve the public in the locality and it had no adverse traffic and fire safety impacts. The retail shop and real estate agency were considered not incompatible with the adjoining units on the ground floor of the same building, which were mostly canteens and storage areas. It would unlikely generate adverse impacts on the environment and infrastructure of the area. Concerned Government departments had no adverse comments on the application;
 - according to the TPB Guidelines No. 25D, the aggregate commercial floor area on the ground floor of an industrial building with sprinkler system should not exceed 460m². As there was no similar application for commercial use in the subject industrial building, approval of the current application involving a floor area of about 318.46m² would not exceed the maximum permissible limit of 460m². The Director of

Fire Services had no objection to the application provided that a means of escape completely separated from the industrial portion was available and the fire services installations were provided to his satisfaction;

- regarding the ‘promotion hall’ found within the application premises, the applicant clarified that the ‘promotion hall’ was no longer in use and the current application was only for real estate agency and retail shop use at the application premises. Should the application be approved, it was recommended that approval conditions be stipulated to prohibit the use of the application premises as a ‘promotion hall’ and non-compliance with the approval condition would result in revocation of the planning permission; and
- in order not to jeopardize the planning intention of industrial use for the application premises, a temporary approval of three years was recommended. This was consistent with the Committee’s previous decisions on similar applications (No. A/TM/382, 390 and 393) for shop and services uses in the same “Industrial” zone, all of which were approved by the Committee on a temporary basis for three years.

86. Members had no question on the application.

Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.8.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no ‘promotion hall’ use was allowed in the application premises;
- (b) the submission and implementation of fire service installations proposals for the application premises within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.2.2011;

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

88. 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) the permission was given to shop and services (real estate agency and retail shop) use under the application. It did not condone to the 'promotion hall' use not being applied for or any other use/development which might currently exist on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (d) to note the District Lands Officer/Tuen Mun's comments that the applicant should apply to his office for a new waiver permitting shop and services (retail shop and real estate agency) uses to effect the planning proposal; and the new waiver would be subject to such terms and conditions to be imposed, including the payment for administrative fees, premium and waiver fee;

- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that the premises should be separated from the adjoining units and the corridor with walls of fire-resisting period (FRP) not less than two hours and the door to the corridor should have an FRP of not less than one hour. The applicant was also reminded to comply with barrier free access provisions in accordance with Building (Planning) Regulations (B(P)R) 72; and

- (f) to note the Director of Fire Services' comments that a means of escape completely separated from the industrial portion of the building should be available. Detailed fire safety requirements would be formulated upon receipt of formal general building plans submission. In relation to fire-resisting construction for the application premises, the applicant should comply with the requirements as stipulated in 'Code of Practice for Fire Resisting Construction' which was administrated by the BD.

Remarks

89. The Chairman said that the remaining items in the Agenda would not be open for public viewing as one of the items was in respect of an application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004 in June 2005, and the other two items were under confidential cover.

Agenda Item 28

Any Other Business

96. There being no other business, the meeting was closed at 5:25 p.m..