

TOWN PLANNING BOARD

**Minutes of 430th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 26.11.2010**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Dr. C.P. Lau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

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. Simon K.M. Yu

Assistant Director of Planning/Board
Ms. Christine K.C. Tse

Secretary

Absent with Apologies

Dr. James C. W. Lau

Mr. Timothy K.W. Ma

Dr. W.K. Lo

Ms. Anita W.T. Ma

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

In Attendance

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

Town Planner/Town Planning Board
Miss Alice Y.Y. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 429th RNTPC Meeting held on 12.11.2010

[Open Meeting]

1. The draft minutes of the 429th RNTPC meeting held on 12.11.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/301 Proposed Temporary Private Swimming Pool Ancillary to a Permitted House for a Period of 3 Years in “Village Type Development” zone, Lots 1304RP and 2598 in D.D. 92, Kam Tsin, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/301)

Presentation and Question Sessions

3. Ms. Doris Ting, STP/STN, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

- (b) the proposed temporary private swimming pool ancillary to a permitted house for a period of three years;
- (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 perspective and recommended that the landscape conditions requiring the submission and implementation of the tree preservation and landscape proposal be included in the planning permission should the Committee approve the application;
- (d) one public comment stating ‘no comment’ on the application was received during the statutory publication period and no local comment was received by the District Officer (North); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to approving the application on a temporary basis for a period of three years based on the assessments set out in paragraph 10 of the Paper. The proposed swimming pool for the leisure use of the house’s owner and family members would be considered as a use ancillary to the permitted house with occupation permit issued on 29.6.2009. The proposed swimming pool was small in scale, and would not adversely affect the village character of the area nor cause adverse impact to the surrounding areas. Concerned departments had no adverse comment on the application. The proposed development under the current application was the same as the previously approved scheme by the same applicant (Application No. A/NE-KTS/247) except the reductions in water depth of the swimming pool from 1.8 m to 1.5 m and building height of the filtration plant room from 5.1 m to 4.3 m. As there was no major change in

planning circumstances, sympathetic consideration could be given to the current application. Nevertheless, as the previous approval was revoked due to non-compliance with the approval conditions on the submission and implementation of drainage proposals and fire service installations (FSIs) proposals and the implementation of tree preservation scheme and landscape proposal, shorter compliance periods were proposed to closely monitor the situation and the progress of compliance of the approval conditions by the applicant. The applicant would be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application. The landscape concerns of the CTP/UD&L, PlanD could be addressed by imposing the approval conditions as recommended in paragraphs 11.2 (e) and (f) of the Paper. To meet the technical requirements of relevant departments, approval conditions on drainage facilities, FSIs and water supplies for fire fighting had also been recommended in paragraphs 11.2 (a) to (d) of the Paper. There was no local or public objection against the application.

4. Members had no question on the application.

Deliberation Session

5. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.11.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposals, including proposal to deal with discharge from the swimming pool, within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 26.2.2011;
- (b) in relation to (a) above, the implementation of drainage proposals, including proposal to deal with discharge from the swimming pool, within 6 months from the date of planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 26.5.2011;

- (c) the submission of fire service installations and water supplies for fire fighting proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.2.2011;
- (d) in relation to (c) above, the implementation of fire service installations and water supplies for fire fighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.5.2011;
- (e) the submission of tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.2.2011;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.5.2011; and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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.

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

- (a) shorter compliance periods were given to closely monitor the situation and the compliance of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (b) to note the comments of the District Lands Officer/North, Lands Department that the applicant was required to apply for a lease

modification of Lot 1304 RP in D.D. 92 prior to the development of the proposed swimming pool. However, there was no guarantee that approval would be given and in the event that the approval was granted, it would be subject to such terms and conditions to be imposed as the Government saw fit including payment of premium;

(c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that :

(i) the house, swimming pool and plant room should be considered as a single development on a merged site with lot description, namely Lot Nos. 1304 RP and 2598 in D.D. 92. Development intensity of the merged site was to be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage as the application site did not abut a specified street of not less than 4.5m wide; and

(ii) the emergency vehicular access for the house and plant room should comply with B(P)R 41D;

(d) to note the comments of the Director of Fire Services that :

(i) emergency vehicular access arrangement should comply with Part VI of the 'Code Practice for Means of Access for Firefighting and Rescue' administrated by the Buildings Department; and

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

(e) to note the comments of the Chief Engineer/Development (2) of the Water Supplies Department (WSD) that :

(i) for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable

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

- (ii) the application site was located within the flooding pumping gathering ground; and
- (iii) water mains in the vicinity of the above site could not provide the standard firefighting flow.

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

Agenda Items 4 to 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/427 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1563 S.A in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/427 to A/NE-LTY/429)

A/NE-LYT/428 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1563 S.B in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/427 to A/NE-LTY/429)

A/NE-LYT/429 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1563 S.C in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/427 to A/NE-LTY/429)

7. The Committee noted that the three applications were presented in one RNTPC

Paper as they were all for proposed Small House use and the application sites were located next to each other within the same “Agriculture” (“AGR”) zone. The Committee agreed that the three applications could be considered together.

Presentation and Question Sessions

8. Ms. Doris Ting, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the three proposed houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural development point of view as agricultural life in the vicinity of the application sites was active and the sites were of high potential for rehabilitation of agricultural activities. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had commented that the proposed use was not incompatible with the surrounding environment. However, two existing trees of common species within the sites would be affected by the proposed developments and adverse landscape impact would be anticipated. Moreover, the landscape proposals for the proposed gardens within the sites were not submitted. As such, the CTP/UD&L, PlanD recommended that should the applications be approved by the Committee, the landscape condition requiring the submission and implementation of tree preservation and landscape proposals by the applicants should be stipulated;
- (d) one public comment objecting to each application was received from Designing Hong Kong Limited (DHKL) during the statutory publication period. DHKL objected to all the applications mainly on the grounds that the intention of the “Agriculture” zone and the character of the area was

incompatible with urban sprawl; the layout of the existing and proposed infrastructure and development was haphazard and incompatible with the current and proposed land uses; and the lack of a sustainable layout might deteriorate the living environment. The District Officer (North) had consulted the locals who had no comment on the applications but had additional views that good drainage systems should be provided and village road with lighting should be improved; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. The three applications generally met the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories' ('Interim Criteria') in that not less than 50% of the footprints of the three proposed Small Houses fell within the village 'environs' ('VE') of Kan Tau Tsuen. Though the proposed developments were not in line with the planning intention of the "AGR" zone and the DAFC did not support the applications from the agricultural point of view, it was noted that the sites were located to the southwest of the "Village Type Development" ("V") zone of Kan Tau Tsuen and majority of the footprints of the three proposed Small Houses fell within the 'VE' of the same village. Besides, the proposed developments were not incompatible with other village houses in the vicinity. Similar applications within the same "AGR" zone in the vicinity of the sites had also been approved by the Committee. Moreover, the proposed developments would not have significant adverse impacts on the environment and drainage of the surrounding area. Relevant government departments had no adverse comment on or no objection to the applications. The landscape concerns of the CTP/UD&L, PlanD could be addressed by stipulating the relevant approval condition. As advised by the District Lands Officer/North, Lands Department, the DAFC would be consulted on the trees likely to be affected when processing the Small House applications. As regards the public comment, the proposed Small Houses were not incompatible with the village houses in the neighbourhood and would not cause significant adverse environmental and drainage impacts on the surrounding area.

Concerned government departments had no adverse comment on or no objection to the three applications, and there was no local objection.

9. A Member referred to Plan A-2 of the Paper and pointed out that it would not be possible to preserve the two existing trees on the application sites as they were located right in the middle of the footprint of the proposed Small Houses. Hence, the requirement for tree preservation as recommended in the approval condition in paragraph 12.2 (c) of the Paper could not be fulfilled. The Chairman shared the same concern and judging from the photos attached to the Paper, the two trees looked like Elephant's Ear which was a common species. He enquired if the trees were valuable species. In response, Ms. Doris S.Y. Ting informed Members that as advised by the CTP/UD&L, PlanD, the two existing trees on the application sites were indeed Elephant's Ear (*Macaranga tanarius*), which was a common species in Hong Kong. The CTP/UD&L, PlanD had no objection to the felling of the two existing trees provided that tree planting would be carried out within the sites to compensate for the loss of the trees should the applications be approved by the Committee. Taking into account the CTP/UD&L, PlanD's comments, the Chairman suggested and Members agreed to amend the approval condition (c) by deleting the requirement for tree preservation should the applications be approved by the Committee.

Deliberation Session

10. Members considered that the three applications could be supported. Members then went through the approval conditions as stated in paragraph 12.2 of the Paper and agreed that the approval condition (c) should be suitably amended to reflect Members' views as expressed at the meeting. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 26.11.2014, 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. Each permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;

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

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

- (a) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of the formal application referred by the Lands Department;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) as follows :
 - (i) 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 should be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standards;
 - (ii) the application site was within the flood pumping gathering ground; and
 - (iii) water mains in the vicinity of the application site could not provide the standard firefighting flow; and
- (c) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply with the provisions of the

relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

Agenda Items 7 and 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/75 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Government Land in D.D. 209, Sai Keng Village,
Shap Sz Heung, Sai Kung North
(RNTPC Paper No. A/NE-SSH/75 and 76)

A/NE-SSH/76 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Government Land in D.D. 209, Sai Keng Village,
Shap Sz Heung, Sai Kung North
(RNTPC Paper No. A/NE-SSH/75 and 76)

12. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in these two items as she had business dealing with Henry Chan Surveyors Ltd., the consultant of the subject applications. The Committee considered that that Ms. Anna S.Y. Kwong’s interest was direct and should leave the meeting temporarily for the two items. The Committee noted that Ms. Anna S.Y. Kwong had left the meeting temporarily for this item.

13. The Committee noted that the two applications were presented in one RNTPC Paper as they were for proposed Small House use and the application sites were located in close proximity. For Application No. A/NE-SSH/75, the application site was entirely within the “Green Belt” (“GB”) zone. For Application No. A/NE-SSH/76, the majority of the application site (71.1%) was within the “Village Type Development” (“V”) zone with the remaining portion (28.9%) within the “GB” zone. The Committee agreed that the two applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the two proposed houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – for Application No. A/NE-SSH/75, the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape point of view because of the proximity of the application site to the woodland and the undesirable precedent effect for similar applications in the “GB” zone, even though there was no existing tree within the site. For Application No. A/NE-SSH/76, the CTP/UD&L, PlanD had no objection to the application as the application site was vacant and fell mainly in the “V” zone. He recommended to include an advisory clause on the finish level of the building terrace to be higher than that of the adjoining house so as to match with the landscape character of the surrounding developments should the application be approved by the Committee;
- (d) during the statutory publication period, no public comment was received for Application No. A/NE-SSH/76. For Application No. A/NE-SSH/75, two public comments objecting to the application were received. The first public comment was from an individual objecting to the application on the grounds of the already over-crowded nature of the area, the saturation of public transport and the abuse of the indigenous land rights by the indigenous villagers. The second public comment was from Designing Hong Kong Limited raising objection to the application as the proposed Small House development was not suitable as it would affect the surrounding environment and there was no sustainable village layout plan for the area. The District Officer (Tai Po) had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. The proposed Small House developments met the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories' ('Interim Criteria') in that the proposed Small House footprint fell entirely within the village 'environs' ('VE') of Sai Keng Village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of Sai Keng. Although the proposed Small House developments were not in line with the planning intention of the "GB" zone, they were generally compatible with the surrounding environment which were predominantly rural in character and occupied by village houses. Relevant government departments including the District Lands Officer/Tai Po, the Director of Agriculture, Fisheries and Conservation and the CTP/UD&L, PlanD had no objection to or no adverse comment on the application. Relevant advisory clauses had been recommended in paragraph 13.2 of the Paper to meet the technical concerns of the departments. There were similar applications in the same "GB" zone approved by the Committee in 2009 and 2010 mainly on the grounds of compliance with the 'Interim Criteria'. The current application could warrant the same consideration. As regards the public objections to Application No. A/NE-SSH75, relevant departments had not raised similar concerns.

15. Members had no question on the applications.

Deliberation Session

16. A Member considered that the two applications could be supported as the application sites were in close proximity to existing Small House developments and, the two proposed Small Houses were not incompatible with the land uses of the neighbourhood.

17. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each

permission should be valid until 26.11.2014, 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. Each permission was subject to the following conditions :

Application No. A/NE-SSH/75

- (a) the provision of firefighting 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.

Application No. A/NE-SSH/76

- (a) the provision of firefighting 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.

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

Application No. A/NE-SSH/75

- (a) to note the comment of the Director of Agriculture, Fisheries and Conservation that the applicant should implement good site practice in order to avoid any adverse impacts to existing trees and their root systems;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that all necessary measures should be taken to protect/preserve the nearby existing trees during construction stage;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that upon completion of the public sewerage system at Sai Keng, the Environmental Protection Department might require the applicant to make proper sewer connection from his premises to the public sewer at his own cost; and 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 application site as well as the overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems; and public sewerage connection was currently not available for the site. The Director of Environmental Protection should be consulted regarding the sewerage treatment/disposal aspects of the proposed development and the provision of septic tank; and

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

Application No. A/NE-SSH/76

- (a) to note the comment of the Director of Agriculture, Fisheries and Conservation that the applicants should implement good site practice in order to avoid any adverse impacts to existing trees and their root systems;

- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that all necessary measures should be taken to protect/preserve the nearby existing trees during construction stage; and to assure that the finish level of the Small House terrace should be higher than that of the adjoining house so as to match with the landscape

character of the rural village development;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that upon completion of the public sewerage system at Sai Keng, the Environmental Protection Department might require the applicant to make proper sewer connection from his premises to the public sewer at his own cost; and 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 application site as well as the overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems; and public sewerage connection was currently not available for the site. The Director of Environmental Protection should be consulted regarding the sewerage treatment/disposal aspects of the proposed development and the provision of septic tank;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the proposed small house development would affect the existing water mains as shown in Plan No.W67880/8-NW-21A, and the applicant should bear the cost of any necessary diversion of the water mains so affected by the development. The proposed development might have interface with the current replacement and rehabilitation of water mains, Contract No. 20/WSD/06, as shown in Plan No.8/NW-21A. For further details, the applicant should liaise with Resident Engineer of the Contract, Mr. WONG Sze Wai (Tel. No. 2637 5136); and
- (e) to note the comment of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of the formal application referred by the Lands Department.

General

19. A Member asked whether the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ and the Town Planning Board (TPB/Board) Guidelines should be attached to all the TPB papers on Small House application. To save the consumption of paper, this Member pointed out that the documents could be made available for Members’ reference at the TPB Meetings and there was no need to attach them in the TPB papers. The above view was shared by another Member.

20. In response, the Chairman said that it was necessary to attach the relevant guidelines so as to ensure that all information relevant to the consideration of the application was available to the applicant. In this regard, a Member suggested that the applicant could be informed of the link to the TPB homepage where the documents could be seen and downloaded. As the subject matter was related to the general practice of the TPB, the Chairman suggested and Members agreed that it would be further discussed at the next full Board Meeting.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/77 Proposed Public Utility Installation (Electricity Package Substation)
in “Village Type Development” zone,
Government Land in D.D. 218 Che Ha Village, Shap Sz Heung
(RNTPC Paper No. A/NE-SSH/77)

21. The Committee noted that a letter dated 25.11.2010 to the Town Planning Board (TPB) in relation to the subject application was tabled at the meeting for Members’ information.

Presentation and Question Sessions

22. 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;

[Mr. Simon K.M. Yu left the meeting temporarily at this point.]

- (b) the proposed public utility installation (electricity package substation);
- (c) departmental comments – the Director of Health (D of Health) advised that he was not in a position to comment on site selection issues or issues related to the installation or operation of electrical facilities since electrical installations and facilities were not under the purview of the Department of Health. According to the World Health Organization (WHO), compliance with the relevant International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities. He also advised that upon commissioning of the electricity package substation, it was advisable to verify the actual compliance with the ICNIRP guidelines with direct on-site measurements by relevant parties;
- (d) two public comments objecting to the application were received from individuals during the statutory publication period. The commenters raised objection mainly in view of the close proximity of the proposed substation to their village houses nearby and the possible adverse impacts on health; and they suggested relocation of the proposed substation. Concerning the letter dated 25.11.2010 which was tabled for Members' information, it should be considered as not having been made as it was received after the end of the statutory publication period for the application on 5.11.2010. However, the objection on health and 'fung shui' grounds

were similar to those already covered in the two public comments. The District Officer (Tai Po) had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed development was a mini-type single-storey substation for provision of power supply to the existing villages and future developments in the vicinity of Che Ha Village. As the application site was covered by common herb species with no significant landscape value, the Director of Agriculture, Fisheries and Conservation had no comment on the application. The Chief Towner Planner/Urban Design and Landscape, PlanD had no objection to the application as he considered that the proposed development would unlikely cause adverse impact on the landscape resources and the landscape character of the area. The CTP/UD&L recommended that the proposed development be mitigated by screen planting around the structure and using a design, finishes and colour that were sympathetic to the landscape character of the area for the proposed structure. An approval condition (b) was recommended in paragraph 11.2 of the Paper to this effect. Other government departments had no objection to / adverse comment on the application. Regarding the safety aspect of the proposed substation, the D of Health advised that according to the WHO, compliance with the relevant ICNIRP guidelines should provide adequate protection to members of the public from exposure to low level radiofrequency electromagnetic fields generally encountered in daily life. Based on his advice, an advisory clause on the compliance with the ICNIRP guidelines had been recommended in paragraph 11.2 for the applicant to observe. The incorporation of such an advisory clause was also to cater for the health concern raised in the public comment.

23. In response to a Member's enquiry, Ms. Lisa L.S. Cheng informed Members that as given the applicant's submission, CLP Power (the applicant) had suspended application for new electricity supply in the Che Ha Village as the demand had exceeded the capacity of the existing equipment installed in the Village and there was an urgent need for the proposed electricity package substation.

24. A Member referred to the comments of the D of Health as stated in paragraph 8.1.9 and the advisory clause (e) in paragraph 11.2 of the Paper and enquired the details concerning the compliance with the ICNIRP guidelines. In response, Ms. Lisa L.S. Cheng said that in commenting the subject application, the D of Health advised that the proposed electricity package substation should comply with the ICNIRP guidelines according to the World Health Organization and it was advisable to verify such compliance by relevant parties. For operation of the proposed electricity package substation, the applicant was required to provide all the necessary information to satisfy all the technical requirements of the relevant departments before the relevant lease/occupation permit would be granted to the applicant. During the process, relevant approving authorities such as the Fire Services Department (FSD) and the Electrical and Mechanical Services Department (EMSD) would be involved.

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

Deliberation Session

25. A Member raised a concern that if the D of Health's advice for the relevant parties to verify the on-site measurements of the proposed electricity package substation to comply with the ICNIRP guidelines was only included as an advisory clause, there was no way to ensure its implementation upon granting of the planning permission. This Member enquired if the requirement could be enforced by imposing it as a lease condition under the authority of the Lands Department (LandsD). In response, Mr. Simon K.M. Yu, Assistant Director/New Territories (AD/NT), LandsD, informed Members that this requirement would not be incorporated into the lease as this was only advisory in nature and not related to the land. Miss Lisa L.S. Cheng supplemented that the implementation and operation of the proposed electricity package substation would be monitored by the relevant approving authorities under the respective approval/licensing procedures. A Member considered that the D of Health's advice could be maintained as an advisory clause as the ICNIRP guidelines was not a statutory requirement but a set of guidelines for general information.

26. In response to a Member's enquiry, Ms. Lisa L.S. Cheng said that the D of Health's comments were included as an advisory clause in the previous applications for proposed public utility installation (electricity package substation).

27. Ms. Doris S.Y. Ting informed Members that DPO/STN, PlanD had verbally consulted the CLP Power, the applicant, and the colleague in the D of Health just now. The applicant had indicated that they had no objection to undertaking the on-site measurements of the electricity package substation upon commission and submit the measurements for the Government's consideration should this be required by the Committee. The colleague of the D of Health had advised that he could render comments on the on-site measurements to be submitted by the CLP Power. Noting the above comments, the Chairman suggested and Members agreed to impose the recommended advisory clause in paragraph 11.2 (e) of the Paper as a planning condition should the application be approved by the Committee.

28. After deliberation, Members considered that the application could be supported. Members then went through the approval conditions and the advisory clauses as stated in paragraph 11.2 of the Paper and agreed that an additional approval condition (c) should be stipulated in the planning permission and the advisory clause (e) should be suitably amended to reflect Members' views as expressed at the meeting.

[Post-meeting Note: The Secretary, Town Planning Board (TPB) had informed the D of Health of the RNTPC's decision regarding the stipulation of the approval condition on compliance with the ICNIRP guidelines. In response, the D of Health had advised that the authority in regulating the commissioning and operation of electrical facilities rested with the Director of Electrical and Mechanical Services (DEMS), and he was not in a position to assess the compliance of the ICNIRP guidelines. DEMS had also been consulted on the subject matter, and he had advised that in view of its insignificant impact, it was not necessary to incorporate an approval condition on the compliance with the ICNIRP guidelines. The applicant would self-certify the compliance with the ICNIRP guidelines and DEMS would be the responsible authority overseeing the subject matter. Based on DEMS's advice, the requirement for the applicant to comply with the ICNIRP guidelines upon the commission of the proposed electricity package substation was stipulated as an advisory clause, instead of an approval condition.]

29. 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 26.11.2014, and after the said date, the permission should

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

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

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

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the applicant should apply to his Office for necessary approval for construction of the installation concerned. There was no guarantee that such approval would eventually be given. If approved by LandsD acting in the capacity as landlord at his discretion, such approval might be subject to such terms and conditions, including payment of fee/rental, as imposed by LandsD;
- (b) to note the comments of the Commissioner for Transport that the proposed development should not block the existing village access to Che Ha village or obstruct the sight line of the motorists, and that the existing village access was not under Transport Department's jurisdiction. The applicant should clarify the land status, management and maintenance responsibilities of the village access with the relevant lands and maintenance authorities;
- (c) to note the comment of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the track adjoining the application site was not maintained by HyD;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as stated in paragraph 8.1.8 of the Paper;

- (e) to note the comments of the Director of Health that according to the World Health Organization (WHO), compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (f) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the proposed development should not cause adverse drainage impact to the existing drainage facilities and the adjacent area, and that there was no existing DSD maintained public stormwater drain available for connection in the area. The applicant was required to ensure that proposed installation would not obstruct overland flow and free flow condition should be maintained before and after the proposed works. The applicant should take all precautionary measures to avoid damage of existing drainage facilities. The applicant should verify the actual site condition by sub-surface explorations before carrying out any works. The applicant should be held responsible for making good the damage at his own cost;
- (h) to note the comment of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (i) to note the comment of the Antiquities and Monuments Office, Leisure and

Cultural Services Department that the applicant was required to notify his Office two weeks prior to the commencement of excavation works at the site so as to facilitate his staff to conduct site monitoring; and

- (j) the applicant should provide screen planting around the structure outside the application site and note that the stainless steel panels proposed for the substation construction were considered not compatible to the rural character of the adjoining village development. The design, finishes and colour of the structure that were sympathetic to the landscape character of the area should be adopted.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/NE-TK/303

Proposed Columbarium

in “Government, Institution or Community” zone,

Soka Gakkai International of Hong Kong Cultural and

Recreational Centre, Tai Po Town Lot 127 (Part),

33 Shan Nam Road, Tai Po

(RNTPC Paper No. A/NE-TK/303)

31. The Committee noted that on 15.11.2010, the applicant’s representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for one month in order to address comments raised by the members of the Tai Po District Council and the Transport Department.

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

special circumstances.

Agenda Items 11 and 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/327 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lots 392 S.A and 393 in D.D. 28, Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/327 and 328)

A/NE-TK/328 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 771 S.A RP in D.D. 28, Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/327 and 328)

33. The Committee noted that the two applications were presented in one RNTPC Paper as they were for proposed Small House use and the application sites were located next to each other within the same “Green Belt” (“GB”) zone. The Committee agreed that the two applications could be considered together.

34. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in item 12, Application No. A/NE-TK/328 as she had business dealing with Ted Chan & Associates Ltd. (the consultant of the application under item 12), in that they worked in the same consultancy team for a school development proposal in Pak Lap, Sai Kung. The Committee considered that that Ms. Anna S.Y. Kwong’s interest was direct and should leave the meeting temporarily for the two items. The Committee noted that Ms. Anna Kwong had already left the meeting temporarily.

35. The Committee noted that replacement for page 10 and Plan A-2 of the Paper were dispatched to Members on 24.11.2010.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the two proposed houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications from landscape planning point of view as the application sites were located on the upper foothills of Pat Sin Leng and immediately next to woodland area, approval of the applications would have an undesirable precedent leading to more piecemeal Small House applications in the area and further encroachment onto the “GB” zone. The CTP/UD&L considered that should the application be approved by the Committee, the stipulation of the standard landscape condition was required;

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

- (d) two public comments objecting to the applications were received from Designing Hong Kong Limited (DHKL) and World Wide Fund For Nature Hong Kong (WWFHK) during the statutory publication period. DHKL objected to the application on grounds of incompatibility with the planning intention of the “GB” zone and the lack of a sustainable layout of infrastructure and development. WWFHK objected to the application on the grounds of incompatibility with the planning intention of the “GB” zone and the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 10) and setting of undesirable precedent. Both commenters also stated that during their inspection on 25.10.2010, it was observed that vegetation clearance, stockpiling of soil, site formation and illegal road widening works were carried out adjacent to the application site. The District Officer (Tai Po) had no comment on the

application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. The application sites were the subject of two previous applications (No. A/NE-TK/258 and 263) for the same use submitted by the same applicants, which were rejected by the TPB on review on 2.1.2009 for the reasons of not in line with the planning intention of the “GB” zoning; and not complying with the TPB Guidelines No. 10 for development within the “GB” zone in that it would involve clearance of natural vegetation and affect the existing natural landscape of the surrounding environment. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) at that time advised, as the sites were located close to a natural hillside, he would tender in-principal objection to the applications unless a Natural Terrain Hazard Study (NTHS) was carried out with the provision of the associated mitigation measures for slope stabilization. Moreover, both the Director of Agriculture, Fisheries and Conservation (DAFC) and the CTP/UD&L, Plan D did not support the applications from the nature conservation and landscape planning points of view respectively, and raised concerns that the possible mitigation measures for slope stabilization would likely involve clearance of trees and vegetation on the slope that would cause adverse landscape impacts on the surrounding areas. In the current applications, the applicants, in response to the government departments' concerns, had submitted the Landscape Impact Assessment Report, the Geotechnical Planning Review Report and the NTHS Report to demonstrate that the potential of natural terrain hazards affecting the proposed developments was negligible and the proposed developments would not cause adverse impact on the existing hillside slopes. While the proposed development would involve some vegetation clearance at the edge of the foothill, no tree felling on the application sites or in the adjacent woodland would be involved. To compensate for the loss in vegetation, the applicants proposed to provide additional landscape plantings to improve the site environment. As such, the DAFC and the H(GEO), CEDD) had no objection to the applications.

It was considered that the two proposed Small Houses were in compliance with the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories' ('Interim Criteria') in that more than 50% of the footprints of the two proposed Small Houses fell within the village 'environs' ('VE') 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 concerned villages. Although the CTP/UD&L, PlanD maintained his objection to the applications, the proposed Small Houses were considered not incompatible with the existing village setting as there were existing village houses located to the southeast of the application sites. There was no existing tree within the site boundaries and no slope cutting and tree felling in the adjacent woodland would be required. As regards the public comments, there was no existing tree within the site boundaries and no felling of trees would be required for the two proposed Small House developments.

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

37. Members had no question on the application.

Deliberation Session

38. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 26.11.2014, 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. Each permission was subject to the following conditions :

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

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

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) and the Chief Engineer/Consultants Management, DSD that there was no existing public drains available for connection in the area. The applicant was required to submit and implement a drainage proposal for the site to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant was also required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site. Nevertheless, proposed public sewerage system would be implemented under the project "Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C" and the sewerage works in the vicinity of the site was tentatively scheduled for completion in 2012. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend their inside services to the nearest suitable Government water mains for connection.

The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standards. Water mains in the vicinity of the sites could not provide the standard firefighting flow;

- (c) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that as ground investigations had been carried out, the applicant might consider updating the report with the investigation results and reviewing the assessments. As the application site did not meet the criteria listed in paragraph 3 of PNAP No. APP-56 for the exemption in respect of site formation works, the applicant was reminded to make necessary submission to the District Lands Officer/Tai Po, Lands Department as stipulated in PNAP No. APP-56 and submit site formation plans to the Buildings Department in compliance with the Buildings Ordinance, if exemptions in respect of site formation works could not be granted; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/329 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/329)

40. The Committee noted that replacement for page 8 of the Paper was tabled at the meeting.

Presentation and Question Sessions

41. 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, Lands Department (DLO/TP, LandsD) did not support the application as the application site was outside the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) of any recognised villages. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from the nature conservation point of view as the site was located at a grassland with some scattered native trees, and development of the proposed Small House would require felling of trees in the “Green Belt” (“GB”) zone. The Director of Water Supplies (DWS) objected to the application as the site was within the lower indirect Water Gathering Ground (WGG) and fell outside the ‘VE’ of Shan Liu. 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 proposed development would have adverse impacts on the existing landscape profile and landscape resources including trees and vegetation as well as the overall landscape character of Shan Liu. Approval of the application would set an undesirable precedent to other Small House applications in the area leading to urbanization in the undisturbed part of the upland area;
- (d) two public comments objecting to the application were received from Designing Hong Kong Limited (DHKL) and World Wide Fund For Nature

Hong Kong (WWFHK) during the statutory publication period. DHKL objected to the application mainly on the grounds that the area was zoned “GB” and the zoning intention and character of the area was incompatible with urban sprawl. WWFHK objected to the application on the grounds that the proposed development significantly deviated from the planning intention of the “GB” zone and degraded its function and value. The District Officer (Tai Po) had no comment on the application; and

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

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. According to the DLO/TP, LandsD’s record, land available within the “V” zone of Shan Liu Village could not fully meet the future Small House demand of the Village. 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 for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ (‘Interim Criteria’) as the application site was entirely outside the “V” zone and the ‘VE’ of any recognised villages. In this regard, the DLO/TP, LandsD did not support the application. As no similar planning application for Small House development outside the “VE” had ever been approved in the vicinity of the site, approval of the 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 DWS objected to the application as the site was within the lower indirect WGG and fell outside the ‘VE’ of Shan Liu. The DAFC had reservation on the application from the nature conservation point of view as the site was located at grassland

with some scattered native trees. As such, development of the proposed Small House would require felling of trees in the “GB” zone. The CTP/UD&L, PlanD objected to the application from the landscape planning point of view as the proposed development would have adverse impacts on the existing landscape profile and landscape resources, including trees and vegetation, and the overall landscape character of Shan Liu. Approval of the application would set an undesirable precedent to other Small House applications in the area, leading to urbanization in the undisturbed part of the upland area. Public comments objecting to the application on the adverse impact on the “GB” zone were received.

42. Members had no question on the application.

Deliberation Session

43. The Chairman informed Members that the Sha Tin, Tai Po and North District Planning Office (DPO/STN, PlanD) was currently reviewing the “V” zone boundary of the Shan Liu Village to meet the Small House demand of the Village. The review would take into account the problems associated with land shortage and topographical and infrastructural constraints pertaining to the existing “V” zone. The Chairman referred to Plan A-2 and enquired whether there was any scope to adjust the alignment of the public trunk sewer to take into account the revised “V” zone boundary so as to facilitate Small House development. In response, Ms. Lisa L.S. Cheng informed Members that the alignment of the public trunk sewer had been finalized. In response to the Chairman’s enquiry, Mr. C.W. Tse, Assistant Director (Environmental Assessment), Environmental Protection Department, supplemented that according to his understanding, the alignment of the trunk sewer had been decided and the Drainage Services Department (DSD) should be consulted as to whether the alignment could be adjusted. The Chairman asked DPO/STN, PlanD to further consult the DSD and take into account the alignment of the trunk sewer in reviewing the “V” zone boundary of Shan Liu Village.

44. Members considered that the proposed Small House could not be supported as it was not in line with the planning intention of the “GB” zone; it did not comply with the ‘Interim Criteria’ in that the application site was outside the ‘VE’ of any recognized villages;

it would have adverse impact on the water quality in the area; and the approval of the application would set an undesirable precedent. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” 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 proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ as the application site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages;
- (c) 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
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/330 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/330)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from the nature conservation point of view as the application site was located within a woodland with dense vegetation, and development of the proposed Small House would require extensive felling of trees and vegetation clearance in the “Green Belt” (“GB”) zone. While a public trunk sewer would be constructed under the project “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” to serve the Small House development within “V” zone for Shan Liu Village, both the Director of Environmental Protection (DEP) and the Director of Water Supplies (DWS) objected to the application in view of the potential impact on the water quality in the Water Gathering Ground (WGG). They pointed out that given the site topography constraint and the location of the trunk sewer at about 75m away from the site, the feasibility of connecting the proposed Small House to the public trunk sewer was questionable. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) advised that there were no existing public drains available for connection in the area. Although a public trunk sewer would be constructed, no branch sewer was planned. 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 proposed development would have adverse impacts on the existing landscape profile and landscape resources, and the overall landscape character of Shan Liu. Approval of the application would set an undesirable

precedent to other Small House applications in the area leading to urbanization in the undisturbed part of the upland area;

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

- (d) one public comment objecting to the application was received from Designing Hong Kong Limited (DHKL) during the statutory publication period. DHKL raised objection to the application mainly on the grounds that the area was zoned “GB” and the intention of the “GB” zone and the character of the area was incompatible with the urban sprawl, and the area lacked a plan for a sustainable layout of infrastructure and development. The District Officer (Tai Po) had no comment on the application; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone and there was a general presumption against development within this zone. The proposed Small House development did not comply with the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 10). The proposed development would cause adverse landscape impacts on the surrounding environment. The construction of the proposed Small House would likely lead to felling of trees and clearance of vegetation in the woodland where the application site was located as well as excavation works close to the nearby stream. 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. In this regard, the DAFC had reservation on the application from the nature conservation point of view and raised concern on the extensive felling of trees and vegetation clearance in the “GB” zone. The CTP/UD&L, PlanD objected to the application from the landscape planning point of view. Approval of the application would set an undesirable precedent to other Small House applications in the area leading to

urbanization in the undisturbed part of the upland area. Although the site was entirely within the 'VE' of Shan Liu Village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone, the proposed development did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories' in that the proposed development would cause adverse landscape impact on the surrounding area, resulting in a general degradation of the rural environment and landscape quality in the area. Besides, while the site was located within the WGG and there was a planned sewerage system for Shan Liu Village, there was technical uncertainty on connection between the sewer of the proposed Small House and the public trunk sewer as the site was surrounded by private lots and located about 75m away from the trunk sewer. The site was also separated from the trunk sewer by a stream course. Both the DEP and the DWS objected to the application in view of the potential adverse impact on the water quality in the WGG and they questioned the feasibility of connecting the sewer of the proposed Small House to the public trunk sewer. There was a public comment objecting to the application.

46. Members had no question on the application.

Deliberation Session

47. In response to a Member's enquiry, the Chairman informed Members that there was on-going dialogue between DPO/STN, PlanD and the villagers of Shan Liu and the villagers were aware of PlanD's current review of the "V" zone boundary to meet the Small House demand of the Village.

48. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. 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 “Green Belt” 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 application 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 (NTEH)/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.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/331 Proposed House (New Territories Exempted House – Small House)
 in “Agriculture” zone,
 Lot 262 S.B RP in D.D. 17 and Adjoining Government Land,
 Ting Kok Village, Tai Po
 (RNTPC Paper No. A/NE-TK/331)

Presentation and Question Sessions

49. 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, Lands Department (DLO/TP, LandsD) did not support the application as the application site was outside the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) of any recognised villages. 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 and pointed out that the site was located on the eastern outskirts of Ting Kok Village and to the southwest of the approved spa resort hotel development, and a semi-natural stream and natural vegetation could be found in close proximity to the east of the site. The “Agriculture” (“AGR”) zone, where the site was located, served as a buffer between the existing Ting Kok Village and the proposed spa resort hotel and helped preserve the rural landscape features in the coastal lowland area in Ting Kok. Approval of the application would set an undesirable precedent to other similar Small House applications in the area leading to urban sprawl, disintegration of the buffer and degradation of the existing

landscape quality;

- (d) one public comment against the application was received from Jade Tide Villa Owners' Committee (OC) during the statutory publication period. The OC pointed out that the Town Planning Board had previously rejected rezoning requests which involved the application site for village type development in 2004 and 2005. The District Officer (Tai Po) had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Although there was a general shortage of land in meeting the future Small House demand in Ting Kok Village and the Director of Agriculture, Fisheries and Conservation had no strong view against the application from the agricultural point of view, the proposed development did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories' in that the application site was entirely outside the "V" zone and the 'VE' of any recognised villages. In this regard, the DLO/TP, LandsD did not support the application. Moreover, the CTP/UD&L, PlanD objected to the application from the landscape planning point of view and considered that the "AGR" zone served as a buffer between the existing Ting Kok Village and the proposed spa resort hotel and helped preserve the rural landscape features in the coastal lowland area in Ting Kok. Approval of the application would set an undesirable precedent to other similar Small House applications in the area and would lead to urban sprawl, disintegration of the buffer and degradation of the existing landscape quality. There was a public comment against the application.

50. The Chairman referred to Plan A-2 of the Paper and pointed out that parts of the "V" zone of the Ting Kok Village were outside the 'VE' of the Village. The Chairman enquired about the general practice of LandsD in processing Small House applications in areas falling within the "V" zone but outside the 'VE' of a recognized village. In response, Mr. Simon K.M. Yu, Assistant Director/New Territories, Lands Department (AD/NT,

LandsD), said that according to the established practice, Small House application would be processed by the LandsD if the site felled within the “V” zone that overlapped with the “VE”. In response to the Chairman’s enquiry, Ms. Lisa L.S. Cheng said that PlanD had no plan to review the “V” zone boundary of the Ting Kok Village at this stage.

Deliberation Session

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

- (a) the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ as the application site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area.

Agenda Items 16 and 17

Section 16 Applications

[Open Meeting]

A/TP/462 Proposed House (New Territories Exempted House – Small House) and Minor Relaxation of Building Height Restriction (from 1 Storey to 3 Storeys) in “Comprehensive Development Area (1)” zone, Lot 636 S.A ss.2 S.A in D.D.11, Lau Hang Village, Fung Yuen, Tai Po (RNTPC Paper No. A/TP/462 & 463)

A/TP/463 Proposed House (New Territories Exempted House – Small House) and Minor Relaxation of Building Height Restriction (from 1 Storey to 3 Storeys) in “Comprehensive Development Area (1)” zone, Lot 636 S.A ss.2 RP in D.D.11, Lau Hang Village, Fung Yuen, Tai Po (RNTPC Paper No. A/TP/462 & 463)

52. The Committee noted that the two applications were presented in one RNTPC Paper as they were for proposed Small House use and minor relaxation of the building height restriction (BHR) from one storey to three storeys, and the application sites were located next to each other within the same “Comprehensive Development Area (1)” (“CDA(1)”) zone. The Committee agreed that the two applications could be considered together.

53. The Secretary reported that on 17.9.2010, among other amendments, the draft Tai Po Outline Zoning Plan (OZP) No. S/TP/22 incorporating amendments relating to the imposition of the BHR for various development zones was exhibited for public inspection under section 5 of the Town Planning Ordinance for two months. The subject application sites were subject to the imposition of BHR in terms of number of storeys as stipulated on the OZP (i.e. 17 to 28 storeys for the planned residential development and one storey for developments in the agricultural portion of the “CDA(1)” zone). During the exhibition period which ended on 17.11.2010, a total of 13 representations were received. Among them, one representation, which included the subject application sites, objected to the imposition of the BHR for the “CDA(1)” site. The representations and comments were tentatively scheduled for consideration by the Town Planning Board (TPB) in February 2011. The Secretary informed Members that according to the ‘Town Planning Board Guidelines on Deferment of Decisions on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance’ (TPB Guidelines No. 33), a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representation yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representations was relevant to the subject application. Considering the BHR of the application sites was the subject of an outstanding adverse representation under the OZP, and it was yet to be considered by the TPB, the Planning Department (PlanD) had recommended a deferment of consideration of the two applications pending the submission of the OZP to the CE in C and the CE in C’s final decision on the representations in respect of the OZP.

54. After deliberation, the Committee decided to defer a decision on the two applications as requested by PlanD pending the submission of the OZP to the CE in C for final decision on the representations in respect of the OZP. The Committee also agreed that the two applications should be submitted to the Committee for consideration after the CE in C's decision on the OZP and the relevant adverse representation had been made.

[The Chairman thanked Ms. Doris S.Y. Ting and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members' enquires. Ms. Ting and Ms. Cheng left the meeting at this point.]

[Professor Paul K.S. Lam left the meeting temporarily at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/50 Proposed School (Tutorial School)
in "Residential (Group B)" zone,
Shop No. A114, Portion B, G/F, Kingswood Richly Plaza,
No. 1 Tin Wu Road, Tin Shui Wai, Yuen Long
(RNTPC Paper No. A/TSW/50)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed school (tutorial school);
- (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 the District Officer (Yuen Long) had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application was considered in line with the Town Planning Board Guidelines for 'Application for Tutorial School under section 16 of the Town Planning Ordinance' (TPB Guidelines No.40) in the following aspects. The proposed tutorial school was situated on the ground floor of a commercial complex, Kingswood Richly Plaza, where commercial uses including tutorial centres, a supermarket, fast food shops, restaurants and other retail shops and services were located, and the proposed use was considered not incompatible with the existing uses of the premises in the complex. The proposed tutorial school was located within a commercial complex, which was separated from the residential portion of Locwood Court, and there was no common entrance with the residential blocks. It was not expected that the proposed use would create any disturbance to the residents of Locwood Court. The proposed use was small in scale, with only one classroom and a total area of 16m² intending to accommodate one teacher and 12 students. It would unlikely cause any significant adverse impacts on the surroundings. In this regard, relevant government departments, including the Commissioner for Transport, the Chief Building Surveyor/New Territories West, Buildings Department and the Director of Fire Services, had no objection to the application. There was no public comment on the application.

56. Members had no question on the application.

Deliberation Session

57. 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 26.11.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the provision of fire service installations for the tutorial school to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Secretary of Education that the proposed tutorial school should comply with the Education Ordinance and Education Regulations;
- (b) to note the comments of the Director of Fire Services that detailed fire services requirements would be formulated upon receipt of the general building plans submission or referral from the licensing authority; and
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the applicant's attention was drawn to the relevant paragraphs in the Guidelines for Registration of a New School (for premises not designed and constructed as a school) issued by the Education Bureau regarding unauthorized building works, and the number of students to be permitted in each classroom was subject to the Education Regulations.

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

Agenda Item 19

Section 16 Application

[Open Meeting]

A/YL-MP/185 Proposed Comprehensive Development to Include Wetland Restoration Area in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 43 S.A RP (Part) and 50 in D.D.101, Wo Shang Wai, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/185)

59. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (HEND). Dr. C.P. Lau had declared an interest in the item as he had current business dealings with HEND. As the applicant had requested for a deferment of consideration of the application, Members agreed that Dr. Lau could be allowed to stay at the meeting.

60. The Committee noted that on 15.11.2010, the applicant’s representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for one month to allow time for government departments to consider the latest further information submitted by the applicant on 15.11.2010, and to enable the applicant to have further discussion with the government departments.

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/391 Renewal of Planning Approval for Temporary Public Vehicle Park
(Excluding Container Vehicle) under Application No. A/YL-ST/343
for a Period of 3 Years in “Village Type Development” zone,
Lots 3044 RP, 3045 RP, 3048 RP, 3049 RP, 3050 RP, 3056 and
3057 RP (Part) in D.D. 102 and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/391)

Presentation and Question Sessions

62. Mr. Joshua K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

(a) background to the application;

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

(b) the renewal of planning approval for temporary public vehicle park (excluding container vehicle) under Application No. A/YL-ST/343 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. The commenter stated that his Small House application at Lot 3054 RP in D.D. 102 was being processed and requested that his Small House application should not be affected by the subject planning application. The District Officer (Yuen Long) had no comment on the application; and

[Professor Paul K.S. Lam returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper :
- (i) the application was for the renewal of the permission granted under Application No. A/YL-ST/343. It was in line with the Town Planning Board Guidelines for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB Guidelines No. 34B) in that there had not been any major change in planning circumstances since the previous approval was granted. The exclusion of Lot 3053RP in the subject application site would not affect any Small House proposals and the conditions imposed under the previous approval were all complied with. The applied use involved only the parking of private cars and not heavy vehicles, it was considered not incompatible with the neighbouring uses. The temporary public vehicle park was located near the Lok Ma Chau Control Point and could satisfy some of the parking demand for cross-boundary travellers as well as the local villagers. Concerned government departments had no adverse comment on the application. Significant environmental, traffic and infrastructural impacts on the surrounding areas were not anticipated. There was no environmental complaint against the site received in the past three years and no local objection to the application;
- (ii) as there were village houses located in close proximity to the site, approval conditions restricting the types of vehicles and activities on-site and requiring the maintenance of paving and provision of boundary fencing had been recommended in paragraphs 13.2 (a) to (d) and (j) of the Paper to mitigate any potential environmental nuisance to nearby residents should the application be approved by the Committee. Any non-compliance with these approval conditions would result in revocation of the planning permission and

unauthorized development on-site would be subject to planning enforcement action. To address the technical concerns of the relevant government departments, relevant approval conditions had been recommended in paragraph 13.2 (e) to (i) requiring the maintenance of the existing vegetation and the submission and implementation of the drainage and fires service installations proposals;

- (iii) the application site was located within the Wetland Buffer Area (WBA) under the TPB Guidelines 'Application for Developments within Deep Bay Area under section 16 of the Town Planning Ordinance' (TPB Guidelines No. 12B). The intention of the WBA was to protect the ecological integrity of the fish ponds and the wetland within the Wetland Conservation Area (WCA) and to prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds. In this regard, the Director of Agriculture, Fisheries and Conservation had no comment on the application on the understanding that the site was zoned "Village Type Development" ("V") and was already degraded; and

- (iv) since the granting of the previous approval in 2005, 16 similar applications in the vicinity of the site for temporary public car/lorry park had been approved by the Committee or the TPB upon review. Recent similar applications within the same "V" zone had been approved by the Committee in 2009 and 2010 based on similar considerations that the development could satisfy some of the parking demand from the local villagers and the cross-boundary travellers in the area. Approval of the subject application was in line with the previous decisions of the Committee/the TPB. As regards the public comment concerning the on-going Small House application at Lot 3054RP in D.D. 102, the concerned lot was outside the subject application site.

63. Members had no question on the application.

Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 5.1.2011 to 4.1.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the application site at any time during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on the application site at any time during the planning approval period;
- (c) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities were allowed on the application site at any time during the planning approval period;
- (d) the paving on the application site should be maintained at all times during the planning approval period;
- (e) the existing vegetation on the application site should be maintained at all times during the planning approval period;
- (f) the submission of 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 5.7.2011;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 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 5.10.2011;

- (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 5.7.2011;
- (i) in relation to (h) above, the provision 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 5.10.2011;
- (j) the provision of boundary fencing within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 5.7.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land within the application site comprised Old Schedule agricultural lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. Temporary structures were noted straddling on Lots No. 3056, 3057 RP and 3044 RP but only one Short Term Waiver application for Lot No. 3044RP was received. Any irregularities on site would be subject to lease enforcement action; the information indicated that about 1,380m² of government land (GL) had been included in the application site for which no permission had been given for its occupation. Enforcement action would be taken by his Office against any unauthorized occupation of GL. Ingress/egress of the site opened onto the pavement of Tung Wing On Road via a short stretch of GL. His Office would provide no maintenance works for this GL nor guarantee right-of-way. Should planning approval be given to the planning application, the lot owner would still need to apply to his Office to permit structure to be erected or to regularize any irregularities on-site. The occupier was also required to apply to his Office for occupation of the GL involved. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fees, as might be imposed by LandsD;
- (c) to note the detailed comments of the Drainage Services Department in Appendix V of the Paper;
- (d) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department was not/should not be

responsible for the maintenance of any existing vehicular access connecting the application site and Castle Peak Road – San Tin;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance, was required. The use of container as offices and storerooms were considered as temporary structures and were subject to control under Building (Planning) Regulation (B(P)R), Part VII. If the application site did not abut on a specified street having a width of not less than 4.5m wide, the development intensity should be determined by the Building Authority under B(P)R 19(3) during the building plan submission stage; the applicant was also drawn attention to the requirements on provision of emergency vehicular access to all buildings under B(P)R 41D; and
- (g) to note the comments of the Director of Fire Services that fire service installations (FSIs) were required in consideration of the design/nature of the proposed structures. The applicant was advised to submit relevant layout plans incorporating the FSIs proposals to his Department for approval. In formulating the FSIs proposal, the applicant was advised to make reference to the requirements that portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on the plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to his Department for consideration.

[The Chairman thanked Mr. Joshua K.C. Kan, STP/TMYL, for his attendance to answer Members' enquires. Mr. Kan left the meeting at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/700 Proposed Temporary Open Storage of Construction Materials
and Construction Machinery for a Period of 3 Years
in “Undetermined” zone,
Lots No. 1803 (Part), 1804 (Part), 1805 (Part), 1806 S.A (Part)
and 1806 S.B (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/700)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and construction machinery 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 objecting to the application was received from a Yuen Long District Council (YLDC) Member during the statutory publication period. The YLDC Member objected to the application on the grounds that the previous revocations at the application site reflected the lack of sincerity of the applicant in complying with the approval conditions. The District Officer (Yuen Long) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed 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. The applied use was not incompatible with the surrounding land uses in the

“Undetermined” (“U”) zone and there was also no known development for the application site. The temporary applied use was also similar to other adjoining temporary open storage uses within the same “U” zone, and would not frustrate any long-term permanent development within the zone. The application was in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) in that there was no adverse comment from concerned government departments. The technical concerns from the relevant departments regarding the provision of drainage system, the submission and implementation of the tree preservation and landscape, and fire service installations (FSIs) proposals could be addressed by stipulating the relevant approval conditions as recommended in paragraphs 13.2 (c) to (g) of the Paper. The DEP had no adverse comment on the application. There was no sensitive receiver in the vicinity of the site and no pollution complaint against the site had been received over the past three years. Nevertheless, to mitigate any potential environmental impacts, approval conditions restricting the operation hours had been recommended in paragraphs 13.2 (a) and (b) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and any unauthorized development on-site would be subject to planning enforcement action. The Committee had approved six previous applications for similar temporary open storage and workshop uses on the application site. Although the last previous application No. A/YL-HT/648 was rejected by the Committee taking into account the revocation of four previous approvals due to non-compliance with approval conditions, it was noted that these applications were submitted by a different applicant and the site was currently vacant. The applicant under the current application had also demonstrated his willingness to address various technical concerns by including tree protection plan, drainage proposal and FSIs certificate in his submission. However, as similar temporary open storage use was currently being applied, a cautious approach was adopted and shorter compliance periods were recommended to monitor the compliance with the approval conditions. Should the applicant fail to comply with the approval conditions resulting in the

revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application. The Committee had recently approved similar applications in the vicinity of the site within the same “U” zone and there had been no material change in the planning circumstances. Approval of the subject application was in line with the Committee’s previous decisions. As regards the objection from the YLDC Member on the lack of sincerity of the applicant in complying with the approval condition, the current application was submitted by a different applicant.

67. Members had no question on the application.

Deliberation Session

68. In response to the Chairman’s enquiry regarding PlanD’s response to the objection from the YLDC Member and the imposition of a shorter compliance period for the approval conditions, Mr. Anthony C.Y. Lee said that the last rejected application (No. A/YL-HT/648) and the subject application were submitted by different applicants. Noting that the use under the current application was similar to that of the application, No. A/YL-HT/648, PlanD had adopted a cautious approach and shorter compliance periods were recommended to monitor the compliance with approval conditions by the applicant. The Chairman said that it was the TPB’s practice of granting shorter compliance periods to an application to monitor the progress of compliance with conditions if the application site involved previous application submitted by the same applicant for the same use, which was approved by the Board but was subsequently revoked due to non-compliance with approval conditions. As the subject application was submitted by a different applicant as compared to the previous applications and the previous use had been discontinued with the subject use currently left vacant, it was considered that the practice of granting shorter compliance period should not be applied to the subject application and the respective approval conditions in paragraph 13.2 of the Paper should be amended accordingly should the Committee decide to approve the application. Members agreed.

69. Members considered that the application could be supported. Members then went through the approval conditions as stated in paragraph 13.2 of the Paper and agreed that

the compliance periods in approval conditions (c) to (g) should be suitably amended to reflect Members' views as expressed at the meeting. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.11.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the provision of the proposed 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 26.5.2011;
- (d) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.5.2011;
- (e) in relation to (d) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.8.2011;
- (f) 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 26.5.2011;
- (g) in relation to (f) 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 26.8.2011;
- (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; and

- (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.

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

- (a) to resolve any land issues relating to the proposed development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the application 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. Any irregularity on-site, including the two-storey container structures as site office, would be subject to lease enforcement action. The lot owners would need to apply to him from the lease point of view to regularize any irregularities on-site. He might, acting in the capacity as landlord, approve such application at his discretion and if such approval was granted, it would be subject to such terms and conditions including the payment of premium or fees as he might impose. He did not guarantee the right-of way of the vehicular access through other private land to the site from Ping Ha Road;
- (c) to note the following comments of the Chief Engineer/Mainland North, Drainage Services Department on the drainage proposal that :
 - (i) catchpits should be provided where the flow of the surface channel changes its direction abruptly. The invert levels of the connection from the catchpit to the existing ditch should be shown for his comment;

- (ii) if the underground unplasticized polyvinyl chloride (UPVC) pipe was to be subject to traffic load, heavy duty grade UPVC pipe with sufficient protection should be adopted;
 - (iii) the details of the boundary walls should be submitted to illustrate unobstructed flow of surface runoff from the adjacent areas; and
 - (iv) all proposed drainage facilities should be constructed and maintained by the applicant at his own costs;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize the possible environmental impacts on the nearby sensitive receivers;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the application site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the access road to the application site was located near Ping Ha Road which was within the works limit of Contract No. CV/2006/01 'Ping Ha Road Improvement Works (Ha Tsuen Section)', the construction works for which had already commenced in December 2007 for completion in early 2011. The ingress/egress route to/from the application site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation thereof;
- (g) to note the comments of the Director of Fire Services on the requirements of formulating the fire service installations (FSIs) proposal as stated in

Appendix V of the Paper. 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 FSIs, the applicant was required to provide justifications to him for consideration;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department 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; the use of containers as office were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the application 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; and
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the application site could not provide the standard firefighting flow.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/701 Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles, Heavy Goods Vehicles and Container Tractors/Trailers for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 3150 RP (Part), 3151 RP (Part), 3152 RP (Part), 3162 RP, 3163 RP (Part), 3164 (Part), 3165, 3166, 3167 S.A (Part), 3168 (Part), 3169 (Part), 3177 (Part), 3178 (Part), 3179 (Part), 3180, 3181 S.A (Part), 3181 RP (Part), 3182, 3183 (Part), 3184 (Part), 3187 RP (Part) and 3188 RP and Adjoining Government Land in D.D. 129, Ha Tusen, Yuen Long
(RNTPC Paper No. A/YL-HT/701)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for private cars, light goods vehicles, heavy goods vehicles and container tractors/trailers 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 the District Officer (Yuen Long) had no comment on the application; 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. The applied use was not incompatible with most of the surrounding uses within the “Comprehensive Development Area” (“CDA”) zone which was predominantly occupied for open storage yards. Approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the “CDA” zone. The development was in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there was no adverse comment from concerned government departments. The technical concerns raised by relevant government departments could be addressed by stipulating relevant approval conditions regarding the implementation of the drainage facilities, and the submission and implementation of tree preservation and landscape, and fire service installations (FSIs) proposals as recommended in paragraphs 13.2 (d) to (h) of the Paper. The Director of Environmental Protection had no adverse comment on the application, and there had not been any environmental complaint against the site over the past three years. To mitigate any possible environmental impacts, approval conditions restricting the operation hours had been recommended in paragraphs 13.2 (a) and (b) of the Paper. Non-compliance with any of the approval conditions would result in revocation of the planning permission and any unauthorized development on-site would be subject to planning enforcement action. The Committee had approved previous applications for the same public vehicle park use by the same applicant at essentially the same site since 2000. Moreover, the Committee/the TPB had recently approved a number of similar applications in close proximity to the site within the same “CDA” zone for various temporary open storage/port back-up uses. Approval of the subject application was in line with the Committee’s previous decisions. Compared with the last approved application (No. A/YL-HT/594) for the same temporary public vehicle park use on the site, the current application involved rationalization of the site boundary to tally largely with the fenced area. However, the northeastern corner of the fenced area still lied outside the site, and was being occupied

for unauthorized open storage of recyclable materials. To address this issue, an approval condition requiring the provision of fencing was recommended in paragraph 13.2 (i) of the Paper should the Committee approve the application. The applicant would be advised to provide fencing to separate the open storage yard at the northeastern corner of the existing fenced area, which was not within the application boundary. There was no local objection against the application.

72. Members had no question on the application.

Deliberation Session

73. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.11.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. to 7:00 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) only vehicles with valid licence/registration issued under the Traffic Regulations, as proposed by the applicant, was allowed to be parked on the application site during the planning approval period;
- (d) the implementation of the proposed 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 26.5.2011;
- (e) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.5.2011;

- (f) in relation to (e) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.8.2011;
- (g) 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 26.5.2011;
- (h) in relation to (g), the implementation of the 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 26.8.2011;
- (i) the provision of fencing of the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.5.2011;
- (j) 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;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon 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.

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

- (a) prior planning permission should have been obtained before commencing

the development on the part of the application site not covered by Application No. A/YL-HT/594;

- (b) fencing should be provided to separate the open storage yard at the northeastern corner of the existing fenced area which did not fall within the application boundary;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the application 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. The lot owners would need to apply to him from the lease point of view to regularize any unauthorized structures on-site, including modification of Short Term Waiver No. 3054, if necessary. The occupier was also required to apply to him for occupation of the government land (GL) involved. He might, acting in the capacity as landlord, approve such application at his discretion and if such approval was granted, it would be subject to such terms and conditions including the payment of premium or fees as he might impose. Otherwise, any irregularity on-site, including the site office, guardroom and electricity meter room, and any unauthorized occupation of GL would be subject to enforcement action. He did not guarantee the right-of way or provide maintenance works for the GL allocated to the Chief Engineer/Land Works, Civil Engineering and Development Department for 'Ping Ha Road Improvement Works – Remaining Works' through which the vehicular access to the site passes;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;

- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the application 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;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department to provide adequate drainage measures to prevent run-off flowing from the application site onto the nearby public roads and drains;
- (h) to note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the access road to the application site was located near Ping Ha Road which was within the works limit of Contract No. CV/2006/01 “Ping Ha Road Improvement Works (Ha Tsuen Section)”, the construction works for which had already commenced in December 2007 for completion in early 2011. The ingress/egress route to/from the site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation arising from the said works;
- (i) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations (FSIs) proposal as stated in Appendix V of the Paper. 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 for his consideration; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department 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; use of containers as office, guardroom and electricity meter room were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the application 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.

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/349 Proposed Public Utility Installation (Electricity Package Substation) and Excavation of Land in "Village Type Development" zone, Government Land in D.D. 109 near Shui Tau Road, Shui Tau Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/349)

Presentation and Question Sessions

75. 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 public utility installation (electricity package substation) and excavation of land;

- (c) departmental comments – the Director of Health (D of Health) advised that he was not in a position to comment on site selection issues or issues related to the installation or operation of electrical facilities since electrical installations and facilities were not under the purview of the Department of Health. According to the World Health Organization (WHO), compliance with the relevant International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities. He also advised that upon commissioning of the electricity package substation, it was advisable to verify the actual compliance with the ICNIRP guidelines with direct on-site measurements by relevant parties;
- (d) one public comment was received from a local resident during the statutory publication period. The commenter hoped that the proposed development could be constructed as soon as possible as the current electricity supply could not support the increasing population of Shui Tau Tsuen. The District Officer (Yuen Long) had no comment on the application; 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 electricity package substation was required for the provision of electricity supply to the existing village and future developments in the area. It was an essential facility to serve the local district. The proposed electricity package substation involving excavation of land of about 1.6m in depth was of a small scale (about 11.95m² and 3m in height) and was considered not incompatible with the surrounding area, which had a rural character and were predominated by residential dwellings/village houses, fish ponds and vacant/unused land. Relevant Government departments had no adverse comment on the application. The Director of Environmental Protection considered that this small-scale development

would unlikely cause significant and unacceptable environmental impacts such as noise and air quality impacts to the surrounding environment. The Director of Electrical and Mechanical Services had no comment on the application from the electrical safety and reliability perspective. The D of Health also had no adverse comment on the application and there was no in-principle objection to the application from the landscape planning point of view. To address the potential landscape and visual impacts of the proposed electricity package substation on the surrounding environment, approval condition requiring the submission and implementation of landscaping proposal to provide landscape treatment to screen the proposed substation from the surroundings was recommended in paragraph 12.2 (a) of the Paper should the application be approved by the Committee. No local objection was received on the application.

76. A Member said that in view of the Committee's decision at the same RNTPC Meeting on another application (No. A/NE-SSH/77) for the same proposed public utility installation (electricity package substation) that the D of Health's advice was to be included as a condition of the planning approval instead of an advisory clause, it would be appropriate for the subject application to follow the same practice to maintain consistency. This Member said that it would be appropriate for the Committee to adopt the same approach in considering applications for the same use in future. Members agreed.

Deliberation Session

77. Members considered that the application could be supported. Members then went through the approval conditions and the advisory clauses as stated in paragraph 12.2 of the Paper and agreed that the D of Health's advice in advisory clause (f) be stipulated as an approval condition (c) to reflect Members' views as expressed at the meeting.

[Post-meeting Note: The Secretary, Town Planning Board (TPB) had informed the D of Health of the RNTPC's decision regarding the stipulation of the approval condition on compliance with the ICNIRP guidelines. In response, the D of Health had advised that the authority in regulating the commissioning and operation of electrical facilities rested with the Director of Electrical and Mechanical Services (DEMS), and he was not in a position to assess

the compliance of the ICNIRP guidelines. DEMS had also been consulted on the subject matter, and he had advised that in view of its insignificant impact, it was not necessary to incorporate an approval condition on the compliance with the ICNIRP guidelines. The applicant would self-certify the compliance with the ICNIRP guidelines and DEMS would be the responsible authority overseeing the subject matter. Based on DEMS's advice, the requirement for the applicant to comply with the ICNIRP guidelines upon the commission of the proposed electricity package substation was stipulated as an advisory clause, instead of an approval condition.]

78. 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 26.11.2014, 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 landscaping proposal to screen the development from the surroundings to the satisfaction of the Director of Planning or of the TPB; and
- (b) the design and provision of an emergency vehicular access, water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Director of Agriculture, Fisheries and Conservation that a few trees in close proximity to the boundary of the proposed installation were found. The applicant was advised to minimize disturbance to the existing trees on the site during the installation of the proposed development, and carry out compensatory planting if tree felling was necessary;
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department was not/should not be

responsible for the maintenance of any existing vehicular access for the proposed development;

- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed works should not obstruct the overland flow nor adversely affect any existing natural streams, village drains, ditch and the adjacent areas;
- (f) to note the comments of the Director of Health that according to the World Health Organization (WHO), compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (g) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the

Director of Electrical and Mechanical Services; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that should the proposed works would not be carried out on government land, formal submission of any proposed new works for approval was required under the Buildings Ordinance (BO) as a building on land with a tenancy or a lease granted by the Government was subject to the control of the BO.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/506 Temporary Storage of Household Goods and Vehicle Parts
with Parking of Private Cars for a Period of 3 Years
in “Village Type Development” zone,
Lot 1537 RP (Part) in D.D. 106, Yuen Kong Tsuen,
Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/506)

Presentation and Question Sessions

80. 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 storage of household goods and vehicle parts with parking of private cars 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 objecting to the application was received from

Designing Hong Kong Limited (DHKL) during the statutory publication period. DHKL objected to the application mainly on the grounds that the development did not match the planning intention of the “Village Type Development” (“V”) zone; adequate parking facilities and similar land uses had already existed in the area; a holistic approach was required in planning of the parking spaces; and an over-provision of parking spaces, which would promote car ownership and the use of private cars, was against the stated transport policies. The District Officer (Yuen Long) had no comment on the application; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The temporary use under application was akin to a warehouse and was not in line with the planning intention of the “V” zone. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. The development was not compatible with the surroundings, which were predominantly rural and residential in character, and the nearest residential dwellings were located only about 15m away from the application site. In particular, the village houses to the east and southeast of the site would be subject to potential nuisance caused by the development. Moreover, according to the District Lands Office/Yuen Long, a Small House application at a nearby lot at about 7m away from the site was under processing. Though there were scattered open storage/storage yards, workshops and parking lots in the vicinity, most of these uses located to the south of Kam Sheung Road within Yuen Kong Tsuen in the “V” zone were suspected unauthorized development subject to planning enforcement action. No previous or similar approval had been granted within the same “V” zone. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area. A public objection was received on the application.

81. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the surroundings which were predominantly rural and residential in character; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/510 Temporary Flea Market for a Period of 3 Years
(Open only on Saturdays, Sundays and Public Holidays from 10:00
a.m. to 10:00 p.m.) in an area shown as ‘Railway’,
Government Land near Kam Ho Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/510)

83. The Secretary reported that the application was submitted by the MTR Corporation Ltd. (MTRC). The Committee noted that the Secretary for Transport and Housing was the non-executive Director of the MRTC. Mr. T.K. Choi, who was the representative from Transport Department, had declared an interest in the item. The Committee noted that Mr. T.K. Choi had left the meeting temporarily for this item.

Presentation and Question Sessions

84. 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 flea market for a period of three years (open only on Saturdays, Sundays and Public Holidays from 10:00 a.m. to 10:00 p.m.);
- (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 the District Officer (Yuen Long) had no comment on the application; 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 11 of the Paper. The provision of a temporary flea market at the application site, which was a spacious forecourt outside the West Rail Kam Sheung Road Station, could provide a local shopping facility/attraction to serve the residents and tourists. As the site was buffered from the nearby residential uses by the Kam Tin River and its operation was restricted to Saturdays, Sundays and public holidays only, the environmental impact arising from the development was unlikely to be significant. The development was also considered not incompatible with the character of its immediate surroundings which comprised the railway station and the public transport and “Park and Ride” facilities serving the station. Previous approval under Application No. A/YL-KTS/399 had been granted and the applicant had complied with the approval condition which restricted the operation hours. There was no major change in the planning circumstances that warrant a departure from the Committee’s previous decision. Relevant Government departments had no objection to or no adverse comment on the application. To minimize any potential environmental impact, an approval condition restricting the operation hours, as proposed by the applicant, was recommended in paragraph 12.2 (a) of the Paper. Any non-compliance with the approval condition would result in revocation of the planning permission and any unauthorized development on-site would be subject to planning enforcement action. No local objection had been received on the application.

85. In response to a Member’s enquiry, Mr. Kepler S.Y. Yuen said that the previous planning permission for the temporary flea market at the application site under Application No. A/YL-KTS/399 lapsed on 10.8.2010. At a recent site visit, he noted that the subject site was occupied by some movable kiosks/booths, tables and chairs, and the flea market appeared to be still in operation. In response to another Member’s enquiry, Mr. Kepler S.Y. Yuen said that there was no information on the business turnover for the temporary flea market. However, it was understood that the patronage level of the flea market had been high in the previous years.

86. A Member opined that the applicant should have observed the statutory planning requirements to apply for the renewal of the planning permission for the temporary flea market, rather than continuing its operation on the application site after the lapse of the planning permission. In response, the Chairman said that the applicant would be advised that prior planning permission should have been obtained before commencing the applied use at the site should the Committee approve the application.

87. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.11.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation of the development was restricted from 10:00 a.m. to 10:00 p.m. on Saturdays, Sundays and public holidays only, as proposed by the applicant, during the planning approval period; and
- (b) 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.

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 site;
- (b) to note the comments of the Director of Food Environmental Hygiene that the applicant should ensure that the operation of the flea market would not cause environmental nuisance and inconvenience to the cleansing operation of his Department. Besides, all the wastes generated from the flea market should be disposed of properly at the cost of the user and not be dumped at any of the refuse collection facilities of his Department;
- (c) to adopt the 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; and

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on-site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person must be appointed to coordinate all the building works.

[Mr. T.K. Choi returned to join the meeting at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/511 Temporary Open Storage of Machinery
for a Period of 3 Years in “Agriculture” zone,
Lots 454 RP (Part), 456 RP (Part) and 461 RP (Part) in D.D. 103
and Adjoining Government Land, Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/511)

Presentation and Question Sessions

89. 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 machinery 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 dwellings to the northeast of the application site and

environmental nuisance was expected;

- (d) no public comment was received during the statutory publication period and the District Officer (Yuen Long) had no comment on the application; 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. The development was considered not incompatible with the surrounding land uses which consisted of a mixture of open storage yards, a workshop, an office and vacant/unused land. The Director of Agriculture, Fisheries and Conservation had no strong view on the application. The granting of temporary planning permission for the application would not frustrate the long-term planning intention of the “Agriculture” (“AGR”) zone. The application was in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) in that it was an application for permission to continue the use approved under the previous application (No. A/YL-KTS/409). Approval conditions related to landscape, drainage and fire safety aspects under the previous application had been complied with and no adverse comment from the relevant departments, except the DEP had been received. There was also no local objection against the current application. Compared with the previously approved application (No. A/YL-KTS/409), the current application involved the same use but with an increase of the covered area from 30m² to 114m² and the building height from 2.4m to 4m for the provision of a shelter/shed within the site. Such structure was considered acceptable in terms of scale and would not generate adverse visual impact. In this regard, the Chief Town Planner/Urban Design and Landscape, PlanD had no adverse comment. Since there was no major change in planning circumstances and the relevant approval conditions under the previous approval had been complied with, there was no strong justification to depart from the Committee's previous decision. While the DEP did not

support the application, the nearest residential dwellings were located at a distance of about 60m from the application site and separated by Kam Tin Road and there was no environmental complaint against the site in the past three years. To address the DEP's concern on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended in paragraph 13.2 (a), (b), (c), (d) and (e) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to planning enforcement action. The applicant would also be advised to adopt the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential impact. No local objection was received on the application.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.11.2013, 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 at any time during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (c) no vehicles exceeding 10 metres long were allowed to enter/exit the application site at any time during the planning approval period;

- (d) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to enter/exit the application site at any time during the planning approval period;
- (e) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the application site at any time during the planning approval period;
- (f) the existing landscape plantings 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 planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.5.2011;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.8.2011;
- (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 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.

92. 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 application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the lots within the application site were subdivided from Old Schedule Agricultural Lots held under Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office. No approval had been given for the specified structures as site office and common room. His Office reserved the right to take lease enforcement action against these irregularities. No permission had been given for occupation of the government land (GL) within the site. His Office reserved the right to take whatever action it deemed appropriate over the unauthorized occupation of GL. The site was accessible to Kam Tin Road via a short stretch of open GL. His Office would provide no maintenance works for this GL nor guarantee right-of-way. The lot owner would need to apply to his Office to regularize any irregularities on the site, including modification of the Short Term Waiver, if necessary, from the lease point of view. The occupier was also required to apply to his Office for occupation of the GL involved. His Office acting in the capacity as landlord might approve such application at its discretion and if such approval was granted, it would be subject to the terms and conditions including the payment of premium or fee, as imposed by his Office;
- (c) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (d) to note the comments of the Commissioner for Transport that the

application site was connected to Kam Tin Road via a local road. The applicant should seek consents from the relevant lands and maintenance authorities on using this local road for accessing the site;

- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the proposed structure, the applicant should also make reference to the requirements in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to his Department for consideration; and

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/512 Temporary Open Storage of Construction Material
for a Period of 3 Years in “Village Type Development” zone,
Lot 291 (Part) in D.D. 109, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/512)

Presentation and Question Sessions

93. 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 construction material for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as sensitive receivers of existing residential dwellings/structures were located to the immediate west and in the vicinity of the application site, and environmental nuisance was expected. The Commissioner for Transport (C for T) pointed out that no reversing in or out from the site should be permitted and the applicant should demonstrate that there were sufficient turning spaces within the site, which was of limited size, to fulfill this requirement particularly for heavy goods vehicles. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) pointed out that the development was not quite compatible to the landscape character of the surrounding village environment and the development was tolerable only if a green buffer with at least two rows of tree planting was provided between the site and the nearby houses;
- (d) one public comment objection to the application was received from a Yuen

Long District Council (YLDC) Member during the statutory publication period. The YLDC Member objected to the application on the grounds that the development was located close to the residential dwellings and the use of heavy goods vehicles for operation of the development would generate noise and dust nuisance to the residents. The District Officer (Yuen Long) had no comment on the application; 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 :
 - (i) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone and land within this zone was primarily intended for development of Small Houses by indigenous villagers. The development was incompatible with the surroundings which were predominantly rural and residential in character, particularly when more Small House applications in the vicinity were approved or being processed by the District Lands Officer/Yuen Long. While there were scattered open storage/storage yards, parking lots and workshops in the vicinity, they were suspected unauthorized developments subject to planning enforcement action. No strong planning justification had been given in the submission for a departure from the planning intention of the “V” zone, even on a temporary basis;
 - (ii) the application was not in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) in that there was no exceptional circumstance that warranted sympathetic consideration. There was no previous planning approval granted for the application site and there were adverse departmental comments and local objection to the application. In this regard, the DEP did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. Moreover, as the

development involved heavy goods vehicles and the size of the site was limited, the C for T was concerned about the lack of turning space within the site for reversing of vehicles. From the landscape point of view, the development was considered not quite compatible to the landscape character of the area and no mitigation planting was proposed to minimize the adverse landscape impact. There was also no information in the submission to demonstrate that the development would not cause adverse drainage impact and the Chief Engineer/Mainland North, Drainage Services Department had requested the applicant to submit and implement a drainage proposal. In this connection, the applicant failed to demonstrate in the submission that the development would not generate adverse environmental, traffic, landscape and drainage impacts on the surrounding areas; and

- (iii) although similar applications were approved by the Committee or the TPB on review, they were approved in the 1990s before the introduction of the locational assessment criteria under the TPB Guidelines No. 13B promulgated in October 2001. Since then, no similar application had been approved. A similar application (No. A/YL-KTS/490) for temporary open storage of private cars for sale and display to the immediate east of the site was recently rejected by the Committee on 11.6.2010. Approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area. A local objection was received on the application.

94. Members had no question on the application.

Deliberation Session

95. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and

considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone on the Outline Zoning Plan, which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The development was incompatible with the surroundings which were predominantly rural and residential in character. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB PG-No.13E) in that there was no exceptional circumstance that warranted sympathetic consideration. There was no previous planning approval granted for the site and there were adverse departmental comments and local objection against the development;
- (c) the applicant failed to demonstrate in the submission that the development would not generate adverse environmental, traffic, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/161 Temporary Camping Ground for Meditation Use
for a Period of 3 Years in “Conservation Area” zone,
Lots 1556 and 1558 in D.D. 114, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/161)

Presentation and Question Sessions

96. 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 camping ground for meditation use for a period of three years;

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

- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) six public comments were received during the statutory publication period. The first five comments were from two Yuen Long District Council members, the Pat Heung Rural Committee and the village representatives (VRs) of Pat Heung Sheung Tsuen and Kap Lung Tsuen. The commenters mainly objected to the application as they considered that the large statue placed on the site would have adverse psychological effect on the nearby villagers and affect the ‘*fung shui*’ of the Pat Heung area. Besides, there had been complaints from the villagers on felling of trees, storage of building materials and change of land use at the application site. They were worried that the gathering of crowds of people at the site would affect the local traffic condition, spoil the tranquillity of the natural

environment and create hygienic problem. The sixth comment was from World Wide Fund For Nature Hong Kong (WWFHK). WWFHK objected to the application as it considered that the placing of some 14 fixtures/ structures within the site would incur adverse landscape effect on the area and was not in line with the planning intention of the “Conservation Area” (“CA”) zone. While the applicant should obtain prior permission for placing or erecting the wooden boards and decorations at the site, approving the application could set a highly undesirable precedent for future applications in the “CA” zone. The District Officer (Yuen Long) (DO(YL)) received two local objections to the application. One of the objections received from the VRs of Sheung Tsuen had also been sent to the Town Planning Board (TPB) as a public comment. The other objection was received from a *Tso Tong* manager who claimed that the site belonged to their *Tso Tong* and there was a grave of their ancestor with over 80 years’ of history within the site. He was worried that the use at the site would affect the *fung shui* of their *Tso Tong*. Moreover, he noted that there was an illegal toilet built near the site which caused environmental hygiene problem; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of one year to monitor the situation on the application site based on the assessments set out in paragraph 11 of the Paper. The applied use did not involve tangible buildings or site formation but only wooden platforms or concrete fixtures mostly being placed on ground (occupying about 4.3% of the site) and did not contravene the planning intention of the “CA” zone. With the existing natural landscape resources within the application site being conserved and the meditation events being held infrequently, the development was not incompatible with the rural and tranquil character of its surrounding woodland environment. Since the site was not identified as a site of ecological importance, and there was no felling of trees and the interference to the existing landscape character was minimal, both the Director of Agriculture, Fisheries and Conservation (DAFC) and the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had no

objection to the application from the nature conservation and landscape planning perspectives. The site was also at an inconspicuous location, being screened off from the surrounding areas by dense vegetation. It was considered that the development would not generate significant environmental impact on the surrounding areas. Relevant approval conditions were recommended in paragraphs 12.2 (a) and (b) of the Paper restricting any new fixtures/structures and the felling of trees to ensure that the current natural site condition would not be greatly deteriorated. Relevant government departments generally had no objection to or adverse comment on the application. However, as the site was located near Tai Lam Country Park and a catchwater, the DAFC and the Chief Engineer/Development (2), Water Supplies Department considered that no open burning should be conducted and no chemicals, including fertilizers/pesticides should be used or stored on the site. The Director of Fire Services considered that fire service installations (FSIs) should be provided for the site. To address the technical concerns from the department and to protect the tranquillity of the surrounding environment from the applied use, relevant approval conditions had been recommended in paragraphs 12.2 (c) to (g) to restrict the activities, usage and operation on the site and to require the submission and implementation of the FSIs proposal. As regards the objections to the application, relevant departments had no adverse comment on the application. The applicant also indicated that the existing grave within the site would be untouched and people could visit the grave at any time. However, in view of the strong local concerns, it was recommended to approve the application for a period of one year, instead of three years sought, in order to monitor the situation on the site. Relevant approval conditions were also recommended to preserve the existing natural and tranquil conditions of the site and to mitigate any adverse potential impacts on the surrounding areas to address the public/local concerns.

97. In response to a Member's enquiry, Mr. Kepler S.Y. Yuen referred to Plan A-4 of the Paper and said that, except for the Buddha statue and its concrete base shown as Fixture No. 9, all the other fixtures, including the wooden boards which served as the sitting places

for the meditation participants, were movable objects. Mr. Kepler S.Y. Yuen also pointed out that as observed in a recent visit to the application site, it was largely covered by trees and vegetation. The wooden boards were laid upon the grass and there was no evidence that site formation works had been carried out. In response to another Member's enquiry, Mr. Kepler S.Y. Yuen referred to paragraph 5.1 of the Planning Statement submitted by the applicant and said that according to the applicant, the meditation events had been held on the site for about five to six times in a year during the past few years.

Deliberation Session

98. In response to a Member's enquiry, Mr. Kepler S.Y. Yuen said that the participants would bring their own food and camp light for the meditation events and they would eat at the nearby public barbecue areas and use the toilets thereat. A Member said that it was appropriate to consider the granting of a one-year approval for the application to monitor the situation on the site and the impacts on the local residents.

99. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 26.11.2011, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no new fixture or structure was allowed to be placed/built on the application site during the planning approval period;
- (b) no trees within the application site were allowed to be felled unless with prior approval of the Director of Planning during the planning approval period;
- (c) no open burning, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (d) no chemicals, including fertilizers/pesticides, were allowed to be used or stored on the application site at any time during the planning approval period;

- (e) no public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, was allowed to be used on the application site at any time during the planning approval period;
- (f) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.2.2011;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.5.2011;
- (h) 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;
- (i) if any of the above planning conditions (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 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter approval period was allowed to monitor the situation on the application site and shorter compliance periods for approval conditions were given correspondingly;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department's (LandsD) that the lot owner would need to apply to his Office from the lease point of view to regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions including the payment of premium or fee, as might be imposed by LandsD. Besides, no vehicular access to the site was envisaged. The site was, however, accessible to Route Twisk via a local/maintenance track on government land (GL) along the catchwater and a natural trail. His Office provided no maintenance works for this GL nor guaranteed any right-of-way;
- (d) to note the comments of the Commissioner for Transport that the vehicular road stemming from Route Twisk was being managed by the Water Supplies Department (WSD). Consent from the relevant lands and maintenance authorities should be sought for using the road to access the site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Route Twisk;
- (f) to note the comments of the Director of Environmental Protection that by virtue of Item Q.1, Part I, Schedule 2 of the Environmental Impact Assessment Ordinance (EIAO), "project including new access roads, railways, sewers, sewage treatment facilities, earthworks, dredging works and other building works partly or wholly in an existing or gazetted proposed country park or special area, a conservation area, an existing or gazetted proposed marine park or marine reserve, a site of cultural heritage, and a site of special scientific interest" might constitute a Designated Project (DP). If the proposed use constituted a DP under the EIAO, the applicant should follow the statutory process under the EIAO. Under such

circumstances, an environmental permit would be required;

- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the nearby catchwater access road should not be used as vehicular access to the application site. The “Conditions of Working within Water Gathering Ground” in Appendix II of the Paper should be complied with in the course of erection of structures within the site;
- (h) to note the comments of the Director of Fire Services 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 the general building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that, if it was proposed to erect any temporary structures not exempted under the provisions of the Buildings Ordinance, formal building plans were to be submitted for his approval.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-TT/273 Proposed Houses and Minor Relaxation of Building Height Restriction in “Residential (Group D)” and “Village Type Development” zones, Lot 5288 in D.D. 116, Tai Tong Road, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/273)

101. The Committee noted that on 10.11.2010, the applicant's representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for two months in order to allow more time to prepare further information to address comments from government departments.

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/498 Temporary Warehouse for Storage of Aluminium Scaffolds
for a Period of 3 Years in "Undetermined" zone,
Lots 1040 (Part), 1041 (Part) and 1042 (Part) in D.D. 119,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/498)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of aluminium scaffolds 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 structures in the vicinity of the application site and environmental nuisance was expected;

- (d) one public comment objecting to the application was received from a Yuen Long District Council (YLDC) member during the statutory publication period. The YLDC Member considered that the repeated revocation of the previous planning approvals reflected the applicant's insincerity to comply with the approval conditions and the application should be rejected. The District Officer (Yuen Long) had no comment on the application; 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 but subject to shorter compliance periods to monitor the progress on compliance with approval conditions based on the assessments set out in paragraph 11 of the Paper. The applied warehouse use was not in conflict with the planning intention of the “Undetermined” (“U”) zone and it was not incompatible with its surrounding land uses. Since there was no known programme for permanent development of the “U” zone, the applied use on a temporary basis would not frustrate the long-term use of the area. Although the DEP did not support the application in view of the residential uses in the vicinity of the application site (the nearest to its immediate south), the development was for storage purpose in an enclosed warehouse structure. Moreover, the applicant proposed not to operate the site during night time between 6:00 p.m. and 9:00 a.m. and on Sundays and public holidays, not to have open storage on the site, not to carry out workshop activities and to only use vehicles under 5.5 tonnes for transportation of goods. The above proposals were recommended as approval conditions (a) to (e) in paragraphs 12.2 of the Paper to address possible concern on the environmental impact of the applied warehouse use. Other government departments had no objection to or adverse comment on the application. To address the departments' technical concerns, approval conditions were recommended in paragraphs 12.2 (f) to (j) requiring the maintenance of the existing drainage facilities and the submission and implementation of tree

preservation and landscape and fire service installations (FSIs) proposals. The application site was the subject of two previous approvals which were revoked due to non-compliance with approval conditions. Application No. A/YL-TYST/204 was submitted by a different applicant for a different use, and the last application (No. A/YL-TYST/369) was submitted by the applicant of the current application for a similar temporary use. The applicant had complied with the conditions on implementation of the accepted landscape proposal and submission of FSIs proposal in the last application. According to the applicant, she had encountered a problem in implementing the approved FSIs proposal due to the lack of water supply to enable the firefighting flow. The problem was now resolved as the Water Authority had approved the provision of fire service water supply for the site in May 2010. The applicant had committed to install proper water supply and FSIs and a revised FSIs proposal had been submitted in the current application. As the Director of Fire Services and the Chief Engineering/Development(2), Water Supplies Department had no objection to the application, sympathetic consideration might be given to tolerate the application one more time. In view of the revocation of two previous planning approvals, shorter compliance periods were proposed to monitor the progress of compliance with the approval conditions. Any failure to comply with the approval conditions again resulting in the revocation of the planning permission, no sympathetic consideration would be given to further application. As regards the public comment, relevant departments had no adverse comment on the application and the applicant had committed to comply with the FSIs requirements, the current application might be tolerated one more time on sympathetic consideration.

104. Members had no question on the application.

Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.11.2013, 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 open storage, as proposed by the applicant, 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 in the application site, as proposed by the applicant, at any time during the planning approval period;
- (e) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, were allowed to enter/exit 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 tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.2.2011;
- (h) in relation to (g) above, the implementation 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 26.5.2011;
- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 26.2.2011;

- (j) in relation to (i) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.5.2011;
- (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 expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department that, according to his record, government land (GL) on the northern side and near the entrance of the application site could have been

included and occupied but no permission had been given for its occupation by his Office. The applicant should clarify the situation. Enforcement action would be taken by his Office against unauthorized occupation of GL. The lot owner would need to apply to his Office from the lease point of view to permit any structures to be erected or regularize any structures erected on-site. In addition, if there was occupation of GL, the occupier would also need to apply to his Office for permission. His Office acting in the capacity as landlord might approve such application at its discretion and, if such approval was granted, it would be subject to such terms and conditions including the payment of premium or fee, as might be imposed by his Office. Besides, the site was accessible through an informal village track on GL and other private land extended from Kung Um Road. His Office provided no maintenance works for this track nor guarantees right-of-way;

- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the application 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 one tree was found dead on-site that replacement planting was required. Moreover, those existing trees to be preserved as shown on the submitted landscape and tree preservation plan did not tally with the real

site situation. The actual situation should be reflected on the tree preservation and landscape proposal to be submitted;

- (i) to note the comments of the Director of Fire Services on the requirements on formulating the fire service installations (FSIs) proposal in Appendix IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration; and

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on-site which were liable to action under section 24 of the Buildings Ordinance (BO) should be removed. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the application site under the 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 structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations 19(3) at the building plan submission stage.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/499 Temporary Warehouse for Storage of Exhibition Materials
for a Period of 3 Years in “Undetermined” zone,
Lots 736 (Part) and 739 (Part) in D.D. 119, Yuen Long
(RNTPC Paper No. A/YL-TYST/499)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of exhibition materials for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there was one environmental complaint on water pollution in 2009 on the application site, which was related to the previous operation for recycling of the electronic and electrical waste. The DEP did not support the application as there were sensitive receivers of residential structures in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and the District Officer (Yuen Long) had no comment on the application; 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 11 of the Paper. The applied warehouse use was not in conflict with the planning intention of the “Undetermined” (“U”) zone. The development was considered not incompatible with its surrounding areas which already comprised a number of warehouses and open storage yards. Since there was no known programme for permanent development of the “U” zone, the applied use on a temporary basis would not frustrate the long-term use of the area. Although the DEP did not support the application in view of the residential uses in the vicinity of the application site (the nearest being about 28m to its north) and there was one environmental complaint on water pollution in 2009 on the site, the development was for storage purpose in an enclosed warehouse structure and the complaint was not caused by the applied use.

The applicant proposed not to operate the site during night time between 10:00 p.m. and 8:00 a.m. and on Sundays and public holidays, and not to carry out workshop activities on the site. The above proposals were recommended as approval conditions (a) to (d) in paragraph 12.2 of the Paper to address possible concern on the environmental impact of the applied warehouse use. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on-site will be subject to planning enforcement action. Other government departments had no objection to or adverse comment on the application. To address the technical concerns of the relevant departments, approval conditions requiring the submission and implementation of landscape, drainage and water supply for firefighting and fire fighting installations proposals were also recommended in paragraphs 12.2 (e) to (j) of the Paper. There was no local objection to the application.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 26.11.2013, 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 10:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities should be carried out in the application site, as proposed by the applicant, at any time during the planning approval period;

- (d) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to enter/exit the application site at any time during the planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.5.2011;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 26.8.2011;
- (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 26.5.2011;
- (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 26.8.2011;
- (i) the submission of water supply for firefighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.5.2011;
- (j) in relation to (i) above, the implementation of water supply for firefighting and fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.8.2011;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further

notice;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the lot owner would need to apply to his Office from the lease point of view to permit any structures to be erected or regularize any structures erected on-site. His Office acting in the capacity as landlord might approve such application at its discretion and, if such approval was granted, it would be subject to such terms and conditions including the payment of premium or fee, as might be imposed by his Office. Besides, the information provided in the submission indicated that there was an existing public 500mm U-channel connected to the existing nullah outside the application site. This U-channel, if existed, was on other private land. The applicant might need to seek the consent from the relevant land owner and authority for its connection. Moreover, the site was surrounded by other private land on all sides. The access road from Kung Um Road to the site as indicated in the application was an informal local track on both government land and other private lots. His Office provides no

maintenance works for this track nor guarantees right-of-way;

- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the application site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note that the layout of the proposed warehouse should be fine tuned and set back from the site boundary with the aim to providing landscape planting along the site perimeter for enhancing the greening and screening effect;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that all surface runoff generated from and flow into the application site should be intercepted by the proposed drainage system before discharging to the existing drainage channel. The size of the proposed gutter, down pipes, U-channels and catchpits should be shown on the drainage proposal. The hydraulic capacity of the existing drainage channel should be checked to ensure that the existing drainage system would not be adversely affected by the development. The details of the connection with the existing drainage system should also be shown on the drainage proposal. Moreover, all proposed drainage facilities should be constructed and maintained by the applicant at his own cost;

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standards. Water mains in the vicinity of the application site could not provide the standard firefighting flow;
- (j) to note the comments of the Director of Fire Services that water supply for firefighting, i.e. to provide a fire hydrant system with adequate flow and pressure at a location that was within 500m from the application site, and fire service installations (FSIs) should be provided to his satisfaction. The requirements on formulating FSIs proposal were provided in Appendix III of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration; and
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized building works/structures should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). An Authorized Person must be appointed to coordinate all building works. The granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the application site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/500 Proposed Temporary Wood Charcoalization Workshop
for a Period of 3 Years
in “Residential (Group D)” and “Residential (Group B) 1” zones,
Lots 591 and 592 in D.D. 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/500)

Presentation and Question Sessions

111. 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 wood charcoalization workshop 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 structures in the vicinity of the application site and along the access road leading to the site. The DEP considered that the environmental review submitted by the applicant was not conducted for the proposed use at the site and there was no detailed information showing the production process and no description of the surrounding environment. The DEP also raised concern that as the site fell within residential zones, the proposed industrial use, which seemed to include the burning of large amount of waste wood with the anticipated air emission, was considered environmentally undesirable. In addition, the travelling of heavy vehicles to and from the site would likely cause nuisances to the sensitive receivers along the access road;
- (d) one public comment objecting to the application was received from

Designing Hong Kong Limited (DHKL) during the statutory publication period. DHKL objected to the application mainly on the grounds that the applied use was not in line with the planning intention of the residential zones; the use of the site for open storage was a blight to the environment; and the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No.13E). The District Officer (Yuen Long) had no comment on the application; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed workshop was not in line with the planning intentions of the “Residential (Group B)1” (“R(B)1”) and “Residential (Group D)” (“R(D)”) zones, which were primarily for residential developments in rural areas. It was incompatible with the planned residential use and the existing residential structures scattered in the surrounding areas. Although there were storage yards in the vicinity of the application site, they were mostly suspected unauthorized developments subject to planning enforcement action. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. According to the applicant, the proposed wood charcoalization workshop was for producing environmentally-clean charcoal fuel from waste wood materials. However, there was no detailed information in the submission on the actual production process. The environmental assessment report submitted by the applicant referred to a project in the Mainland based upon the Mainland standards and requirements which were likely to be different from those in Hong Kong. There was also no information on how the charcoal fuel production process would be undertaken in the proposed workshop. In this regard, the DEP did not see the relevance of the information submitted. Therefore, the potential impacts of workshop could not be considered as being properly assessed and the DEP did not support the application from the environmental point of view. On the Tong Yan San Tsuen Outline Zoning Plan, about 10.51 ha of land is zoned “Industrial (Group D)” (“I(D)”) where rural workshop

use was always permitted. There was no information in the submission to demonstrate why suitable sites within the “I(D)” zone could not be made available for the proposed development. There had not been any planning approval for temporary industrial/workshop use in the same “R(B)1” and “R(D)” zones. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “R(B)1” and “R(D)” zones, causing degradation to the surrounding environment. One public objection was received on the application.

112. Members had no question on the application.

Deliberation Session

113. In response to the Chairman’s enquiry, Mr. Kepler S.Y. Yuen said that DPO/TMYL, PlanD had met with the applicant before and had advised the applicant to consult the Environmental Protection Department (EPD) on the submission of environmental assessment report for the proposed workshop. PlanD had no information whether the applicant had consulted EPD on the current application. Members considered that the environmental assessment report as submitted by the applicant was not relevant to the subject application and agreed that there was no ground to support the application.

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group B) 1” (“R(B)1”) and “Residential (Group D)” (“R(D)”) zones stated in the Notes for the respective land use zones on the Tong Yan San Tsuen Outline Zoning Plan (OZP). The application site was intended primarily for residential development. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not compatible with the current and planned

residential use in the surrounding areas. The applicant failed to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas;

- (c) there was no information in the submission to demonstrate why suitable sites within the “Industrial (Group D)” zone on the Tong Yan San Tsuen OZP could not be made available for the proposed development; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “R(B)1” and “R(D)” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

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

Agenda Item 33

Any Other Business

115. There being no other business, the meeting was closed at 4:30 p.m..