

TOWN PLANNING BOARD

Minutes of 433rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 14.1.2011

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

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. Lo

Ms. Anita W.T. Ma

Dr. W.K. Yau

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. H. M. Wong

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

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

Secretary

Absent with Apologies

Mr. Y.K. Cheng

Mr. Timothy K.W. Ma

Dr. James C. W. Lau

Mr. Stephen M.W. Yip

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 432nd RNTPC Meeting held on 23.12.2010

[Open Meeting]

1. The draft minutes of the 432nd RNTPC meeting held on 23.12.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) reference Back of approved Outline Zoning Plans

2. The Secretary reported that on 4.1.2011, the Chief Executive in Council referred the following approved Outline Zoning Plans (OZPs) to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance (the Ordinance) and the reference back of the OZPs would be notified in the Gazette on 14.1.2011 :

- (i) Tsuen Wan West OZP No. S/TWW/17; and
- (ii) Yuen Long OZP No. S/YL/18.

(ii) Appeal Decision Received

Town Planning Appeal No. 7 of 2008
Temporary Office for a Period of 3 Years
in "Agriculture" and "Village Type Development" zones
Lot 1028 S.B (Part) in D.D. 113, Kam Tin, Yuen Long
(Application No. A/YL-KTS/422)

3. The Secretary reported that the subject appeal was lodged by the Appellant on 10.11.2008 against the decision of the Town Planning Board (TPB) to reject on review an application (No. A/YL-KTS/422) for a temporary office for a period of three years. The subject site fell within an area zoned "Agriculture" ("AGR") with a minor portion zoned "Village Type Development" ("V") on the approved Kam Tin South OZP No. S/YL-KTS/11.

On 24.8.2010, the appeal was heard by the Town Planning Appeal Board (TPAB). On 31.12.2010, the appeal was dismissed by the TPAB for the following reasons:

Ground of appeal: part of the site had been used for West Rail works and would no longer be suitable for agricultural use

- (a) the TPAB found that the land immediately adjoining the site was under active agricultural use. There were also vegetable fields and fruit trees surrounding the site. The TPAB considered that the site and its adjoining land were capable of being rehabilitated for agricultural use;

Grounds of appeal: the applied use would not adversely affect the surrounding land uses and nearby villagers/residents and would not become the first precedent

- (b) the TPAB considered that the applied use would adversely affect the surrounding land uses and nearby villagers/residents and would set an undesirable precedent;

Ground of appeal: the applied use was on a temporary basis and would not contravene the planning intention of the "AGR" zone

- (c) the Appellant's representative at the appeal hearing confirmed that if the appeal was allowed, the Appellant would continue to apply for renewal of the planning permission upon expiry of the three-year approval period sought. This meant that the applied use would not be on a temporary basis;

Grounds of appeal: the applied use would create employment opportunities for the nearby villagers and the objection to the application raised by a Yuen Long District Council Member was due to personal reasons

- (d) no evidence was adduced by the Appellant to support these grounds. The TPAB also considered that these were not valid grounds of appeal; and

Other

- (e) the Appellant's representative boasted about the Appellant's committing repeated breach and payment of fines for the unauthorized use of the site as an office. The TPAB found such conduct unacceptable.

(iii) Abandonment of Town Planning Appeals

Town Planning Appeal No. 2 of 2009

Proposed House (New Territories Exempted House – Small House)

in “Green Belt” zone

Lot No. 392S.A and 393 in D.D. 28, Lung Mei Village, Ting Kok Road, Tai Po

(Application No. A/NE-TK/258)

Town Planning Appeal No. 3 of 2009

Proposed House (New Territories Exempted House – Small House)

in “Green Belt” zone

Lot No. 771S.A in D.D. 28, Lung Mei Village, Ting Kok Road, Tai Po

(Application No. A/NE-TK/263)

Town Planning Appeal No. 10 of 2005

Proposed Hotel and Open Space at Ship Street and Kennedy Road

Wan Chai, Hong Kong

(Application No. A/H5/339)

4. The Secretary reported that three appeals had been abandoned by the Appellants of their own accord :

- (i) Town Planning Appeals No. 2/2009 and No. 3/2009 were received by the TPAB on 17.3.2009 against the decisions of the TPB on 2.1.2009 to reject on review two applications (No. A/NE-TK/258 and No. A/NE-TK/263) for proposed houses (New Territories Exempted Houses – Small Houses) within the “Green Belt” zone on the Ting Kok OZP. They were abandoned by the appellants on 13.12.2010. On 5.1.2011, the TPAB formally confirmed that the appeals were abandoned in accordance with Regulation 7(1) of the Town

Planning (Appeals) Regulations (TP(A)R) of the Ordinance; and

- (ii) Town Planning Appeal No. 10/2005 was received by the TPAB on 6.5.2005 against the decision of the TPB on 25.2.2005 to reject on review the planning application No. A/H5/339 for the mega tower hotel (now known as Hopewell Centre II) development at Ship Street and Kennedy Road within the “Other Specified Uses” annotated “Comprehensive Redevelopment Area” and “Open Space” zones on the Wan Chai OZP. The appeal was abandoned by the Appellant on 28.12.2010. On 7.1.2011, the TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the TP(A)R of the Ordinance.

(iv) Appeal Statistics

5. The Secretary reported that as at 14.1.2011, a total of 23 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	27
Dismissed	:	114
Abandoned/Withdrawn/Invalid	:	147
Yet to be Heard	:	23
Decision Outstanding	:	1
Total	:	312

Sai Kung and Islands District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/180 Proposed House (New Territories Exempted House – Small House)
in “Recreation” zone,
Lot No. 452 (Part) in D.D. 221, Muk Min Shan, Sai Kung
(RNTPC Paper No. A/SK-PK/180)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the District Lands Officer/Sai Kung (DLO/SK) objected to the application as the site did not fall within village ‘environs’ (‘VE’) of any recognized village. Although there was shortage of land in meeting the future Small House demand in the Tai Long Village, there was currently no outstanding application in the village. The Commissioner for Transport had reservation on the application. Although additional traffic generated by the proposed NTEH was not expected to be significant, such type of development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. However, he considered that the application only involved construction of one Small House and could be tolerated unless it was rejected on other grounds;
- (d) one public comment from the Designing Hong Kong Limited was received during the statutory publication period. The commenter stated that the failure to ensure a sustainable layout before approval of further

development would deteriorate the living environment in the area, affect the well being of current and future residents, create health and social problems and future costs to society such as illegal occupation of government land, illegal and unsafe parking, impact the harmony among residents and lead to criminal behaviour; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application for NTEH was not in line with the planning intention of the “Recreation” (“REC”) zone which was primarily for recreational developments for the use of the general public. The application did not comply with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” (Interim Criteria) as the site fell entirely outside both the “V” zone and the ‘VE’ of any recognized village. Approval of the application would set an undesirable precedent for similar applications within “REC” zone and the cumulative effect of approving such applications would result in the encroachment on the “REC” zone by residential development.

7. A Member referred to the site photo on Plan A-4c and asked what the fence rail was for and what was the poster hanging on the fence rail about. Mr. Charles Yum replied that the fence rail was constructed along the footpath on the western side of the application site and the poster was the site notice of the subject application.

Deliberation Session

8. The Chairman said that the application was not in line with the Interim Criteria and DLO/SK did not support the application.

9. After further 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

“Recreation” (“REC”) zone which was primarily for recreational developments for the use of the general public. There was no strong justification in the submission to merit a departure from the planning intention;

- (b) the application did not comply with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” as the site fell entirely outside “Village Type Development” zone and village ‘environs’ of any recognized village; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “REC” zone. The cumulative effect of approving such applications would result in the encroachment on the “REC” zone by residential development.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/181 Proposed House (New Territories Exempted House – Small House)
in “Recreation” zone,
Lot No. 292 RP and 293 S.D in D.D. 221, Sha Kok Mei Village,
Sai Kung
(RNTPC Paper No. A/SK-PK/181)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);

- (c) departmental comments – the Commissioner for Transport had reservation on the application as the development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed Small House was not expected to be significant, such type of development outside the “V” zone if permitted would set an undesirable precedent case for similar applications in the future. Notwithstanding that, he considered that the application only involved construction of one Small House and could be tolerated unless it was rejected on other grounds. The Director of Agriculture, Fisheries and Conservation advised that the nearest distance between the proposed house and the natural stream section was only about 10m. The applicant should consider adjusting the layout of the proposed house in order to minimize disturbance to the stream and its riparian zone;

- (d) two public comments were received during the statutory publication period. The Designing Hong Kong Limited stated that the failure to ensure a sustainable layout before approval of further development would deteriorate the living environment in the area, impact the well-being of current and future residents, create health and social problems and future costs to society such as illegal occupation of government land, illegal and unsafe parking, impact the harmony among residents and lead to criminal behaviour. Another commenter, the Indigenous Resident Representative of Sha Kok Mei Village requested the Board not to consider the application until the indigenous villager status of the applicant had been proved; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The application generally complied with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” as the footprint of the proposed Small House fell entirely within the village ‘environs’ of the recognized village and there was a general shortage of land in meeting the future Small House demand in the “V” zone of Sha Kok Mei Village. The site was the subject of a previous application (No. A/SK-PK/58) which was approved by the Committee on 19.12.1997 and further extended until 19.12.2002. The District Lands

Officer/Sai Kung (DLO/SK) had suspended the processing of the Small House application in April 2002 due to emergency vehicular access problem. Upon the implementation of new guidelines on Fire Safety Requirements for NTEHs in June 2006, the Small House application was reactivated in March 2007. Pending the approval of the planning application, DLO/SK would continue to process the application. The concerned departments consulted had no objection to the application. Regarding the public comments, the application had no adverse infrastructural and environmental impacts on the surrounding areas as confirmed by concerned departments. The applicant had submitted a certificate to prove that he was an indigenous villager of Sha Kok Mei Village and DLO/SK had no objection to his indigenous villager status.

11. Members had no question on the application.

Deliberation Session

12. 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 14.1.2015, 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 the drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of landscape proposal with tree preservation plan to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

13. The Committee also agreed to advise the applicant of the following :
- (a) to observe the Director of Agriculture, Fisheries and Conservation's following advices:
 - i. the nearest distance between the proposed house and the natural stream section was only about 10m. The applicant should consider adjusting the layout of the proposed house in order to minimize disturbance to the stream and its riparian zone. Consultation with the Environmental Protection Department regarding the compliance of the proposed septic tank with their minimum clearance requirements was also recommended; and
 - ii. all construction works should be confined within the subject lots and to implement good site practice in order to avoid worksite run off to the stream during construction phase;
 - (b) to observe the Director of Environmental Protection's advice that the applicant was required to follow the requirement stipulated in the Practice Note for Professional Persons 5/93 (PN5/93) "Drainage Plans subject to Comment by Environmental Protection Department" with regard to the siting of soakaway system for the proposed development;
 - (c) to note the comments of Chief Engineer/Development(2), Water Supplies Department (CE/D(2), WSD) that for the provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to CE/D(2), WSD's satisfaction. Besides, water mains in the vicinity of the application site could not provide the standard fire-fighting flow;

- (d) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department; and
- (e) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's advice that tree planting within the garden was highly recommended.

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/TKO/87 Proposed Flat in "Residential (Group E)" zone,
1-3 Shek Kok Road, Area 85, Tseung Kwan O
(RNTPC Paper No. A/TKO/87B)

14. The Committee noted that the applicant's representative requested on 24.12.2010 for a deferment of the consideration of the application for two months to allow time to prepare further information to resolve the departmental comments.

15. 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 and a total of six months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr. W.K. Hui, District Planning Officer/Sha Tin, Tai Po and North (DPO/STN), Mr. Otto K.C. Chan and Ms. Doris S.Y. Ting, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 6

Section 12A Application

[Open Meeting]

Y/NE-KTS/3 Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/12 from “Agriculture” to “Other Specified Uses” annotated “Rural Use” or “Comprehensive Development Area”, Various Lots in D.D. 92 and Adjoining Government Land, Kwu Tung South, Sheung Shui
(RNTPC Paper No. Y/NE-KTS/3D)

16. The application was submitted by Sun Hung Kai Properties Ltd. (SHK). Mr. Y. K. Cheng had declared an interest in this item as he had current business dealings with SHK. The Committee noted that Mr. Cheng had tendered apologies for being not able to attend the meeting.

17. The Committee noted that the applicant’s representative requested on 28.12.2010 for a deferment of the consideration of the application for two months to allow additional time to prepare further information to address the outstanding departmental comments of his consolidated planning report submitted on 18.10.2010.

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

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

Agenda Item 7

[Open Meeting]

Proposed Amendment to the

Approved Sha Tin Outline Zoning Plan No. S/ST/23

(RNTPC Paper No. 1/11)

19. The Secretary reported that the item involved proposed amendments to a site at Shui Chuen O for public rental housing by Hong Kong Housing Authority (HKHA) and the following Members had declared interests for this item :

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

20. The Committee noted that Mr. Andrew Tsang and Mr Y. K. Cheng had tendered apology for not attending the meeting. As this item was for the consideration of proposed amendments to an OZP and related to the plan-making process, the Committee agreed that in

accordance with the Town Planning Board's established practice, the Chairman and the other Members with interests declared could stay at the meeting and participate in the discussion. However, if representations on the proposed amendments to public housing site were received, Members having declared interests with HKHA would need to withdraw from the meeting during the consideration of representations.

21. Mr. Otto Chan, STP/STN, informed the Committee that a replacement page to highlight the non-domestic GFA for the subject development was tabled at the meeting for Members' reference. He then presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper:

Background

- (a) The area at Shui Chuen O in Sha Tin Area 52 was formerly a borrow area. In 1998, the then Territory Development Department carried out a feasibility study for housing sites in Sha Tin District and recommended that the site at Shui Chuen O could be developed for private housing and HOS to accommodate about 16,800 persons. Subsequently, the planned infrastructure was reviewed for public rental housing (PRH) use to accommodate up to 30,000 persons. The Committee on Housing Development in 2006 agreed that the sites at Shui Chuen O be developed for PRH;
- (b) the proposed PRH development was to be guided by an administrative planning brief with the following major development parameters:

Gross Site Area	13 ha (about)
No. of Flats	10,700
Design Population	30,000
Maximum Total GFA	501,800m ² (including about 31,000m ² non-domestic GFA for retail and GIC facilities, subject to detailed design)
Maximum Building Heights	Maximum 30 domestic storeys with staggered building heights for a stepping profile against the hilly terrain. Building heights in mPD were

	specified for different site platforms with the requirement of two view corridors.
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- (c) the proposed estate comprised 18 domestic blocks of 25 to 30 storeys on 1 to 4-storey podium for car park (1-2 storeys), commercial block (3 storeys), a public transport terminus (1 storey) and a welfare block (4 storeys). The proposed PRH would be implemented in 4 phases with anticipated final completion year in 2014/2015;
- (d) Commissioner for Transport and Director of Environmental Protection had considered the traffic assessments acceptable in principle. For visual impact assessment (VIA), HD's report pointed out that for some vantage points at Lion Pavilion, Ten Thousand Buddhas Monastery, Yuen Chau Kok Park and the hiking trail to the south of the site, the proposed PRH might have moderate visual effects. With the proposed mitigation measures of stepped building heights, view corridors, green roof and vertical greening, the proposed PRH would not generate significant visual impact or adversely affect the visual amenity in the area. For air ventilation, HD's Air Ventilation Assessment (AVA) had concluded that the proposed PRH would have insignificant ventilation impacts within the site and to the land uses in the vicinity;
- (e) the proposed PRH site covering a gross area of about 13 ha was zoned "Residential (Group A)" ("R(A)"), "Residential (Group B)" ("R(B)"), "Government, Institution or Community" ("G/IC") and "Open Space" ("O") on the approved OZP;

Proposed Amendments to the Approved Sha Tin OZP

Item A – Rezoning of a site from "R(A)", "R(B)", "O", "G/IC", "Green Belt" ("GB") and "Road" to "R(A)1" (Site Area: about 12.45 ha.)

- (f) to facilitate the proposed PRH development, the PRH site was proposed to be rezoned to "R(A)1" zone with appropriate development restrictions to guide its future development;

- (g) based on Housing Department's scheme, the technical assessments conducted, (visual impact assessment, air ventilation assessment) and the agreed planning brief, it was suggested to stipulate a maximum total GFA of 501,800m² with building height restrictions in terms of number of storeys and mPD where appropriate. Eight different building height bands in the range of 150mPD to 205mPD were proposed for the residential blocks on 10 platforms. The stipulated building height restrictions indicated the maximum height only. Staggered building height should be adopted to create a stepping profile against the hilly terrain. Along the two view corridors, maximum building heights of 2 to 4 storeys were stipulated to allow low-rise structures including social welfare block, commercial centre and car park. The view corridors were intended to provide distant views and better visual connections between the Sha Tin New Town and the mountain to the south;
- (h) the building height restrictions in terms of number of storeys would not apply to basement floors. A minor relaxation clause would be incorporated in the Notes to allow minor relaxation of the stated GFA and building height restrictions through the planning application mechanism;

Item B1 – Rezoning of a site from “R(A)” and “Road” to “G/IC” (Site Area: about 0.70 ha.)

- (i) this site at the lower platform close to Sha Tin Road was intended for a covered public transport terminus. It was proposed to rezone it to “G/IC” with building height restriction of 1 storey. The building height restriction would not apply to basement floors. A minor relaxation clause would be incorporated in the Notes to allow minor relaxation of the stated building height restriction through the planning application mechanism;

Item B2 – Rezoning of a site from “R(B)” and “O” to “G/IC” (Site Area: about 1.04 ha.)

- (j) it was a replacement site for the proposed primary school (originally at the site zoned “G/IC” to the northeast of the “O” zone which was now taken up by the proposed PRH development). Building height restriction of 8 storeys (excluding

basements) was stipulated for this site in accordance with the general requirement for standard school development;

Item C – Rezoning of areas from “R(A)”, “R(B)” and “Road” to “GB” (Site Area: about 2.54 ha.)

- (k) for those areas that were mainly existing slopes covered with vegetation, it was considered appropriate to rezone them to “GB” taking into account the green and natural character of these areas;

Item D – Rezoning of areas from “R(A)”, “R(B)”, “O”, “G/IC” and “GB” to “Road” (Site Area: about 1.07 ha.)

- (l) this amendment was to reflect the as-built roads in the area;

Proposed Amendments to the Notes and Explanatory Statement (ES)

- (m) the Notes of the “R(A)” zone had been amended to cater for the proposed sub-area of “R(A)1” zone with stipulation of GFA and building height restrictions. The Notes of the “G/IC” zone had also been amended to cater for the building height restriction shown on the Plan. A minor relaxation clause for the above-mentioned GFA and/or building height restrictions had been included in the Notes of the “R(A)1” and “G/IC” zones; and
- (n) the ES of the OZP had been revised to take into account the proposed amendments and to reflect the latest status and planning circumstances of the OZP. A paragraph was added to the ES under the object of the OZP to set out the principle that small strips of land not intended for building development purposes and carry no development right under the lease as well as free-standing GIC facilities in residential zones should be excluded for PR and site coverage calculations;

22. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/23;

- (b) agree that the amendment Plan No. S/ST/23A at Annex B of the Paper (to be renumbered to S/ST/24 upon gazetting) and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (c) adopt the revised Explanatory Statement (ES) at Annex D of the Paper as an expression of the planning intentions and objectives of the Board for various land use zones on the draft Sha Tin OZP and to be issued under the name of the Town Planning Board; and
- (d) agree that the revised ES at Annex D of the Paper was suitable for exhibition for public inspection together with the draft OZP No. S/ST/23A (to be renumbered to S/ST/24 upon gazetting).

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/733 Temporary Shop and Services (Fast Food Shop)
for a Period of 3 Years in “Industrial” zone,
Unit H1, LG/F, Valiant Industrial Centre Nos. 2-12 Au Pui Wan Street,
Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/733)

Presentation and Question Sessions

23. Mr. Otto K.C. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (fast food shop) for a period of 3 years;

- (c) departmental comments – no objection from concerned government departments was received;
- (d) one public comments from The Incorporated Owners of Unison Industrial Centre was received during the statutory publication period. The commenter supported that application as it could utilize the property resource, improve business and provide food and drinks for the workers in the vicinity; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. It was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the ground floor of the subject industrial building and its vicinity. The Director of Fire Services (D of FS) had no in-principle objection to the application subject to approval conditions on fire safety measures and the fast food shop being licensed as “food factory” or “factory canteen”. The Director of Food and Environmental Hygiene had advised that the subject premises were covered by a valid food factory licence. The fast food shop under application generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D including the fire safety and traffic aspects. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

24. Noting the D of FS’s comment that the proposed fast food shop should only be licensed and operated as “food factory” or “factory canteen”, a Member asked what type of use would be allowed under such licence and whether the D of FS would check the fire services installation prior to the issue of the licence. Mr. W. K. Hui responded that no seating accommodation would be allowed for premises granted with a “food factory”. The applicant had clarified that the fast food shop under the current application would not provide seating accommodation. In addition, approval conditions requiring the applicant to satisfy

fire safety measures were recommended.

Deliberation Session

25. The Secretary said that should the application be approved, it would be on the terms as submitted by the applicant to the Board, i.e. a fast food shop. If the premises were used as a restaurant, it would contravene the planning approval.

26. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.1.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2011;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 14.10.2011; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;

- (c) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use and to note the comment that the existing use of the fast food shop with seating accommodation at the subject premises would not be allowed;
- (d) to note the comments of Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and floors having a fire resisting period of not less than two hours. Building safety requirements would be formulated upon receipt of food premises licence application, where appropriate;
- (e) to note the comments of Commissioner for Transport that adequate space should be provided inside the shop for queuing of its customers and the queue should not be obstructing pedestrian flows on public footpath outside the shop;
- (f) to note the comments of Director of Fire Services that the proposed “fast food shop” should only be licensed and operated as “food factory” or as “factory canteen”. A fast food shop licensed and operated as a “general restaurant” or “light refreshment restaurant” would not be accepted. Fire service installations should be provided to the satisfaction of his department. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority; and
- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 9

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/82-1 Proposed Amendments to Previous Approved Scheme for Comprehensive Residential Development with Commercial and Government, Institution or Community Facilities in “Comprehensive Development Area (1)” zone, STTL 502 and Adjoining Government Land, Ma On Shan (RNTPC Paper No. A/MOS/82-1)

28. The application was submitted by a subsidiary of Henderson Land Development Company Ltd. (Henderson). Dr. C.P. Lau had declared an interest in this item as he had current business dealings with Henderson. The Committee noted that Dr. Lau had not yet arrived.

Presentation and Question Sessions

29. Mr. Otto K.C. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed amendments to the previously approved scheme for comprehensive residential development with commercial and government, institution or community facilities on 10.9.2010 under Application No. A/MOS/82. Planning permission for the following Class B amendments was sought:
 - (i) an increase of 1.5m in the building height of the residential towers, involving a total of 21 building blocks in Phases 1 to 5 (on land owned by the applicant, i.e. STTL 502), of which Towers T1 and T25 were subject of environmental mitigation measures

against traffic noise;

- (ii) a reduction in number of car parking spaces from 1,435 to 1,353 (-82 number., -5.7%);
 - (iii) a reduction in number of motor cycle parking spaces from 144 to 136 (-8 number, -5.6%); and
 - (iv) An increase in no. of bicycle parking spaces from 253 to 277 (+24 number, +9.5%);
- (c) departmental comments – no objection from concerned government departments was received;
- (d) District Officer (Sha Tin), Home Affairs Department (DO(ST), HAD) had consulted some local personalities and organizations, and some other Chairpersons of Owners' Corporation/Management Office in close proximity to the subject location. The owners of Monte Vista had sent some comments to DO(ST) objecting to the application for the following reasons:
- (i) As shown by the MLP, the building blocks on the right had already blocked the view towards Sai Kung Tolo Channel. The increase in building height would add adverse visual impacts;
 - (ii) The development at Lok Wo Sha was a waterfront development that had already blocked air ventilation and slowed heat dispersion in the adjacent area. The increase in building height would aggravate the effect on temperature; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 9 of the Paper. The application site was the subject of twelve planning permissions and the current application was an amended scheme to Application No. A/MOS/82

approved by the Committee on 10.9.2010. Lease modification had been executed and construction was in progress. All the proposed Class B amendments in this application, which were mainly related to the increase of 1.5m in building height for the residential towers in Phases 1 to 5 and reduction in parking provision, were considered minor in nature. Chief Town Planner/Urban Design & Landscape (CTP/UD&L) had no adverse comment on the proposed increase in building height by 1.5m for the residential towers in Phases 1 to 5 as the proposed amendment had not contravened the maximum building height as stipulated in the OZP and did not affect the overall building height profile of the residential development (i.e. stepping down of the number of storeys from the southwestern side to northeastern side). Whilst there was no change to the building height in terms of number of storeys, the increase of 1.5m in building height was due to the need to allow sufficient room for transfer plates in support of the main tower structure and the duplex units at the top two floors upon fine tuning of the building design. There was no change in the overall development intensity in terms of GFA and it had not significantly affected the stepped height profile, the overall layout and building block disposition of the development. Regarding the local objection, it should be noted that view corridors had been reserved within the development and a stepped height building profile was maintained to mitigate the visual impacts. On air ventilation, it should be noted that according to the findings of the Air Ventilation Assessment conducted in 2009 for the review of Ma On Shan Outline Zoning Plan, there was no major air ventilation issue in Ma On Shan. Notwithstanding, a height restriction of 2 storeys had been imposed onto 2 strip of lands within the “Comprehensive Development Area (1)” zone to further improve air ventilation. This had been duly observed by the applicant in the submission of MLP.

30. Mr. Ambrose Cheong noted that the car park provision for residential and disabled use as commented by Transport Department in para 8.1.3(c) was different from that in the number in the current proposal under application, he asked about the actual car parking provision mentioned under the approval condition (g) on the submission of a revised traffic impact assessment (TIA). Mr. Otto Chan said that an approval condition (f) requiring the

provision of parking spaces to the satisfaction of the Commissioner for Transport (C for T) was recommended and hence the applicant was required to submit relevant information to the satisfaction of C for T. Mr. W.K. Hui added that number of parking spaces for the proposed development would have to be justified in the submission of the revised traffic impact assessment as required under the relevant approval conditions.

31. Noting that the residents of Monte Vista had raised objection to the application mainly on the grounds of the adverse impact created by the proposed development on air ventilation and the view toward Tolo Harbour, a Member opined that there would not be significant air ventilation impact as a result of the proposed amendment. However the Member asked whether there was any information showing the visual impact as claimed by the residents. Mr. Otto Chan referred Members to the aerial photo on Plan AA-4 and explained that the residential development, Lake Silver, was located in between the subject development and Monte Vista. The view of Monte Vista towards the north would have been blocked by Lake Silver except residents at the northwestern part of Monte Vista who might have a view of the subject development. Taking into account the layout of the building blocks of the subject development and the proposed increase in building height by only 1.5m, the view of the residents of Monte Vista would not be significantly affected by the subject development.

Deliberation Session

32. The Secretary said that the actual number of car parking spaces provided would have to be agreed by C for T as required under the relevant approval condition

33. Noting that the advisory clause (i) requiring the preservation of the three existing large trees in-situ in particular, a Member asked whether the subject development would affect those trees and whether they would eventually be removed, transplanted or felled. Mr. W. K. Hui said that as the current application was a proposed amendment to the previously approved scheme, the information as tree preservation, which was contained in the previous submission was not available in the current application. The concerned advisory clause was the same as that in the previous planning permission. Mr. W. K. Hui further advised that the approval condition (c) which required the applicant to submit and implement a revised landscape master plan including tree felling and preservation proposal as well as the

management plan for the woodland areas was recommended, as in the previous planning permission.

34. 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 10.9.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP) taking into account conditions (b), (c), (d), (f), (g), (h), (i), (j) and (k) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised MLP showing separate alienation of government land in the north-eastern part of the site to the satisfaction of the Director of Lands or of the TPB;
- (c) the submission and implementation of a revised landscape master plan, including tree felling and preservation proposals as well as a management plan for the woodland areas, to the satisfaction of the Director of Planning or of the TPB;
- (d) the implementation of the noise mitigation measures identified in the revised noise impact assessment (November 2010) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of an Environmental Monitoring and Audit (EM&A) Manual and the implementation of the EM&A Programme identified therein, including but not limited to audit of the construction phase mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the provision of vehicular access, pedestrian circulation system, parking spaces, entrance and exit points to car parks, loading/unloading and lay-by

facilities to the satisfaction of the Commissioner for Transport or of the TPB;

- (g) the submission of a revised traffic impact assessment and the implementation of the traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the provision of footbridge connection and public pedestrian walkway(s) from the Ma On Shan Rail Wu Kai Sha Station to the Whitehead headland to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the provision of emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (j) the provision of a kindergarten to the satisfaction of the Secretary for Education or of the TPB;
- (k) the implementation of the recommendations identified in the revised cultural heritage impact assessment (January 2007), including an archaeological survey and a historical survey to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (l) the implementation of the drainage facilities identified in the revised drainage impact assessment (December 2009) to the satisfaction of the Director of Drainage Services or of the TPB;
- (m) the implementation of the sewerage facilities identified in the revised sewerage impact assessment (December 2009) to the satisfaction of the Director of Drainage Services or of the TPB;
- (n) the diversion of water mains to be affected by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB; and

- (o) the submission of a revised implementation programme, with phasing proposals to tie in with the completion of the major infrastructural facilities serving the proposed development and the proposed traffic improvement measures, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approved MLP, together with a set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the proposed new roads leading to the proposed development required under the Buildings Ordinance (BO) should be completed prior to application for occupation permit;
- (c) liaison should be made with CLP Power Hong Kong Ltd. to ensure that additional electricity demand for the proposed development could be supplied from the existing electricity network;
- (d) each phase of the proposed development should be self-sustainable in every aspect under the BO including plot ratio, site coverage, means of escape, means of access for firefighting and rescue, fire resisting construction, collection of refuse and segregation of vehicular and pedestrian traffic as well as provision of clubhouse facilities. Each phase of the development should have its self-contained clubhouse of which the gross floor area (GFA) of such facilities would not exceed 5% of the total domestic GFA of the phase;
- (e) two existing water mains at the north-eastern part of the site would be replaced/rehabilitated. Liaison with the Consultants Management Division of the Water Supplies Department (WSD) was required should diversion of these water mains be required. WSD was planning to lay fresh water

main and salt water main along the planned Road A and planned Road B. The main laying works would likely be carried out in conjunction with the developer's roadwork. The developer should take this into consideration in the planning and construction of the proposed roadworks and approach WSD during their detailed design stage to sort out the interfacing issue between the two projects. The cost of any necessary diversion of existing water mains affected by the development should be borne by the development project. Right of Way should also be provided to WSD for their staff and contractor to carry out inspection and maintenance of waterworks installations at the north-eastern corner of the development site;

- (f) observation of the Code of Practice for Means of Access for Firefighting and Rescue during General Building Plan submission stage;
- (g) if a boundary wall near the government retaining walls along Road A and Road B was to be constructed, the design and construction details should be agreed by Highways Department to avoid the creation of a narrow and long trough between the boundary/retaining walls;
- (h) filling up the gap between the government retaining wall and the boundary fence wall would not be carried out until the retaining wall had been handed over from Civil Engineering and Development Department to Highways Department; and
- (i) effort should be made to preserve the existing large trees in-situ, in particular Tree Nos. T1042, T1046 and T1125. Vertical landscaping or greening design should be incorporated so as to visually soften the outlook of the high-rise buildings.

[The Chairman thanked Mr. Otto Chan STP/STN, for his attendance to answer Members' enquires. Mr. Chan left the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/200 Proposed House (New Territories Exempted House – Small House)
in “Government, Institution or Community” zone,
Government Land in D.D. 91, Ng Uk Tsuen, Sheung Shui
(RNTPC Paper No. A/FSS/200)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Commissioner for Transport had reservation on the application as the proposed Small House (SH) development should be confined within the “V” zone as far as possible. Although additional traffic associated with the proposed development was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, as the application only involved construction of one SH, the application could be tolerated unless it was rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as some mature trees of common species were growing along the boundary of the site. The site was located in the middle of a “Government, Institution or Community” (“G/IC”) zone and surrounded by vacant government land covered with grass and scattered mature tree groups. However, approval of the proposed SH application would set an undesirable precedent that encouraged further similar development

encroaching onto the “G/IC” zone. Given that the application site was sufficient only for a SH, there would be no opportunity for landscape mitigation measures on site to alleviate the adverse landscape impact arising from the proposed SH development;

- (d) one public comment indicating support to the application was received during the statutory publication period. The District Officer (North) advised that the concerned North District Council member, the indigenous inhabitants representative (IIR) and residents representative (RR) of Ng Uk Tsuen supported the application while the Chairman of the Sheung Shui District Rural Committee had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of the “G/IC” zone which was intended primarily for the provision of government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. Moreover, the application site fell within an area designated “Local Open Space” on the adopted Fanling / Sheung Shui Area 36 – Layout Plan No. L/FSS 36/1 which was intended to serve residents in the surrounding area. Although the subject “G/IC” zone was currently not earmarked for provision of any “G/IC” facilities, the site should be reserved for future “G/IC” or “LO” development to serve the local or wider community in the long term. As the application site was located in the middle of the “G/IC” zone, approving the application would jeopardize the development potential of the “G/IC” site. The CTP/UD&L, Planning Department had reservation on the application since some mature trees of common species were found growing along the boundary of the application site, and given that the application site was sufficient only for a Small House development, there would be no opportunity to avoid the felling of trees and for landscape mitigation measures on site to alleviate the adverse landscape impact arising from the proposed Small House development. The proposed NTEH (Small House) did not comply with the “Interim Criteria

for Consideration of Application for NTEH/Small House in the New Territories” in that the proposed Small House development would frustrate the planning intention of the “G/IC” zone and would cause adverse landscape impacts. There was no previous nor similar application for Small House development within the same “G/IC” zone. Approval of the proposed Small House application would set an undesirable precedent for similar applications, the cumulative effect of which would result in encroachment onto the “G/IC” zone, which would affect the realization of planning intention of the “G/IC” zone.

37. Noting that there was insufficient land in “Village Type Development” (“V”) zone for SH development and hence it had to spill over to the surrounding “Green Belt” or “G/IC” zone, the Chairman asked whether consideration would be given to expand the “V” zone boundary. Ms. Doris Ting advised that though the 5 approved SHs development were located in the “GB” zone, the land was not covered with vegetation and no clearance was involved. However, the application site was a natural slope and hence was not suitable for SH development. As such, there was no plan to expand the “V” zone boundary to cover this area.

Deliberation Session

38. Noting that there was pressure for SH development and a shortage of land in the “V” zone to meet the SH demand, a Member asked whether the SH policy could shed some light on the issue. The Chairman said that the SH policy was still under review by the Administration. Another Member said that according to the “Interim Criteria for assessing planning applications for NTEH/Small House development in the New Territories”, if there was not enough space in the “V” zone to meet the SH demand, sympathetic consideration might be given to SH application in ‘VE’. The Secretary said that there were other considerations in the Interim Criteria in assessing whether sympathetic consideration should be given to SH application. The current application site was located in the middle of an area designated as local open space on the Layout Plan and hence the approval of a SH development might constrain the future development of the open space. As agreed with Heung Yee Kuk, PlanD would liaise with the village representative and relevant government departments to consider whether the village layout could be amended to facilitate SH

development as and when necessary. However, for the current planning application, the planning intention of the “G/IC” zone and the local environment had to be considered in assessing the SH application. The wider issue on providing land to cater for SH demand would be dealt with separately.

39. After further 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 “Government, Institution or Community” (“G/IC”) zone which was intended primarily for the provision of government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It was also intended to provide land for uses directly related to or in support of the work of the government, organizations providing social services to meet community needs, and other institutional establishments. Approving the application would jeopardize the development potential of the “G/IC” zone;
- (b) the application site, which fell within an area designated “Local Open Space” (“LO”) in the adopted Fanling / Sheung Shui Area 36 – Layout Plan No. L/FSS 36/1 was to serve the local or wider community in the long term. Approving the application would frustrate the planning intention of the “LO” zone;
- (c) the application did not comply with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” in that the proposed New Territories Exempted House (Small House) would frustrate the planning intention of the “G/IC” zone and have adverse landscape impacts on the surrounding area; and
- (d) approval of the application would set an undesirable precedent for other similar applications within the “G/IC” zone. The cumulative impact of approving such similar applications would lead to further intrusion of Small

House developments into the area and affect the realization of the planning intention of the “G/IC” zone.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/299 Proposed Temporary Public Vehicle Park (Excluding Container Vehicles) for a Period 5 Years in “Green Belt” and “Road” zones, Government Land near the junction of Kwu Tung Road and Kwu Tung South Road in D.D. 95 and D.D. 98, Kwu Tung South, Sheung Shui (RNTPC Paper No. A/NE-KTS/299A)

40. The Secretary reported that the application was submitted by the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD). Mr. Simon Yu, Assistant Director/New Territories, Lands Department, had declared an interest in this item and the Committee noted that Mr. Yu had left the meeting temporarily.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park (excluding container vehicles) for a period 5 years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. The site was situated on “Green Belt” (“GB”) zone that formed a buffer to the road adjoining the site. Three existing mature trees of common species, five banana trees and wild grasses were found within the site. Three numbers of existing trees might be felled due to the

proposed use and there was no compensatory tree planting to the site. In addition, approval of the proposed application would encourage development onto the “GB” zone. The landscape quality of the area would deteriorate and intactness of the “GB” zone would be undermined;

- (d) five public comments were received during the statutory publication period. A NDC member and two members of the public supported the application as the proposed public vehicle park would benefit the local residents, boost up the commercial opportunities, alleviate the traffic flow, reduce flume emission, improve the general environment and bring about harmony to the community. 31 villagers of Kwu Tung Village raised strong objection to the application for the reasons that the existing road was narrow and used by many pedestrians with traffic accidents occurred in the past. The proposed vehicle park in front of their houses would cause noise nuisance, pollution and adverse ecological impact on the surrounding areas and affect safety of local villagers. Designing Hong Kong Ltd. also objected to the application as the proposed public vehicle park was a blight on the environment and not in line with the planning intention of the “GB” zone. the District Officer (North), Home Affairs Department (DO(N)) advised that in comparing the alternatives sites in the surrounding areas identified by the applicant, this application site was regarded as more suitable and acceptable for a temporary public vehicle park. His office had received strong requests in having a public vehicle park in that area from village representatives of Kwu Tung and the operator, New Territories Sheung Shui Kwu Tung Market Shopping Centre Association over the past 10 years. The concerned NDC Member, Residents’ Representative of Kwu Tung (South and North) supported the application as the proposed public vehicle park would facilitate the local residents’ shopping, and Kwu Tung Shopping Centre Market lack parking facilities to cater for the future development and population growth in the area. Some villagers of Kwu Tung Village raised strong objection for the same reasons as mentioned by the 31 villagers above. The Chairman of Sheung Shui District Rural Committee and Management Office of Europa Garden had no comment; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of five years based on the assessments given in paragraph 11 of the paper. The proposed use was initiated in response to the request by the stall operators of Kwu Tung Market Shopping Centre due to the lack of parking spaces in the vicinity. The application site for the proposed use was identified by the New Territories Sheung Shui Kwu Tung Market Shopping Centre Association to be a suitable location. Taking into account the fact that the application site was at a peripheral location within the larger “GB” zone away from the natural hillslope of Ki Lun Shan; the site was not covered with mature trees and natural vegetation; and it abutted Kwu Tung Road in the north and Kwu Tung South Road in the east; it was considered that the proposed temporary public vehicle park use was acceptable. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the subject “GB” zone. The application was generally in line with the TPB Guidelines for Application for Development within “Green Belt” zone (TPB PG-10) in that the proposed development was acceptable as it could serve the parking demand of local residents, would not involve extensive clearance of existing natural vegetation and would not have adverse traffic, drainage and sewerage impacts on the surrounding areas. On landscape aspect, the applicant had clarified that there would be a tenancy condition in the STT to specify that no tree growing on the application site should be removed or interfered with without the prior written consent of the District Lands Officer. To address CTP/UD&L's concern, relevant approval conditions on tree preservation and landscape proposals were recommended. Regarding the public comments, concerned government departments had no adverse comment on the application. Besides, the applicant had proposed to exclude the parking of heavy vehicles in the application. Relevant approval conditions to restrict the operation hour, parking of medium and heavy vehicles, and provision of a 2.5m high solid wall to minimize the noise nuisance were suggested.

42. Noting that the applicant was DLO/YL, LandsD, a Member asked whether the

subject development would be run by private operator. Ms. Doris Ting replied that should planning approval be obtained, the applicant would tender the operation of the public vehicle park to private operator under short term tenancy.

43. Mr. Ambrose Cheong clarified that Kwu Tung South Road was not managed by Transport Department.

Deliberation Session

44. A Member supported LandsD's initiative to apply to the Board for the public vehicle park to meet the needs of the local people. That Member considered that the application should be supported.

45. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 14.1.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. to 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) the provision of a 2.5m high solid wall at the southern and western boundary within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.10.2011;
- (d) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.7.2011;
- (e) in relation to (d) above, the implementation of drainage proposals within

9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.10.2011;

- (f) the submission of water supplies 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 14.7.2011;
- (g) in relation to (f) above, the provision of water supplies for firefighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.10.2011;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.7.2011;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.10.2011;
- (j) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (c), (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize the potential environmental impacts on the adjacent area;
- (b) to note the comments of Director of Fire Services that the applicant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to Fire Services Department for approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission, the applicant should also be advised of the following points :
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSI to be installed and the access for emergency vehicles should be clearly indicated on the layout plans;
- (c) to note the comments of Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping gathering ground; and
- (d) to liaise with the local residents to address their concerns on the proposed development.

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/303 Proposed Temporary Warehouse and Workshop with Ancillary Facilities (Office and Quarters) for a Period of 3 Years in “Green Belt” zone, Lots 1639 S.D ss.1, 1639 S.D ss.2 and 1639 S.E in D.D. 100, Ying Pun, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/303A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse and workshop with ancillary facilities (office and quarters) for a period of 3 years;
- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the application. The proposed vehicular access to the application site was narrow and substandard, it was undesirable even using medium goods vehicles from traffic viewpoint. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the proposed development from a nature conservation point of view. The application site fell within an area zoned “GB” on the approved Kwu Tung South OZP where there was a general presumption against development. Although part of the site concerned was currently hard paved, the site was largely vegetated and was located adjacent to a watercourse. Even though the applicant claimed that felling/damage of trees was not required under the proposed development, extensive vegetation clearance was anticipated should the application be approved. Moreover, information was not provided in the application to demonstrate if the proposed development might have potential impacts on the watercourse (during both the

construction and operational phase, particularly in terms of surface runoff) and the associated fauna species therein. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site and environmental nuisance was expected. However, there was no environmental complaint received in the past 3 years. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD & L, PlanD) objected to the application. The application site was situated in a dense vegetated area with 11 number mature trees of common species. Open storage/warehouse were located at the further east and west of the site. The 8 numbers of mature trees along the southern boundary would be affected by the proposed fencing wall. As the 3 numbers of mature trees in the middle of the site were large in size, transplanting of these trees were not recommended. The proposed development was incompatible with the adjacent environment. The existing trees together with the dense vegetation would be removed due to the proposed development. Significant changes and disturbances to the existing landscape resources from the proposed development were anticipated. In addition, the site was located in “GB” zone, approval of the proposed development would further nibble the natural buffer by extending the open storage and encroach onto the “Green Belt” zone. The landscape quality of the area would deteriorate and intactness of the “Green Belt” zone would be undermined;

- (d) nine public comments from a North District Council (NDC) member, villagers of Ying Pun Village (with 76 signatures) and Ying Pun Chuk Chai Hang Village (with 84 signatures), and a member of the public were received during the statutory publication period. Except a member of the public who expressed ‘no comment’, all other commenters raised objections or had concerns on the application on traffic, road safety and environmental issues. The villagers considered that the village road in Ying Pun area was narrow and not suitable for lorries/heavy vehicles. The application site was too close to the village dwellings. The increase of vehicles in/out the villages would have conflicts with senior villagers, children and villagers who frequently rode bicycles. The heavy vehicles

would have adverse impacts on the environment and surrounding road networks, in particular on Fan Kam Road, and generate noise nuisance to the villagers. Besides, some villagers opined that the proposed uses would be changed to columbarium use and the villagers had concerns on fire safety, air pollution, noise nuisance and ‘fung shui’ aspects. A villager also considered that the applicant might convert the proposed structures into domestic use which would affect the environment, traffic and public order of the area. District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Chairman of Sheung Shui District Rural Committee had no comment while the concerned NDC member and Residents’ Representative of Ying Pun raised objections to the application mainly on traffic and road safety grounds.; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application was considered not in line with the planning intention of the “GB” zone in Kwu Tung South area 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. The submission was not justifiable for a departure from the planning intention, even on a temporary basis. The uses under application were not compatible with the surrounding areas which was rural in character with existing natural landscape intermixed with domestic dwellings. The applicant failed to demonstrate that the proposed development would not have adverse environmental, landscape and drainage impacts on the surrounding areas. According to the TPB PG-No.10 for Application for Development within “GB” Zone, new developments would only be considered under exceptional circumstances and had to be justified with very strong planning grounds. The proposed development did not comply with the TPB PG-No.10 in that there were no exceptional circumstances to justify the proposed use within “GB” zone and the development which involved clearance of existing vegetation would affect the existing natural landscape of the surrounding environment. There was no previous or similar application within “GB” zone of the area

which was previously approved by the Committee. Approval of the application would create undesirable precedent, the cumulative impact of approving such application would result in general degradation of the environment.

48. Members had no question on the application.

Deliberation Session

49. 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 proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone for the area 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. The submission was not justifiable for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not compatible with the surrounding areas which was rural in character with existing natural landscape intermixed with domestic dwellings;
- (c) the applicant failed to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts to the surrounding areas;
- (d) the proposed development was not in line with the Town Planning Board guidelines for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that there was no exceptional circumstances and no strong planning grounds to justify the proposed development and the proposed development would affect the

existing natural landscape of the surrounding environment; and

- (e) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative impact of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/432 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone, Lot 1531 S.A in D.D. 76, Kan Tau Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/432)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the District Lands Officer/North (DLO/N) did not support the application as the proposed house site fell entirely outside the village ‘environs’ (“VE”). The Director of Agriculture, Fisheries and Conservation did not support the application as agriculture life in the vicinity of the site was active and the site was of high potential for rehabilitation of agricultural activities. Commissioner for Transport had reservation on the proposed development as NTEH development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant,

such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse impact could be substantial. Notwithstanding the above, the application only involved construction of one Small House. It was considered that the application could be tolerated unless it was rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the proposed development from the landscape perspective. Although significant disturbance to the existing landscape resources arising from the proposed development was not anticipated, approval of the proposed Small House application would set an undesirable precedent and encourage extension of village houses onto the “Agriculture” zone. The rural landscape character of the area would further deteriorate;

- (d) one public comment stating no comment was received during the statutory publication period. The District Officer/North, Home Affairs Department (DO/N, HAD) advised that the Chairman of Fanling District Rural Committee (FDRC) and Indigenous Inhabitants Representative (IIR) of Kan Tau Tsuen had no comment on the application but with additional views that the proposed NTEH which would occupy the existing Kan Tau Road would affect the vehicular access. Moreover, good drainage systems and village road with lighting should be provided; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The application did not comply with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” as the entire footprint of the proposed Small House fell outside the ‘VE’ of Kan Tau Tsuen and would partially block an existing road, and there were no exceptional circumstance which warranted a sympathetic consideration of the application. Moreover, DLO/N did not support the application as the application site fell outside the ‘VE’ of the recognised village. The application was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was primarily for retaining and safeguarding good

quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Approval of the application which did not comply with Interim Criteria would set an undesirable precedent for similar applications, the cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

51. Members had no question on the application.

Deliberation Session

52. 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 application was not in line with the planning intention of “Agriculture” (“AGR”) zone which was primarily for retaining and safeguarding good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
- (b) the application did not comply with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” (Interim Criteria) as the footprint of the proposed Small House fell entirely outside the village ‘environs’ of the Kan Tau Tsuen and would partially block an existing road; and
- (c) approval of the application which did not comply with the Interim Criteria for assessing NTEH/Small House might set an undesirable precedent for other similar applications in the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/434 Proposed Eight Houses
(New Territories Exempted Houses – Small Houses)
in “Agriculture” zone,
Lots 1846 S.A ss.11, 1846 S.A ss.12, 1846 S.A ss.13, 1846 S.F,
1846 S.G (Part), 1846 S.H, 1850 S.C, 1850 S.D, 1850 S.E, 1850 S.F,
1850 S.H, 1850 S.I, 1850 S.K, 1850 S.L, 1850 S.M, 1850 S.N,
1850 RP (Part), 1851 S.E, 1851 S.F and 1851 RP in D.D. 76 and
Adjoining Government Land, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/434)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed eight houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural activities in the vicinity of the application sites were active and its potential for agricultural rehabilitation was high. The Commissioner for Transport (C for T) had reservation on the application and advised that the Small House developments should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed developments was not expected to be significant, such developments outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting

cumulative adverse traffic impact could be substantial. The application only involved construction of eight Small Houses. It was considered that the application could be tolerated unless it was rejected on other grounds;

- (d) two public comments were received during the statutory publication period, one of which was from a general public stating “no comment”. The other public comment was submitted by Designing Hong Kong Limited objecting to the application on the ground that the application sites was zoned “Agriculture” (“AGR”) and the zoning intention and character of the area was incompatible with urban sprawl; the layout of existing and proposed infrastructure and development was haphazard and it was incompatible with the current and proposed land uses; failure to provide a sustainable layout before approval would deteriorate the living environment in the village, impact the well being of residents and create health and social problems and future costs to the society; and approval of the application would lead to a general degradation of the area; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The application generally met the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” in that all the footprints of the proposed 8 Small Houses fell entirely within the village ‘environs’ (‘VE’) of Kan Tau Tsuen and there was insufficient land within the “Village Type Development” (“V”) zone of Kan Tau Tsuen to meet the Small House demand. Hence, sympathetic consideration could be given to the application. The proposed development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application. However, the application sites was located to the immediate north of the “V” zone of Kan Tau Tsuen and the entire footprints of the proposed eight Small Houses fell within the ‘VE’ of the same village. Besides, the proposed Small House developments were not incompatible with other existing and proposed village houses in the vicinity. In addition, similar applications for Small House development within the same “AGR” zone in the vicinity of the application site had also been

approved with conditions by the Committee. Moreover, the proposed Small House developments would not have significant adverse impacts on the environment. On the CTP/UD&L's comments, it could be addressed by imposing approval conditions requesting the applicants to submit and implement tree preservation and landscape proposals. Regarding the public comments, the proposed Small House developments were not incompatible with the village houses in the neighbourhood and would not cause significant adverse traffic, environmental, landscape and drainage impacts on the surrounding area.

54. Members had no question on the application.

Deliberation Session

55. 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 14.1.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of Drainage Impact Assessment and implementation of flood mitigation measures and stormwater drainage facilities identified therein 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 tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of Chief Engineer/Mainland North, Drainage Services Department as follows:
 - (i) the application site was situated at flood prone areas. The applicants should demonstrate clearly that the proposed development would not cause any increase in the flooding susceptibility of the adjacent areas; and
 - (ii) the site was in an area where no public sewerage connection was available. Environmental Protection Department (EPD) should be consulted regarding the sewage treatment / disposal facilities for the proposed development;
- (b) to note the comments of Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (ii) the application site was within the flood pumping gathering ground;
- (c) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that two existing trees within the site might be affected by the proposed Small Houses. As one of the affected trees, *Leucaena leucocephala* (銀合歡), was a weed tree, it should be removed and replaced by other tree species. The other affected tree, *Ficus microcarpa* (細葉榕), should be preserved on site;
- (d) to note the comments of Director of Fire Services that detailed fire safety

requirements would be formulated upon receipt of formal application referred by Lands Department; and

- (e) 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 applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/63 Temporary Open Storage of New and Scrap Stainless Steel
for a Period of 3 Years in “Agriculture” zone,
Lots 758 S.B RP (Part) and 767 S.B (Part) in D.D. 46 and
Adjoining Government Land, Sha Tau Kok Road, Fanling
(RNTPC Paper No. A/NE-MUP/63)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of new and scrap stainless steel for a period of 3 years;
- (c) departmental comments –the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site and environmental nuisance to the local residents was envisaged. However, there was no environmental complaint

regarding the application site in the past 3 years. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. Active agricultural activities were also noted in the vicinity of the site;

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

- (d) two public comments were received during the statutory publication period. One comment was from a general public indicating no comment on the application. The other comment from Designing Hong Kong Limited objected to the application on grounds that the use under application would cause environmental blight on land zoned “Agriculture” and was not in line with the planning intention of the area. Approval of the application would set an undesirable precedent for other similar applications. The District Officer/North, Home Affairs Department (DO/N, HAD) advised that the Village Representative (VR) of Man Uk Pin raised objection to the application while another VR of Man Uk Pin, the Chairman of the Sha Tau Kok District Rural Committee and the concerned North District Council member did not express any comment during the consultation period. The grounds of objection were that the subject lots were agricultural land and the change of uses would have a long-term impact on the village environment. Moreover, large vehicles travelling to/from the application site might affect safety of many of the villagers who were elderly and young children, and there had been an incident that a large container vehicle blocking the traffic for 3 hours causing inconvenience to local villagers; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Agriculture” zone for the area which was primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning

justification in the submission for a departure from the planning intention, even on a temporary basis. The site fell within Category 3 areas under the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E). The application did not comply with the TPB PG-No. 13E in that there was no previous planning approval for similar open storage use granted to the application site and there were adverse departmental comments on the application. The development under application was considered not compatible with the rural character of the surrounding areas which were predominantly village houses, plant nurseries and fallow agricultural land. Three previous applications (No. A/NE-MUP/11, 36 and 44) for the same use were rejected and two appeals against the Board’s rejection of Applications No. A/NE-MUP/11 and 44 were also dismissed. There had been no material change in planning circumstances since the rejection of the previous applications which warranted a departure from the Committee’s previous decisions. In this regard, approval of the application would set an undesirable precedent for similar applications within “AGR” zone, the cumulative impact of approving similar applications would result in a general degradation of the environment in the area.

Deliberation Session

58. While agreeing to the recommendation in the Paper, a Member noted that the site had been used for open storage for more than 10 years since the first application in 1996 and asked whether the enforcement action taken against unauthorized development was effective. Ms. Doris Ting replied that the previous applications had been rejected many times and it was currently subject to planning enforcement action. Enforcement Notice (EN) was served to the concerned parties requiring them to discontinue the unauthorized use in the application site. Prosecution action had been instigated against the concerned parties and court proceeding was in progress. The Secretary explained that the site had a long history as there had been a dispute on whether the open storage use was an existing use. Before the Town Planning (Amendment) Ordinance was enacted, enforcement action could not be undertaken if the owner applied for planning permission and hence the unauthorised development could had continued to exist on the site despite that planning applications were rejected. The

Town Planning (Amendment) Ordinance was enacted in 2005, the planning Authority could take enforcement action against unauthorised development even though a planning application was submitted.

59. 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 development under application was not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which was primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous planning approval had been granted to the application site and the applicant had failed to demonstrate that the development under application would have no adverse environmental impact on the surrounding areas;
- (c) the development under application was not compatible with land uses of the surrounding areas which were largely rural and agricultural in character; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone, the cumulative impact of approving similar applications would result in a general degradation of the environment in the area.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/425 Proposed Five Houses (New Territories Exempted Houses – Small Houses) with Excavation of Land for Laying of Private Sewerage Pipes in “Green Belt” and “Village Type Development” zones, Lots 706 S.A, 706 S.C, 706 RP, 707 S.D, 707 RP (Part), 708 S.B, 708 S.C, 708 RP in D.D. 9 and Adjoining Government Land, Yuen Leng Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/425)

60. The Secretary reported that a letter from the applicant was received in the morning of 14.1.2011 requesting for a deferment of the consideration of the application for one month to allow time for him to prepare additional information to supplement the application.

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 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/337 Renewal of Planning Approval for Temporary “Private Garden Ancillary to New Territories Exempted House” for a Period of 3 Years in “Village Type Development” and “Green Belt” zones, Government Land Adjoining Lot 595 S.A in D.D. 14, Tung Tsz, Tai Po
(RNTPC Paper No. A/NE-TK/337)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “private garden ancillary to New Territories Exempted House” for a period of 3 years;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) one public comment jointly submitted by nine indigenous villagers of Tung Tsz was received against the application during the statutory publication period. The commenters raised concern on that the use of land for private gardens had taken up much land. It would affect the future use of the land for Small House development as the developable area within the village was diminishing; and
- (e) the Planning Department (PlanD)’s views –PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The encroachment of the private garden onto the “Green Belt” (“GB”) zone without justification was not in line with the planning intention of “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 for the general public. There was a general presumption against development within this zone. The subject private garden of about 184m² was on government land. Even without the “GB” portion of 27.5m², the garden was already more than twice the size of the footprint of a NTEH of about 65.03m². No strong justification had been given by the applicant to merit sympathetic consideration of the private garden encroaching onto the “GB” zone. As

there were other NTEHs having similar circumstances adjacent to “GB” zone, it would be difficult to support the application from planning point of view as this would undermine the planning intention of the “GB” zone.

63. A Member enquired the proportion of the subject site within the “GB” zone and asked if PlanD would agree to the application when the portion within the “GB” zone was excised from the application site. Mr. W. K. Hui replied that about 15% of the application site fell within the “GB” zone and, as a matter of principle, the encroachment of the private garden onto the “GB” zone without strong justification was not supported. If the “GB” portion was excised from the application site, planning application would not be required.

Deliberation Session

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

64. A Member said that the application should not be approved especially when there was insufficient land for Small House development within the “Village Type Development” (“V”) zone.

65. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reason was :

- the development was not in line with the planning intention of “Green Belt” 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. The applicant failed to provide strong planning justifications in the submission for a departure from this planning intention even on a temporary basis.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/338 Temporary Private Garden and Parking Area Ancillary to New Territories Exempted House for a Period of 3 Years in “Green Belt” zone, Government Land Adjoining Lots 592 and 595 in D.D. 28, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/338)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary private garden and parking area ancillary to New Territories Exempted House for a period of 3 years;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) one public comment from the Designing Hong Kong Limited was received during the statutory publication period objecting to the application as the site was zoned “Green Belt” and the use did not match with its planning intention; and
- (e) the Planning Department (PlanD)’s views –PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The site was government land and fell within the “GB” zone. The use of the site as a private garden and parking area ancillary to house development was not in line with the planning intention of “GB” zone. There was a general presumption against development within this zone. The applicant failed to provide strong planning justifications in the submission for a

departure from the planning intention even on a temporary basis. The site area for the subject private garden (100m²) was larger than the footprint of a NTEH of about 65.03m². The site for the subject NTEH, which was the subject of a previous planning application approved by the Committee, had already included an open area of 85m² which could be used as a private garden. There was no exceptional circumstance or strong justification that merited sympathetic consideration of the application for using additional land within the “GB” zone for private garden and parking area for the same NTEH. As there were other NTEHs having similar circumstances adjacent to “GB” zone, the approval of the application would set an undesirable precedent for other similar applications and the cumulative impacts of approving such applications would undermine the planning intention of the “GB” zone.

67. Members had no question on the application.

Deliberation Session

68. The Chairman said that though the application should not be supported, the subject “V” zone might need to be reviewed as there were quite a number of Small House developments outside the “V” zone as shown in Plan A-2. Noting that the site and its surrounding was not covered with green vegetation despite the “GB” zoning, a Member asked what criteria should be adopted to assess the application. The Secretary said that under “GB” zoning, there was a general presumption against development. However, for SH application, a set of “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories”(the Interim Criteria) was introduced in which sympathetic consideration could be given when there was insufficient land within “V” zone for SH development and the development would not create adverse impact on the surrounding. The subject application was not for SH development, but use of government land for private garden ancillary to a SH. The subject Small House, which was the subject of a previous planning application had already included an open area of 85m² which can be used as a private garden. There was no exceptional circumstance or strong justification that merited sympathetic consideration of the application for using additional land within the “GB” zone for private garden and parking area for the same SH.

69. In response to a Member's query on the lot and zoning boundary of the application site, the Secretary said that Plan A-2 had indicated that the boundary of the application site which was government land and the zoning of the site. Another Member asked why there were quite a number of Small Houses within the "GB" zone while there was a general presumption against development. The Secretary explained that though there was a general presumption against development in "GB" zone, in the New Territories where SH policy applied, the Interim Criteria was introduced as a response to the demand for SH development. While an overall review of "V" zones would only be undertaken after the Small House Policy review, review of individual "V" zone could be undertaken when it was requested by the Committee/Board.

70. 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 development was not in line with the planning intention of "Green Belt" 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. The applicant failed to provide strong planning justifications in the submission for a departure from this planning intention even on a temporary basis; and
- (b) 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 urban sprawl and a general degradation of the natural environment.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/479 Proposed House (New Territories Exempted House – Small House) in
“Village Type Development” and “Green Belt” zones,
Lot 839 SB ss1 RP in D.D. 26 and Adjoining Government Land in
Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/479)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The proposed Small House development met the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” s in that more than 50% of the proposed Small House footprint (58%) fell within the “Village Type Development” (“V”) zone and entirely within the village ‘environs’ (‘VE’) of Wong Yue Tan Village and there was a shortage of land in meeting the demand for Small House development in the “V” zone of Wong Yue Tan Village. Although the

proposed Small House development was not in line with the planning intention of the “GB” zoning, the Small House development was generally compatible with the surrounding environment which was predominantly rural in character occupied by village houses. Concerned government departments had no adverse comment / no objection to the application. A similar application No. A/TP/442 in the same “Green Belt” was approved by the Committee in January 2010. The current application could warrant the same consideration of the approved similar application for Small House development within the same “GB” zone.

Deliberation Session

72. Mr. Ambrose Cheong said that an advisory clause to reflect Commissioner for Transport’s comments as stated in paragraph 2(a) of Appendix V of the Paper should be included. The Committee agreed to include the advisory clause.

73. 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 14.1.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of District Lands Officer/Tai Po that if and after planning approval had been given by the Board, his office would process the Small House application. If the Small House application was approved by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion, such approval would be subject to the terms and conditions as imposed by LandsD;
- (b) to note the comments of Director of Drainage Services that there was no public drain maintained by DSD in the vicinity of the site. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (c) there was no existing public sewerage in the vicinity of the site. Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the subject development;
- (d) to note the comments of Director of Water Supplies 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;
- (e) the water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (f) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application

referred by LandsD;

- (g) to note the comments of Director of Highways Department that the access lying to the east of the subject site was not maintained by Highways Department;
- (h) to note the comments of Commissioner for Transport that the existing village access was not under Transport Department's jurisdiction. The land status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly; and
- (i) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
 - (i) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (ii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[The Chairman thanked Mr. W.K. Hui, DPO/STN and Ms. Doris S.Y. Ting STPs/STN, for their

attendance to answer Members' enquires. Mr. Hui and Ms. Ting left the meeting at this point.]

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

Tuen Mun and Yuen Long District

Agenda Item 20

Section 16 Application

[Open Meeting]

A/TM/403 Proposed Conversion of All Industrial Floor Spaces to 'Shop and Services' Use in "Industrial" zone, G/F (Part), 1/F (Part), 9/F to 12/F and 15/F to 16/F Parklane Centre, 25 Kin Wing Street, Tuen Mun
(RNTPC Paper No. A/TM/403)

75. The Committee noted that the applicant requested on 21.12.2010 for a deferment of the consideration of the application for two months in order to allow sufficient time to address the departmental comments on the application.

76. 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 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/409 Shop and Services (Fast Food Shop) in “Industrial” zone, Unit 2B, G/F,
Kwong Kin Trade Centre, No. 5 Kin Fat Street, Tuen Mun
(RNTPC Paper No. A/TM/409)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (fast food shop);
- (c) departmental comments – no objection from concerned government departments was received;
- (d) one comment was received expressing no comment on the application during the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The current application generally complied with the Town Planning Board Guidelines on Use/Development within “Industrial” Zone (TPB PG-No. 25D) in that the proposed fast food shop could serve the workers in the locality and was unlikely to generate any adverse impacts. The applied use was small in scale and was considered not incompatible with the surrounding shop and services use. It was also expected that it would not have significant adverse impact on the traffic conditions in the local road network. Relevant government departments consulted had no adverse comments on

the application. Although the applicant had applied for a permanent use, in order not to jeopardize the planning intention of industrial use for the subject premises, the approval on a temporary basis of 3 years would be more appropriate. The approval period was also in line with the recent approval of similar applications in the same “Industrial” zone. Approval of the subject application on a temporary basis of 3 years was therefore consistent with the Committee’s previous decisions.

78. Members had no question on the application.

Deliberation Session

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.1.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2011; and
- (b) if the above planning condition 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;

- (c) to note the comments of District Lands Officer/Tuen Mun that the applicant should apply for lease modification or temporary waiver for the proposed uses. The lease modification or temporary waiver, if approved, would be subject to such terms and conditions including the payment of administrative fee, premium and waiver fee;
- (d) to note the comments of Director of Fire Services that the proposed fast food shop should only be licensed and operated as “food factory”, “factory canteen” or “composite food shop”. A fast food shop licensed and operated as a ‘general restaurant’ or ‘light refreshment restaurant’ would not be accepted;
- (e) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that all activities of the concerned shop at ground should be confined within the shop area such that they would not cause any undue disturbance to pedestrians and/ or maintenance works that might be carried out from time to time by his Department in the adjoining footpath; and
- (f) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the opening between the application area and the adjoining lorry spaces of the loading/unloading platform should be protected by a lobby with doors having fire resisting period of not less than one hour. The premises should comply with barrier free access provision in accordance with Building (Planning) Regulations 72. The door opening at the rear of food preparation room should not be regarded as proper means of escape exit as it led to the car park and loading/unloading area.

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/174 Proposed House in “Village Type Development” zone,
Lots 1371 S.C ss.1, 1371 RP and 1372 S.D to S.H in D.D. 120, Ma
Tong Road, Yuen Long
(RNTPC Paper No. A/YL/174)

Presentation and Question Sessions

81. 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 house;
- (c) departmental comments –no objection from concerned government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. It was the practice of the Board to take into account building entitlement under the lease in considering planning application for house development. According to the Building Licence covering the lot, a building with built-over area not exceeding 2,896 sq. ft. (equivalent to about 269m²) was allowed. The current proposal under application with a built-over area of 269.038m² was in line with the Building Licence. Besides, the proposed building height of 3 storeys and 8.23m was in line with the building height restriction under the “Village Type Development” (“V”) zone. Compared

with the approved scheme under application No. A/YL/157 (approved in 2007), the major differences rested on the change from 3 units to 2 units with the corresponding revision in the internal floor layout. The minor increase in building height from 8.1m to 8.23m (+0.13m) was not noticeable and was in line with the building height restriction of 3 storeys (8.23m) under the “V” zone. Besides, the proposed development was not incompatible with the surrounding village type developments. There were no objection received from concerned departments on the proposed development.

82. Members had no question on the application.

Deliberation Session

83. 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 14.1.2015, 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 design and provision of vehicular access arrangement, vehicular manoeuvring space and parking arrangement to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the provision of emergency vehicular access (EVA), water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission and implementation of landscape proposals including a tree preservation scheme to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department that the proposed vehicular access as indicated in the submission was not guaranteed as portion of the access road encroached onto other private land and government land. Besides, he reserved his detailed comments on the redevelopment proposal and building design at the building plans submission stage;
- (b) to note the comments of Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. Besides, the management and maintenance responsibilities of the same road/path/track should be clarified. The proposed car parking and loading/unloading provisions should comply with the relevant requirement of Hong Kong Planning Standards and Guidelines and the design should comply with PNAP236;
- (c) to note the comments of 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 Ma Tong Road;
- (d) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the development intensity should be within the First Schedule of the Building (Planning) Regulations (B(P)R). If the site did not abut a specified street of width not less than 4.5m, the development intensity was subject to B(P)R 19(3). It appeared that the proposed access was available via a vehicular access from Ma Tong Road. It should be ensured that access to site was available as required under B(P)R 5. Attention should be drawn on the provision of EVA under B(P)R 41D. Prior approval and consent from the Building Authority were required for any alteration and addition works in buildings under the Buildings Ordinance (BO), unless otherwise exempted. Any building works without

prior approval and consent from the Building Authority was subject to enforcement action under section 24 of the BO. Detailed checking would be carried out at building plan submission stage; and

- (e) to note the comments of Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the site was located within Scheduled Area No. 2 and might be underlain by cavernous marble. Extensive geotechnical investigation would be required for any development on site. Such investigations might reveal the need for a high level of involvement of an experienced geotechnical engineer, both in design and in the supervision of geotechnical aspects of the works required to be carried out on the site. Also, any private development proposals were required to be submitted to the Building Authority for approval.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/175 Proposed House (New Territories Exempted House – Small House) in
“Village Type Development” and “Green Belt” zones, Government
Land in D.D. 115, Tung Tau Tsuen, Yuen Long
(RNTPC Paper No. A/YL/175)

Presentation and Question Sessions

85. 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 house (New Territories Exempted House – Small House);
- (c) departmental comments – no objection from concerned government departments was received;

- (d) two public comments from indigenous villagers of Tung Tau Tsuen were received during the statutory publication period. Both objected to the application mainly on the grounds that no emergency vehicular access (EVA), pedestrian access/alley and drain was reserved or provided, the proposed Small House development would affect the fungshui since it was located near the Tsz Tong and there were previous Small House applications at the site rejected by District Lands Officer/Yuen Long (DLO/YL) owing to the sloping ground; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The proposed Small House development was considered generally in line with the Town Planning Board Guidelines No. 10 for “Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance” and the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” in that more than 50% of the proposed NTEH footprint fell within the “Village Type Development” (“V”) zone and the site was inside the boundary of 300 feet from the edge of the last village type house of Tung Tau Tsuen built before the implementation of the Small House Policy on 1.12.1972 according to DLO/YL. Moreover, there was a shortage of land in meeting the demand for Small House development in the subject “V” zone. The footprint of the proposed Small House development in the current application was basically the same as that under the previous application No. A/YL/140 approved by the Committee on 16.6.2006. Concerned government departments had no objection to/adverse comments on the application. Regarding the public comments, the site was located within 30m from a road at its north which was accepted by Director of Fire Services as emergency vehicular access purpose; Director of Drainage Services had no objection to the Small House application from drainage perspective; there were standard provisions to request the applicant to comply with the drainage requirement in processing Small House application under the Small House Policy; there was no guarantee of access in Small House

grant.

86. A Member noted that the site was the subject of two previous planning approvals and asked whether it was true that previous Small House applications at the site were rejected by DLO/YL, as mentioned by the public commenters. Ms. Lam replied that the site was the subject of two previous applications approved by the Committee on 19.9.2003 and 16.6.2006 respectively. According to DLO/YL, he had not received any Small House application for the site.

Deliberation Session

87. A Member agreed to approve the application as it had been approved by the Committee previously. The Chairman added that the current application complied with the Interim Criteria.

88. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 14.1.2015, 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 emergency vehicular access (EVA), fire hydrant and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the development should not obstruct overland flow nor adversely affect existing natural streams, village drains, ditches, the adjacent areas, etc.;
- (b) to note the comments of Commissioner for Transport that the land status of the road leading to the site should be checked with the lands authority.

The management responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly;

- (c) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement;
- (d) to note the comments of Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to submit the site formation plans to the Buildings Department for approval as required under the provisions of the Buildings Ordinance, unless he wish to apply for a certificate of exemption for site formation works from the Director of Lands. The Applicant should also refer to Paragraph 1(a) of the District Lands Officer/Yuen Long's letter ref. (104) in DLOYL 288/YPT/69, dated 11 May 2007 (i.e. the applicant should be required to appoint an Authorized Person/Registered Structural Engineer/Registered Professional Engineer to submit a site investigation report on the effect of the proposed development on the adjacent slope to his satisfaction). The applicant was also reminded that, because the site fell within Scheduled Area No. 2, marbles cavities might be present underneath the site;
- (e) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that there was a large Litchi chinensis adjacent to the site. The construction of the house should not impose damage to the existing tree (especially the root system) on site; and
- (f) to note the comments of Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practice and follow proper tree pruning practice in order to avoid affecting the health condition of the nearby trees during the construction works.

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/690 Temporary Open Storage of Containers, Plastic, Construction Materials, Scrap Metal, Scrap Plastic, Used Paper Products with Ancillary Logistics Yard and Container Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 31 RP (Part) and 32 RP in D.D. 128, Lots No. 2433 (Part), 2436 (Part), 2437 (Part), 2438 S.A RP (Part), 2438 S.B (Part), 2447 (Part), 2958 (Part), 2959 (Part), 2960, 2961 S.A (Part), 2961 RP (Part), 2962 (Part), 2963 (Part), 2964, 2965, 2966, 2967, 2968 S.A, 2968 S.B, 2969, 2970, 2971, 2972, 2973, 2974 (Part), 2975 S.A (Part), 2975 S.B (Part), 2976 (Part), 2977 S.A (Part), 2977 S.B (Part), 2983 RP (Part), 2984, 2985, 2986, 2987, 2988, 2989 RP, 2991 RP (Part), 2992 RP, 2993, 2994, 2995, 2996, 2997, 2998, 2999 (Part), 3000 RP (Part), 3080 (Part), 3081 (Part), 3082 S.A (Part), 3082 S.B, 3083, 3084, 3085, 3086 (Part), 3087 (Part) and 3088 S.B (Part) in D.D. 129 and Adjoining Government Land, Ha Tusen, Yuen Long
(RNTPC Paper No. A/YL-HT/690)

Presentation and Question Sessions

90. Mr. Anthony C.Y. Lee, STP/TMYL, informed the meeting that replacement pages of P.1, 6, 12 and Plans A-2, A-4a to A-4d to update the existing condition on site and its surrounding landuses were tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of containers, plastic, construction materials, scrap metal, scrap plastic, used paper products with ancillary logistics yard and container repair workshop for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest being about 20m away) and the access road (Lau Fau Shan Road and Ping Ha Road) and environmental nuisance was expected. However, one noise pollution complaint against the site was received in 2010.

[Ms. Anita Ma left the meeting at this point.]

- (d) two public comments were received, one of which was subsequently withdrawn on 29.10.2010. The unwithdrawn comment was submitted by a Yuen Long District Council (YLDC) member who objected to the application on the grounds of close proximity of the site to residential dwellings, and the noise nuisance and dust impacts of heavy vehicles and loading/unloading activities on nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The applied use was not incompatible with the surrounding uses. Besides, it was considered that approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “Comprehensive Development Area” zone on the OZP since there was not yet any programme/known intention to implement the zoned use on the OZP. 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 DEP's and the commenter's concerns could be addressed by way of approval conditions, and there was no adverse comment from other concerned government departments. The Committee had approved 3 previous applications since 1999 and there had been no material change in the planning circumstances since the granting of these previous approvals. Approval of the subject application was in line with the Committee's previous decisions.

Regarding the DEP's comments, approval conditions on the restrictions on operation hours and stacking height of containers had been proposed. Furthermore, while computer parts were found on-site, the applicant advised that no electronic waste would be stored at the site and a condition prohibiting the handling of electrical/electronic appliances, computers/computer parts, cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was recommended. On the public comment, approval conditions restricting the operation hours, the stacking height of containers and the types of materials stored on-site had been proposed to address the potential environmental impact.

91. Members had no question on the application.

Deliberation Session

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.1.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 pm to 8:00 am, as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no stacking of containers within 5m of the periphery of the site, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 7 units, as proposed by the applicant, during the planning approval period;
- (e) no handling (including loading, unloading, dismantling and storage) of electrical/electronic appliances, computers/computer parts, cathode-ray

tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site during the planning approval period;

- (f) the submission of a Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.7.2011;
- (g) in relation to (f) above, the implementation of the drainage/flood mitigation measures for the development identified in the Drainage Impact Assessment within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.10.2011;
- (h) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.7.2011;
- (i) in relation to (h) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.10.2011;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 14.7.2011;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 14.10.2011;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) the permission was given to the use/development under application. It did not condone to the open storage of computer parts or any other use/development which might currently exist on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without his prior approval; to apply to him for Short Term Tenancy/Short Term Waiver (STT/STW) to regularize the unauthorized structures (including converted containers) and unauthorized occupation of government land on-site. Should no STT/STW application be received/approved and the irregularities persist on-site, he would consider taking appropriate land control/lease enforcement action against the occupier/registered owner. The site was accessible through an informal track on other private land. He did not provide maintenance works to the

track or guarantee right-of-way;

- (e) to refer to Drainage Services Department's (DSD's) publications – 'Technical Note to prepare Drainage Submission (November 2001)' and 'Advice Note No. 1 – Application of the DIA Process to Private Sector Projects (October 1995)' which were free to be downloaded from DSD's website;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) to note the comments of 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;
- (h) to note the comments of Director of Fire Services on the requirements of formulating fire service installations (FSIs) proposals 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 to him for consideration;
- (i) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department to remove the existing structures on-site that apparently had not obtained approval under the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied

regulations. Actions appropriate under 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. The site office and container repair workshop under application were considered as temporary structures and were subject to control under Building (Planning) Regulation (B(P)R), Part VII. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. The site should be provided with means of obtaining access from a street under B(P)R 5. Provision of emergency vehicular access to all buildings under B(P)R 41D was applicable; and

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/702 Temporary Open Storage of Containers with Ancillary Container Repair Workshop and Handling of Recyclable Materials (Excluding Electronic Waste) for a Period of 3 Years in "Government, Institution or Community" zone, Lots No. 515 RP (Part), 516 (Part), 517 (Part), 518 (Part), 519 (Part), 520 (Part) and 521 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/702)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers with ancillary container repair workshop and handling of recyclable materials (excluding electronic waste) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses along the access roads (Ha Tsuen Road and Tin Ha Road) and environmental nuisance was expected. One waste pollution complaint against the site was received in 2009;
- (d) one public comment from Designing Hong Kong Limited was received during the statutory publication period. The commenter objected to the application as the use of the site for open storage was a blight on the environment, and not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zoning of the area. The commenter opined that the site was not suitable for open storage use, and considered that a condition requiring a quality landscape plan and well-designed perimeter fence to mitigate the blight should be imposed should the application be approved. On 3.12.2010, the applicant’s further information was published for public inspection. Two public comments were received during the publication period. One comment was submitted by ‘Ha Tsuen Concern Group’ objecting to the application mainly on the grounds of traffic, air and waste pollution. The commenter also mentioned about the concept of sustainable development, fire safety in buildings, erroneous water bills, dumping at Ho Sheung Heung etc. Another comment was submitted by Designing Hong Kong Limited which was identical to his previous submission against the application; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The subject site was zoned “G/IC” which was intended primarily for the provision of government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory and the applied use was not in line with such planning intention. There were residential dwellings along the access road (Ha Tsuen Road and Tin Ha Road) and DEP did not support the application as environmental nuisance was expected. It was also noted that electronic wastes were currently being handled on-site and there was a waste pollution complaint against the site in 2009. The application did not meet the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) since the site fell within Category 3 areas and there were adverse comments from DEP. Although the site was the subject of 2 previous approvals for temporary open storage of construction materials and machinery in 1998 and 1999, the Committee/Board had not approved any application for temporary open storage use within the subject “G/IC” zone since the rejection of the last application No. A/YL-HT/200 in 2001. Rejection of the application was in line with the Committee's previous decision. Besides, there were 3 objections from 2 commenters against the application.

95. Members had no question on the application.

Deliberation Session

96. 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 subject “Government, Institution or Community” zone which was partly intended for the expansion of the San Wai Sewage Treatment Works. There was

no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis; and

- (b) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments on the drainage and environmental aspects, and the development would have adverse drainage and environmental impacts on the surrounding areas. No technical assessment had been included in the submission to address such adverse impacts.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/704 Temporary Open Storage of Containers and Recyclable Materials with Ancillary Workshop for a Period of 3 Years in “Open Storage” zone, Lots No. 1231 RP, 1243 RP, 1244 RP (Part), 1245 RP (Part), 1279 (Part), 1280 (Part), 1281 (Part), 1282 (Part), 1285 (Part), 1286, 1287, 1288, 1289, 1290 (Part), 1294 (Part), 1295 RP (Part), 1351 (Part), 1352 (Part), 1353 (Part), 1354 (Part), 1355, 1356 (Part), 1357 (Part), 1358 RP (Part) and 1359 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/704)

Presentation and Question Sessions

97. Mr. Anthony C.Y. Lee, STP/TMYL, informed the meeting that replacement pages of P.1 and P. 14 to rectify a typo were tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of containers and recyclable materials with

ancillary workshop for a period of 3 years;

- (c) departmental comments –the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access roads (Ha Tsuen Road and Tin Ha Road) and environmental nuisance was expected. However, no pollution complaint against the site was received between January 2007 and September 2010. He also advised that recycling or storage of electrical/electronic appliances, if handled inappropriately, might cause soil and ground water contamination to the surrounding areas. In addition, run-off from the site, which contained contaminating materials, would be detrimental to the water quality of the receiving water bodies. If electrical/electronic appliances were recycled in a covered and concrete-paved structure, the storage of electrical/electronic appliances could be tolerated as a matter of principle provided that no dismantling of electrical/electronic appliances was undertaken on the site;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer(Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The site was within the “Open Storage” zone which had already been occupied by a number of warehouses, workshops, logistics centres, and open storage yards and the applied use was therefore not incompatible with the surrounding landuses. 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 the site fell within Category 1 areas under the TPB PG-No. 13E and there was no objection from the locals or adverse comment from concerned government departments except DEP. Regarding DEP’s comments, there had not been any environmental complaint against the site over the past 3 years despite

the fact that the open storage use had been in operation for some time. To mitigate any potential environmental impacts, approval conditions on restrictions on the operation hours, stacking height of materials/containers on-site, and handling of electrical/electronic appliances had been recommended. The Committee had approved 10 previous applications for the same temporary container storage use on the site since 1999. Approval of the subject application was therefore in line with the Committee's previous decisions.

98. By referring to Plan A-4b showing the photos of the workshop for recycling of used electrical appliances, a Member asked whether there would be dismantling of the used electrical or electronic appliances at the site. Mr. Anthony Lee replied that the application was for the temporary open storage of containers and recyclable material and approval conditions (e), (f) and (g) had been imposed to prohibit the processing and dismantling of electrical or electronic appliances.

99. The Chairman said that should the applicant not comply with the approval conditions, the planning permission would be revoked and the open storage use would be subject to enforcement action by the Planning Authority.

Deliberation Session

100. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.1.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the

applicant, during the planning approval period;

- (d) the stacking height of containers stored on the site should not exceed 8 units during the planning approval period;
- (e) no dismantling of electrical/electronic appliances was allowed on the site during the planning approval period;
- (f) no handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site during the planning approval period;
- (g) handling (including loading, unloading and storage) of electrical/electronic appliances on the site, other than those prohibited in (f) above, had to be carried out within concrete-paved covered structures, as proposed by the applicant, during the planning approval period;
- (h) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/638 should be maintained during the planning approval period;
- (i) the submission of a condition record of the existing 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 14.7.2011;
- (j) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.7.2011;
- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.10.2011;
- (l) the submission of a 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 14.7.2011;

- (m) in relation to (l) above, 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 14.10.2011;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before erecting the additional structures on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; to apply to him to permit structures to be erected or regularize any irregularities on-site, and occupation of the government land involved. Such application would be considered by the Lands Department (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

fee, as might be imposed by LandsD;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of 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 Director of Fire Services that 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 fire service installations (FSIs) 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; and
- (g) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; the converted container offices, stores and sheds on-site 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 site was not abutting a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage;

provision of emergency vehicular access was applicable under B(P)R 41D.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/707 Proposed Filling of Pond for Permitted Agricultural Use in
“Agriculture” zone, Lot No. 399 RP (Part) in D.D. 128, Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/707)

Presentation and Question Sessions

102. 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 filling of pond for permitted agricultural use;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from both ecological and fisheries perspectives. Recent site inspection in December 2010 revealed that condition of the subject pond remained similar as it was observed in February 2010, which consisted of some open waters and extensively covered with emergent and floating plants. In addition to their casual record of a Little Grebe in early 2010, some wetland-dependent/associated birds including two individuals of *Common Moorhen* and a *Zitting Cisticola* were also observed at the pond during his recent visit. He noted in Kadoorie Farm & Botanic Garden Corporation’s and World Wildlife Fund (WWF) Hong Kong’s letters dated 14.9.2010 and 18.9.2010 respectively, that some waterbird species had been seen utilizing the subject pond. Taking into account the previous findings from Deep Bay Link EIA study and the above observations on the current condition of

the subject pond as well as its potential linkage with the adjacent wetland habitats, it was likely that the subject pond still provided suitable roosting and foraging habitats for some waterbirds and other wetland-dependent species in the area. The proposed filling of pond would impose potential ecological impact on these species. Besides, the existing fish pond should be preserved for fish culture from fisheries point of view;

- (d) 2 public comments from World Wildlife Fund (WWF) Hong Kong and Designing Hong Kong Limited objecting the application were received. WWF Hong Kong objected to the application on the grounds that the fishponds around Ngau Hom Shek, including the site, were of moderate ecological value as they provided feeding grounds for waterbirds, aerial feeding insectivorous birds and bats according to the EIA of Deep Bay Link. DAFC had also observed Little Grebe *Tachybaptus ruficollis* at the subject site in February 2010. Since the subject pond served as a habitat for wildlife, especially waterbirds, supporting the wetland function of the Outer Deep Bay area, WWF Hong Kong considered that the permanent loss of the subject wetland habitat due to the proposed filling was not acceptable. In addition, the applicant failed to provide any ecological impact assessment to evaluate the effects on the wildlife due to proposed pond filling. Rejecting the application would help conserve the wetland habitats of Outer Deep Bay area which was an important stop-over area for migratory waterbirds every year. Designing Hong Kong Limited objected to the application as the subject pond was in close proximity to Deep Bay and according to an EIA, the site should be reserved as ‘feeding ground for water birds, aerial feeding insectivorous birds and bats’. Approval of the application would set a bad precedent for similar applications leading to the degradation of habitats in the Deep Bay area. She also opined that the noise of a racing circuit would disturb the environment and impact the ecology; and
- (e) the Planning Department (PlanD)’s views –PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. Although agricultural use in the “Agriculture” (“AGR”) zone was always

permitted, pond filling at the site required planning permission from the Board so as to ensure that it would not result in adverse drainage and ecological impacts on the adjacent areas. The Chief Engineer/Mainland North, Drainage Services Department noted the absence of drainage proposal in the applicant's submission and requested the applicant to provide a proper drainage system for the proposed development. DAFC did not support the application as the subject pond provided suitable roosting and foraging habitats for some waterbirds and other wetland-dependent species in the area. The proposed filling of pond would impose potential ecological impact on these species. Despite that growing vegetables was in line with the planning intention of the "AGR" zone, DAFC considered that fishponds should be preserved for fish culture. A similar application No. A/YL-HT/506 for land filling for agricultural use to the immediate south and east of the site was rejected by the Committee in 2007. The Board had also rejected a previous application No. A/YL-HT/644 for the same proposed pond filling for agricultural use upon review recently on 16.4.2010. There was no material change in the planning circumstances to merit a departure from the Committee's previous decision. Approval of the application would set an undesirable precedent and encourage similar applications leading to the degradation of habitats in the Deep Bay area. Besides, 2 adverse public comments were received objecting to the application, mainly on the grounds of adverse ecological impacts and the precedent effect of approving the application.

103. Members had no question on the application.

Deliberation Session

104. 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 applicant failed to demonstrate that the proposed pond filling would not cause adverse drainage and ecological impacts on the surrounding areas;

and

- (b) approval of the application would set an undesirable precedent and encourage similar applications leading to the degradation of habitats in the Deep Bay area.

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/519 Temporary Public Car Park (Private Vehicles) for a Period of 3 Years
in "Agriculture" zone, Lots 112 (Part), 115 RP (Part), 116 (Part),
117 RP (Part) in D.D. 113 and Adjoining Government Land, Kam Tin
South, Yuen Long
(RNTPC Paper No. A/YL-KTS/519)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public car park (private vehicles) for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the planning application as an active orchard was located adjacent to the site, the surrounding good transportation support favoured agricultural usage on the site, the site was large in size and had high potential for agricultural rehabilitation;
- (d) no public comment was received during the statutory publication period

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the assessments given in paragraph 11 of the paper. Although the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, it could satisfy some of the local parking demand. While DAFC did not support the application, the view had already been considered by the Board in approving the previous application No. A/YL-KTS/384 submitted by the same applicant upon review on 12.1.2007 mainly on sympathetic grounds considering that the application was a special case with its unique history in that the site had been used as a works area for an infrastructure project and it might take years for the applicant to rehabilitate the site for agricultural activities. The development was considered not incompatible with the surrounding land uses which were predominated by fallow agricultural land, a few residential structures, a concrete batching plant, storage yards, warehouses, etc. Relevant departments except DAFC had no adverse comment on the application and no local objection was received during the statutory publication period and no environmental complaint was received by Director of Environmental Protection in the past three years. As previous approval (No.A/YL-KTS/492) for the same use had been granted by the Committee recently, sympathetic consideration could be given to the current application. However, since the last application was revoked due to non-compliance with the approval condition related to prohibition of parking/storage of medium or heavy goods vehicles exceeding 5.5 tonnes and container vehicles on the site, a shorter approval period of 1 year was recommended to monitor the situation on the site. To minimize any possible environmental nuisance generated by the temporary use, approval conditions restricting the types of vehicles and prohibiting vehicle dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities were recommended.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 3 years sought, until 14.1.2012, 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 (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no right turning of vehicles from the access road to Kam Ho Road was allowed at any time during the planning approval period;
- (e) no vehicles exceeding 7 metres long were allowed to enter the site through Kam Ho Road at any time during the planning approval period;
- (f) the maintenance of at least 60 metres visibility without any physical obstruction at the egress point of the existing access road to Kam Ho Road at any time during the planning approval period;
- (g) all existing trees and landscape plantings within the site should be maintained at any time during the planning approval period;

- (h) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.4.2011;
- (i) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.4.2011;
- (j) in relation to (i) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.7.2011;
- (k) 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 14.4.2011;
- (l) in relation to (k) 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 14.7.2011;
- (m) 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;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

108. 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 issues relating to the development with the concerned owners of the site;
- (c) shorter approval period was granted so as to monitor the situation on the site and shorter compliance periods were given correspondingly. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) the permission was given to the use under application. It did not condone any other use including the concrete batching plant and storage area which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use not covered by the permission;
- (e) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule agricultural lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for the specified structure, i.e. the 1-storey site office with a total floor area of 14m² at the western portion of the site and the occupation of the government land (GL) within the site. The site was accessible to Kam Ho Road via a short stretch of informal track on GL. His office provided no maintenance works to the track nor guarantees right-of-way. The lot owner would need to apply to his office to permit structure to be erected or regularize any irregularities on the site. The occupier would also need to apply to his office for occupation of the GL involved. Such application would be considered by LandsD acting in 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 fee, as might be imposed by LandsD;

- (f) to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (g) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that the weedy climbers should be removed on a regular basis as part of the routine tree maintenance works;
- (h) to note the comments of 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 site and Kam Ho Road;
- (i) to note the comments of Commissioner for Transport that the land status of the road leading to the site (i.e. existing access road leading to Kam Ho Road) should be checked with the lands authority. The management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly;
- (j) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that 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;
- (k) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the development should not generate adverse

drainage impact to the adjacent areas;

- (l) to note the comments of 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. In formulating the FSIs proposal for the proposed site, the applicant should observe that portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans for other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structure. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, he was required to provide justifications to his department for consideration; and

- (m) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant and/or his contractors should liaise with the electricity supplier, and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. Besides, the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/615 Temporary Horse Riding School with Ancillary Barbecue Area and Field Study Centre for a Period of 3 Years in “Residential (Group D)” zone, Lots 3037 S.A, 3037 RP (Part), 3039 and 3040 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/615)

Presentation and Question Sessions

109. 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 horse riding school with ancillary barbecue area and field study centre for a period of 3 years;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views –PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The site fell within an area zoned “Residential (Group D)” where the planning intention was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. However, as private initiative for permanent residential development was not likely to be realized in the near

future, appropriate use of the site in the interim period might be considered. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone. The development was recreational and educational in nature and was considered not incompatible with the character of the surrounding area which mainly comprised vacant land plots, wooded hill slopes and country park. The site was the subject of 4 previous applications for the same use as the current application. All of the applications were approved by the Committee. The current application was submitted because of the revocation of the previous approval under Application No. A/YL-PH/592 as he failed to comply with the planning condition on the submission of fire service installations proposal. There had not been any material change of the land uses of the surrounding areas since the previous approval was granted. Relevant government departments consulted had no adverse comments on the application. Since the last approval (Application No. A/YL-PH/592) was revoked due to non-compliance with the approval condition, shorter compliance periods were proposed to monitor the progress of compliance.

110. In response to Member's question, Mr. Kepler Yuen replied that the previous application was revoked on 4.3.2010 and the approval period of the current application, if approved, would start on the date of approval i.e. 14.1.2011. The same Member enquired whether the horse riding school had continued to operate after the previous application was revoked. Mr. Kelper Yuen said that the horse riding school was in operation and enforcement action was being taken against the unauthorized development since the revocation of the previous planning permission.

Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.1.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (b) the existing trees and landscape planting within the site should be maintained at any time during the planning approval period;
- (c) the implementation of the proposed drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.4.2011;
- (d) 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 14.4.2011;
- (e) in relation to (d) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2011;
- (f) 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;
- (g) if any of the above planning conditions (c), (d) or (e) 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
- (h) 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.

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

- (a) prior planning permission should have been obtained before continuing the applied use at the site;

- (b) shorter compliance periods for the approval conditions were given in order to closely monitoring the compliance of approval conditions;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to resolve any land issues relating to the development with the concerned owners of the application site;
- (e) to note the comments of District Lands Officer/Yuen Long, (DLO/YL) Lands Department that no structures were allowed to be erected without the prior approval of the government. No approval had been given for the specified structures nor permission had been given for occupation of the government land (GL) within the site. The site fell within the local Fung Shui Area and its northern part encroached upon the Burial Ground No. YL/21. The site was accessible through an informal village track on GL/other private land from Kam Tin Road. His office provided no maintenance works to the track nor guarantees right-of-way. The lot owner and the occupier of the GL needed to apply to his office to permit any structure to be erected or regularize any irregularities on-site. Such application would be considered by Lands Department acting in the capacity as landlord at its sole discretion. If such approval was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as might be imposed by Lands Department;
- (f) to note the comments of Commissioner for Transport that the land status of the road leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of 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 site and Kam Tin Road;

- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department to adopt environmental mitigation measures to minimize any possible environmental nuisances. In particular, the effluent discharge of the use was subject to the control of Water Pollution Control Ordinance (WPCO). The applicant was reminded of his obligation under the WPCO and the effluent from the operation should meet the WPCO requirements prior to discharge;
- (i) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that DLO/YL or relevant lot owners should be consulted as regards all proposed drainage works to be carried outside the lot boundary or the applicant’s jurisdiction. The applicant was also reminded that the development should not obstruct overland flow nor adversely affect any existing natural streams, village drains, ditch and the adjacent areas;
- (j) to note the comments of 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 and to subsequently provide the FSIs in accordance with the approved proposal. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements in Appendix III of the Paper;
- (k) to note the comments of Chief Engineer/Development (2), Water Supplies Department 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 his standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;

- (l) to note the comments of Director of Food and Environmental Hygiene that the operation of the site should not cause any environmental nuisance to the surrounding. All of the wastes generated from the site should be disposed of properly at the cost of the user and not be dumped at any of his refuse collection facilities. Furthermore, the ancillary barbecue area involving food business should obtain the prerequisite food licence;
- (m) to note the comments of Director of Agriculture, Fisheries and Conservation that the applicant should avoid disturbing the wooded area immediately adjacent to the southern/southeastern boundary of the site;
- (n) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of the planning approval should not be construed as condoning to any structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new building works including any temporary structure for approval under the BO was required. If the site was not abutting a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. B(P)R 41D was applicable regarding the provision of emergency vehicular access; and
- (o) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans

obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/510 Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal, Building/Recycling Materials and Construction Machinery for a Period of 3 Years in “Undetermined” zone, Lots 1447 S.A & B (Part), 1448 (Part), 1454 (Part), 1455 to 1457, 1458 (Part), 1459 (Part), 1460 to 1462, 1463 S.A, 1463 S.B, 1463 S.B ss.1, 1464 to 1466, 1468, 1471 (Part), 1472 S.B, 1477 RP, 1478 (Part), 1479 (Part) and 1480 in D.D. 119, Lots 1682 (Part), 1683 (Part) and 1684 (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/510)

Presentation and Question Sessions

113. 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 vehicle repair workshop and open storage of scrap metal, building/recycling materials and construction machinery for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application there were sensitive receivers of residential uses to the immediate north, the south and in the vicinity of the site and environmental nuisance was expected in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. There was no environmental complaint concerning the site received in the past 3 years;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The open storage use under application was generally 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 the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. There were also similar applications in this part of the “Undetermined” (“U”) zone which fell within Category 1 areas under TPB PG-No.13E. The approval of the application on a temporary basis would not frustrate the long-term use of the area. Previous planning approvals had been granted for similar temporary vehicle repair workshop and open storage uses on the site since 1999 under Applications No. A/YL-TYST/72, 133, 267 and 373. Compared with the last application (No. A/YL-TYST/373) approved in 2008, there had been no material change in planning circumstances although the site boundary had been slightly enlarged to reflect the actual operation and fenced area and storage of building/recycling materials and construction machinery was proposed in the current application. The approval conditions of the last application in relation to the submission and implementation of FSIs proposal had also been compiled with by the

applicant. Regarding DEP's comment, there had not been any environmental complaint in the past 3 years and approval conditions restricting the operation hours and prohibiting the handling of electronic waste were recommended. Other than DEP, government departments consulted generally had no adverse comment on the current application.

114. Members had no question on the application.

Deliberation Session

115. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.1.2014, 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 was allowed on the application site during the planning approval period;
- (c) no handling (including loading, unloading and storage) of electrical appliances, electronic and computer wastes was allowed on the application site at any time during the planning approval period;
- (d) free public access to the existing footpath within the application site should be allowed at any time during the planning approval period;
- (e) the existing drainage facilities on the application site should be maintained at any time during the planning approval period;
- (f) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.7.2011;

- (g) in relation to (f) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.10.2011;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.7.2011;
- (i) in relation to (h) 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 14.10.2011;
- (j) 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;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

116. 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 site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that Permit No. MNT 19095 was granted to allow for erection of agricultural structures on Lot 1455 in D.D. 119.

Non-agricultural use of these structures would cause a breach of the terms of the Permit. While applications for Short Term Waiver at Lots 1461, 1462, 1463 S.A, 1463 S.B ss.1, 1464, 1465, 1468, 1472 S.B, 1477 RP, 1478 and 1480 in D.D. 119 and Lots 1683 and 1684 in D.D. 121 within the site had been received, the remaining lot owners and the occupier of government land would still need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such applications would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such applications were approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible to Kung Um Road via a short stretch of government land. His office provided no maintenance works on the government land nor guarantees right-of-way. Moreover, parts of the government land had been granted with Government Land Allocations for respective projects, namely “Replacement and Rehabilitation of Water Mains Stage 2 Mains in New Territories West – Investigation, Design and Construction” and “PWP Item 4368DS (part-upgraded from 4235DS) in May 2009 – Yuen Long South Branch Sewers)” by Water Supplies Department and the Drainage Services Department under GLA-TYL1018 and GLA-TYL1278 respectively; and part of the government land within the site had encroached onto the project boundary of GLA-TYL1278;

- (c) to note the Commissioner for Transport’s comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of 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;

- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that, when compared with the implemented and accepted landscape works for the previously approved application, 3 numbers of trees were found dead and one tree was damaged on-site. Replacement planting was therefore required;
- (g) to note the comments of 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 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;
- (h) to note the comments of 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 site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. Containers used as offices and storerooms were subject to control under Building (Planning) Regulations (B(P)R) Part VII. If the site did not abut a specified street having a width of not less than 4.5m, the development

intensity should be determined under B(P)R 19(3) at the building plan submission stage. The applicant should also note the requirements on provision of emergency vehicular access under B(P)R 41D; and

- (i) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/511 Temporary Warehouse for Storage of Machinery and Spare Parts with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 805 RP (Part) and 806 RP (Part) in D.D. 117 and Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/511)

Presentation and Question Sessions

117. 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 machinery and spare parts with ancillary site office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate northwest and in the vicinity of the site and environmental nuisance was expected in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites. However, there was no environmental complaint concerning the site received in the past 3 years;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views –PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The applied warehouse use with ancillary site office was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was intended to cater for the continuing demand for open storage which could not be accommodated in conventional godown premises. Besides, the development was considered not incompatible with its surrounding areas which already comprised a number of open storage yards, warehouses and workshops. Since there was no known programme for permanent development, approval of the application on a temporary basis would not frustrate the long-term use of the area. Regarding DEP’s comments, the development was mainly for storage purpose in an enclosed warehouse structure with an ancillary site office and there had not been any environmental complaint in the past 3 years. It was expected that the development would not generate significant environmental impact on the surrounding areas. To address the environmental concern on the environmental impact, approval

conditions restricting the operation hours, prohibiting open storage and the carrying out of workshop activities and restricting the use of medium and heavy goods vehicles were recommended. Other than DEP, government departments consulted generally had no adverse comment on the application.

118. Members had no question on the application.

Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.1.2014, 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 9:00 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 packaging, repairing, dismantling, cleaning or other workshop activities, as proposed by the applicant, should be carried out in the application site at any time during the planning approval period;
- (e) no medium or 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;
- (f) the submission of run-in/out proposal within 6 months from the date of

planning approval to the satisfaction of the Director of Highways or of the TPB by 14.7.2011;

- (g) in relation to (f) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.10.2011;
- (h) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.7.2011;
- (i) 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 14.7.2011;
- (j) in relation to (i) 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 14.10.2011;
- (k) 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 14.7.2011;
- (l) in relation to (k) 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 14.10.2011;
- (m) 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;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should

cease to have effect and should on the same date be revoked without further notice; and

- (o) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

120. 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 site;
- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner and the occupier of government land would need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such approval was granted, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible to Kung Um Road via a short stretch of government land. His office provided no maintenance works on the government land nor guarantees right-of-way;
- (d) to note the comments of Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of Chief Highway Engineer/New Territories West,

Highways Department that the run-in/out to be constructed at the access point at Kung Um Road should be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate, to match with the existing pavement. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site onto the nearby public roads/drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the size of the proposed catchpits/manholes and the proposed stormwater pipe across Kung Um Road should be shown on the drainage plan. The applicant should check and demonstrate that the hydraulic capacity of the existing nullah would not be adversely affected by the development. The details of the connection with the existing nullah and the details of the proposed peripheral fencing should be also shown on the drainage plan. Moreover, the flow paths of the surface runoff from the adjacent areas should be indicated on the drainage plan;
- (h) to note the comments of Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (i) to note the comments of 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 building plans. Detailed fire safety requirements would be

formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration;

- (j) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the existing structures that apparently had not been obtained approval under the Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including any temporary structures. The rain shelter, ancillary site office and warehouse were considered as temporary buildings subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. Moreover, the granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require; and

- (k) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity

Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-MP/185 Proposed Comprehensive Development to include Wetland Restoration Area (Proposed Amendments to an Approved Scheme) 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)

121. The application was submitted by a subsidiary of Henderson Land Development Company Ltd. (Henderson). Dr. C.P. Lau had declared an interest in this item as he had current business dealings with Henderson. As the applicant had requested to defer consideration of the application, Members agreed that Dr. Lau was allowed to stay in the meeting.

122. The Committee noted that the applicant requested on 13.1.2011 for a deferment of the consideration of the application for two months so that technical issues could be addressed.

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

[The 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

Section 16A Application

A/YL-HT/600-9 Application for Extension of Time for Compliance with Planning Conditions for 3 months - Temporary Open Storage of Construction Materials, Construction Machinery and Scrap Metals and Container Vehicle Park with Ancillary Repair Workshop for a period of 3 Years in "Comprehensive Development Area" zone, Lots 844RP (Part) and 897 S.B RP(Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/600-9)

Presentation and Question Sessions

124. The Secretary reported that an application for extension of time (EOT) to comply with approval condition (i) of the application No. A./YL-HT/600-9 on provision of fire services installation was received on 10.1.2011. As the deadline for compliance with approval condition (i) was on 13.1.2011, there was not enough time for Planning Department to process the application. In this regard, the EOT application could not be considered by the Committee as there was insufficient time to process the application.

Deliberation Session

125. After deliberation, the Committee agreed that the application for extension of time could not be considered as there was insufficient time to process the application.

126. There being no other business, the meeting was closed at 4:50 p.m..