

TOWN PLANNING BOARD

Minutes of 434th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 28.1.2011

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Mr. Rock C.N. Chen

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. Stephen M.W. Yip

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

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

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

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

Absent with Apologies

Mr. B.W. Chan

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Dr. W.K. Lo

Mr. Timothy K.W. Ma

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Maggie M.Y. Chin

Town Planner/Town Planning Board
Ms. Karen K.W. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 433rd RNTPC Meeting held on 14.1.2011

[Open Meeting]

1. The Secretary reported that proposed amendments to paragraph 6(c) of the draft minutes of the 433rd RNTPC meeting had been received from the representative of Transport Department and a copy was tabled for Members' consideration. The amended sentence should read as "However, he considered that the application only involved construction of one Small House could be tolerated unless it was rejected on other grounds". Members had no comment on the proposed amendments and the minutes were confirmed subject to the said amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 1 of 2011

Temporary Open Storage of Construction Materials

for a Period of 2 Years in the "Open Space" ("O") zone

Lot No. 908 RP in D.D.125, Ha Tsuen, Yuen Long

(Application No. A/YL-HT/674)

2. The Secretary reported that an appeal dated 17.1.2011 was received by the Appeal Board Panel (Town Planning) (ABP) against the decision of the Town Planning Board (TPB) on 5.11.2010 to reject on review an application for a temporary open storage of construction materials for a period of two years at the application site in the "Open Space" ("O") zone on the approved Ha Tsuen OZP No. S/YL-HT/10.

3. The application was rejected by the TPB for the following reasons:

(a) the development was not in line with the TPB Guidelines No. 13E for

‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No.13E) in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments and the development would have adverse environmental impacts on the surrounding areas; and

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

4. The Secretary said that the hearing date of the appeal was yet to be fixed. The Secretariat would act on behalf of the TPB in dealing with the appeal in the usual manner.

(ii) Town Planning Appeal Decisions Received

Town Planning Appeal No. 12 of 2008

Temporary Car Trading for a Period of 2 Years

in “Village Type Development” zone, Lot 582 RP (Part) in D.D. 111

and Adjoining Government Land, Fan Kam Road, Pat Heung

(Application No. A/YL-PH/563)

5. The Secretary reported that the appeal was lodged by the Appellant on 16.12.2008 against the decision of the TPB to reject on review an application (No. A/YL-PH/563) for temporary car trading for a period of two years. The appeal site was zoned “Village Type Development” (“V”) on the approved Pat Heung Outline Zoning Plan No. S/YL-PH/11.

6. On 24.11.2010, the appeal was heard by the ABP. On 17.1.2011, the appeal was dismissed by the ABP mainly for the following reasons:

Ground of appeal: The site had been used only as a showroom and sales office for left-hand drive cars and not as open storage

- (a) the ABP considered that the site had in substance been used as an open storage for left-hand drive vehicles rather than as a showroom and sales

office;

Grounds of appeal: The site was located next to Fan Kam Road and nobody would want to build a house right next to the road. There was a large water pipe next to the site which made it not possible to build a house there. Moreover, there did not appear to be a need for housing sites in the area

- (b) the ABP found that there were many village houses built right by the roadside on various stretches of Fan Kam Road. Despite the presence of the concerned water pipe, it would still be possible to build one or two village houses on the site. Moreover, there was a need for more housing land in the area;

Ground of appeal: The Appellant had tried to look for an alternative site for his business but had been unsuccessful

- (c) the ABP was not convinced that the Appellant had made any serious effort in looking for alternative accommodation;

Other Reasons

- (d) most important of all, the ABP considered that the applied use was against the planning intention of the subject “V” zone which was for village housing development;
- (e) according to the TPB Guidelines No. 13E for ‘Applications for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’, the site was located within the Category 4 areas within which applications for open storage and port back-up uses would normally be rejected except under exceptional circumstances; and
- (f) the Appellant had made a previous application (No. A/YL-PH/541) for temporary open storage for private cars prior to sale at the site. This application was rejected by the TPB on review. He then made the present application for “temporary car trading use” at the site. This was just changing the label without changing the substance.

(iii) Appeal Statistics

7. The Secretary said that as at 28.1.2011, a total of 24 cases were yet to be heard by the ABP. Details of the appeal statistics were as below :

Allowed	:	27
Dismissed	:	115
Abandoned/Withdrawn/Invalid	:	147
Yet to be Heard	:	24
Decision Outstanding	:	0
Total	:	313

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/SK-CWBN/14 Proposed Holiday Camp with Filling of Land (about 3m high) in “Green Belt” zone, Lot Nos. 72RP, 73, 75, 76, 77S.A, 77S.B, 77RP, 78, 79(Part), 80S.A, 80S.B, 80RP, 81, 82, 83RP, 84RP, 96RP, 97RP, 98, 99RP, 100, 101, 102, 103, 104, 105, 106, 107, 121, 122, 123, 124, 126, 127, 129S.A (Part), 129S.B (Part), 129RP (Part), 130, 132, 133 and Adjacent Government Land in D.D. 229, Sai Kung
(RNTPC Paper No. A/SK-CWBN/14)

8. The Committee noted that the applicant’s representative on 17.1.2011 requested for deferment of the consideration of the application for two months in order to allow more time for the applicant to address comments/concerns of government departments and prepared further information to substantiate the application.

9. 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 4

Section 16 Application

[Open Meeting]

A/SK-HC/186 Proposed Animal Boarding Establishment (Kennel) in “Green Belt” and “Recreation” zones, Lots No. 116, 117, 118, 119 RP, 120 S.A, 120 RP and Adjoining Government Land in D.D. 247, Ho Chung, Sai Kung (RNTPC Paper No. A/SK-HC/186)

10. The Committee noted that the applicant on 5.1.2011 requested for deferment of the consideration of the application for two months in order to allow more time for the applicant to address departmental comments on the application.

11. 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 5

Section 16 Application

[Open Meeting]

A/SK-PK/183 Proposed 2-Storey House (New Territories Exempted House (NTEH))
in “Residential (Group D)” zone, Lot No. 1030 in D.D. 221,
Kap Pin Long New Village, Sai Kung
(RNTPC Paper No. A/SK-PK/183)

12. The Secretary reported that on 17.12.2010, an application was received seeking planning permission for proposed house development at the application site. On 4.1.2011, the applicant submitted further information (FI) clarifying that the planning application was for a NTEH development. In response to the FI, the District Lands Officer/Sai Kung, Lands Department advised that since the application site fell outside any ‘village environs’ or “Village Type Development” zone, the proposed NTEH development would not be considered by his office under the prevailing land policy. In this regard, Planning Department (PlanD) requested to defer the consideration of the application so as to have more time to examine the nature of the proposed house development and further consult the relevant government departments regarding the status of a NTEH under application.

13. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee also agreed that the application should be submitted to the Committee for consideration at the next meeting on 18.2.2011.

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/90 Proposed Joint Student Hostel (Residential Institution) in
 “Government, Institution or Community” zone, Government Land at
 Tong Yin Lane, Area 56, Tseung Kwan O
 (RNTPC Paper No. A/TKO/90)

14. The Secretary reported that the application involved the development of a joint student hostel for the Hong Kong University of Science and Technology (HKUST) and Hong Kong Baptist University (HKBU). The following Members had declared interests in the item:

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|--------------------|--|
| Dr. James C.W. Lau | – being the Adjunct Professor of HKUST;
and |
| Mr. Y.K. Cheng | – being the deputy chairman of the Council of
HKBU; |

15. The Committee considered that the interests of both Members were direct and that they should be invited to withdraw from the meeting. Members noted that Dr. Lau had not yet arrived to join the meeting. Mr. Y.K. Cheng was invited to withdraw from the meeting.

[Mr. Y.K. Cheng left the meeting temporarily at this point.]

Presentation and Question Sessions

16. Mr. Wilfred C.H. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed joint student hostel (residential institution) comprised one

10-storey high student hostel block accommodating about 66 student units, one manager unit, one management office, common facilities, sky garden, landscaping area and car parking spaces;

- (c) bureaux/ departmental comments – concerned bureaux/government departments had no objection to or adverse comments on the application;
- (d) four public comments were received during the statutory publication periods. The Tseung Kwan O (South) Area Committee (TKO (South) AC) had no objection to the application as it helped the university students to have more accommodation and further proposed to arrange some university students to do more community service by helping the school children in TKO which benefited the whole community. A Sai Kung District Councillor (SKDC) commented that the far distance between the proposed development and the university campus might cause inconvenience to the students. The member of the public supported the application and suggested hostel places be substantially increased to 150 and number of storeys be increased to 20. This would alleviate the huge demand for hostel places. Furthermore, one public comment from the Savantas Policy Institute Limited suggested allowing the proposed hostel facilities such as open space and recreational facilities for public use, to provide additional bicycle parking spaces and to improve the roads nearby. This commenter also raised concerns about the sufficiency of provision of car parks due to the demolition of the temporary car park at the application site and the light pollution, noise impact and nuisance generated by the proposed joint student hostel development on local community. The District Officer (Sai Kung) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed joint student hostel complied with the Town Planning Board Guidelines No. 16 for ‘Application for Development/Redevelopment within “Government, Institution or Community” (“G/IC”) Zone for Uses Other than GIC Uses’ (TPB Guidelines No.16) and met the planning intention of

the “G/IC” zone for providing land for uses directly related to or in support of institutional establishments. The proposed development, providing student accommodation for students of HKUST and HKBU, was also in line with the Government’s education policy to meet the strong demand for student hostel places. The proposed joint student hostel was 10 storeys (not exceeding 30m) in height with site coverage less than 40%. There should not be any significant visual and air ventilation impact on the nearby areas. The Chief Town Planner/Urban Design and Landscape, Planning Department and the Chief Architect/ASC, Architectural Services Department had no adverse comment on the visual assessment. The proposed joint student hostel within this GIC cluster was also considered compatible with the adjoining uses from land use planning point of view. As regards the public comment raised by the SKDC as mentioned in paragraph 16(d) above, the site was well-served by public transport and Education Bureau considered the site suitable for joint student hostel development. As to another commenter’s suggestion of increasing the building height up to 20 storeys, it was considered that such a height would not be compatible with the surrounding low-rise developments. TKO (South) AC’s suggestion of arranging the students to do community services was noted but it was outside the purview of the Committee. As regards the public comment raised by the Savantas Policy Institute Limited, the existing residential developments and GIC cluster including schools, electricity substation and the proposed open space in the vicinity were considered compatible with the proposed joint student hostel. The proposed hostel would unlikely have light pollution, noise impact and nuisance to the local community.

17. In response to a Member’s enquiry, Mr. Wilfred C.H. Cheng, STP/SKIs, replied that public car parking spaces were available in the housing estates and shopping centres nearby.

Deliberation Session

18. 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 28.1.2015, 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 tree preservation and landscape proposals to the satisfaction of Director of Planning or of the TPB; and
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) regarding the provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (b) to note the comments of the Director of Fire Services that Emergency Vehicular Access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by the Buildings Department, and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (c) to note the comments of the District Lands Officer/Sai Kung, Lands Department that if the TPB approved the application, a land grant to the Hong Kong University of Science & Technology / the Hong Kong Baptist University would be required and a lead-time of about 9 months from the date of application up to the date of execution of the land grant documents would be required to process the land grant. In the event that the land was

granted, the grant would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so; and

- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the proposed sky garden and the building set back from Tong Ming Street were desirable design features that should be retained in order to maximize opportunity for landscaping to help improve the visual and greening amenity of the area, and 1m² of open space per resident should be provided in the development, and minimum 20% green coverage of the entire site should be incorporated in the landscape design and minimum half of the green coverage be at grade.

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

[Mr. Y.K. Cheng returned to join the meeting at this point.]

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

Sha Tin, Tai Po and North District

Agenda Item 7

Section 16 Application

[Open Meeting]

A/FSS/201 Proposed Temporary Shop and Services (Retail Shop) for a Period of
6 Years in "Residential (Group A)" zone, Lot 3035 RP (Part) in
D.D. 51, Fanling
(RNTPC Paper No. A/FSS/201)

20. The Committee noted that the applicant on 10.1.2011 requested for deferment of the consideration of the application for two months in order to allow more time for the applicant to prepare responses to departmental comments on the application.

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

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

Agenda Items 8 & 9

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/202 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” zone, Lot 3983 S.H in D.D. 51, Wo Hop Shek Village,
Fanling
(RNTPC Paper No. A/FSS/202)

A/FSS/203 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” zone, Lot 3983 S.I in D.D. 51, Wo Hop Shek Village,
Fanling
(RNTPC Paper No. A/FSS/203)

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

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed two houses (New Territories Exempted Houses (NTEH) – Small Houses);
- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the applications. Such type of development should be within the “Village Type Development” (“V”) zone as far as possible. However, he considered that the applications which involved construction of only one Small House at each of the application site could be tolerated unless it was rejected on other grounds. Other departments had no objection to or adverse comments on the applications;
- (d) one public comment to each of the application from the same member of the public was received during the statutory publication period. The commenter supported application No. A/FSS/202 and expressed no comment on application No. A/FSS/203. The District Officer (North) had no comment on the applications; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. The two applications complied with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ in that the whole footprints of the proposed two Small House developments fell within the ‘village environs’ (‘VE’) of Wo Hop Shek San Tsuen and Wo Hing Tsuen and there was a general shortage of land in the “V” zone of Wo Hop Shek San Tsuen to meet the demand for Small House development. Hence, sympathetic consideration could be given to the applications. Although the proposed Small House

developments were not in line with the planning intention of the “Green Belt” (“GB”) zone, it should be noted that the application sites were close to the boundary of the “V” zone of Wo Hop Shek San Tsuen and fell entirely within its ‘VE’. Moreover, each of the proposed Small Houses was provided with sewage disposal facilities and served by existing access connecting Ming Yin Road. The proposed Small Houses were not incompatible with the existing landscape character of the surroundings. Disturbance on existing landscape resources was not anticipated. The Chief Town Planner/Urban Design and Landscape, Planning Department had no objection to the applications from the landscape perspective. It was considered that the proposed developments generally complied with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 10). Moreover, seven similar applications for Small House developments in the vicinity within the same “GB” zone had been approved by the Committee. Concerned government departments had no objection to or adverse comments on the applications. There was no local objection or public comment against the applications.

24. Members had no question on the applications.

Deliberation Session

25. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 28.1.2015, and after the said date, the permissions should cease to have effect unless before the said date, the development permitted was commenced or the permissions were renewed. The permissions were subject to the following conditions :

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

Fire Services or of the TPB; and

- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application sites were in an area where no public sewerage connection was available. The Environment Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed developments;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
 - (i) for provision of water supply to the proposed developments, the applicants might need to extend the 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 WSD's standards; and
 - (ii) the application site was located within WSD flood pumping gathering ground;
- (c) to note the comment of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal applications referred by Lands Department; and
- (d) to note that the permissions were only given to the developments under applications. If provision of an access road was required for the proposed developments, 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 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/435 Filling of Land (0.1m) for Agricultural Use (Plant Nursery),
Proposed Temporary Shop and Services Use for a Period of 3 Years
and Field Study / Education Centre in “Agriculture” zone,
Lots 1441 and 1443 S.B RP in D.D. 76, Fanling
(RNTPC Paper No. A/NE-LYT/435)

Presentation and Question Sessions

27. 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) filling land (with a depth of 0.1m) by bituminous macadam for agricultural use (plant nursery), proposed temporary ‘shop and services’ use for a period of three years and proposed field study/education centre;

- (c) departmental comments – the Commissioner for Transport (C for T) did not support the application as there was no existing ingress/egress access to the application site via Sha Tau Kok Road, and there was a bus layby at the front of the site. The proposed ingress and egress points would be adjacent to the bus stop and the roundabout at the junction of Sha Tau Kok Road and Ping Che Road, which was undesirable from traffic engineering viewpoint. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application mainly on the grounds that the

application site fell within an area zoned “Agriculture” (“AGR”) on the approved Lung Yeuk Tau and Kwan Tei South OZP. The site was categorized as “good” grading agricultural land and had high potential for agricultural rehabilitation. Although operation of a plant nursery in “AGR” zone was generally supported from an agricultural development point of view, necessity of filling the site with bituminous macadam for the intended use was in doubt. More importantly, with the proposed filling, the soil underneath would be difficult to be recovered back to such a condition under which crops could grow healthily. Also, the proposed uses including education centre, temporary shop and other service facilities were not directly related to agricultural activities. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application on the grounds that with reference to the aerial photo taken in December 2009, it was noted that the site was covered with dense woodland and other vegetation. According to his on-site observation, all existing trees and vegetation had been cleared and the site was completely paved with bitumen. Significant impact to the existing landscape resources and character had taken place. Moreover, the applicant proposed to plant trees and orchard plantings, the proposed filling of land for plant nursery, temporary ‘shop and services’ use and field study/education centre at the application site might not be entirely feasible as the proposed bituminous macadam was not a suitable medium for tree planting;

- (d) four public comments were received during the statutory publication period of which one public comment supported the application and hoped that the concerned government departments could follow-up on the application. One commenter offered views that there was large scale construction works undertaken at around August and September 2010 at the application site for filling the agricultural land and hence affecting the natural drainage of the adjoining land. The remaining two commenters objected to the application on the following grounds:

- (i) the site was zoned “AGR” and the proposed uses were not in line

with the planning intention for the area. The existing filled land with a thick layer of bituminous macadam was not suitable for agricultural use and would aggravate flooding risk and drainage problems;

- (ii) greening and existing landscape would be affected;
 - (iii) the design of the ingress/egress might cause danger to pedestrians, users of cycling path and passengers waiting at the bus stop (mostly students and the elderly); and
 - (iv) it was unacceptable for land filling to be carried out prior to the completion of the application. The applicants should submit application after reinstatement of the land. Otherwise, it would lead to more cases of unauthorized land filling and affect the nearby residents. The approval of the application would set an undesirable precedent for similar applications and lead to further degradation of the area;
- (e) the District Officer (North) had consulted the locals and advised that the Chairman of the Fanling District Rural Committee, the Indigenous Inhabitant representative (IIR) and Resident Representative of Hung Leng and IIR of Ko Po raised objections to the application on the following grounds:
- (i) there was lack of details of the proposed use, e.g. nature of goods to be sold and services to be provided;
 - (ii) complaints were received from villagers regarding the site;
 - (iii) the proposed uses were not in line with the planning intention of the “AGR” zone;
 - (iv) it was inappropriate to provide vehicular access and ingress/egress

near the bus stop and roundabout which would endanger the pedestrians and vehicles using Sha Tau Kok Road; and

- (v) unauthorized development including land filling, destruction and removal of railings along roadside and illegal occupation of government land were found before the submission of the application;

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed temporary 'shop and services' use and field study/education centre were not in line with the planning intention of the "AGR" zone which was primarily 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. The applicants had not explained why the proposed 'shop and services' use and the field study/education centre should be located within the application site. There was no strong justification in the submission for a departure from the planning intention. Given that the planning intention of the "AGR" zone as stated above, the proposed land filling of the application site by bituminous macadam was considered not acceptable. Both DAFC and CTP/UD&L, PlanD had commented that the site was originally covered with dense woodland and other vegetation and the trees/vegetation within the site had been cleared after December 2009 and the site was currently filled up/paved. The filling of land had generated adverse impacts on the existing landscape resources and character of the surrounding area. There was no similar application for filling of land within "AGR" zone in the Lung Yeuk Tau and Kwan Tei South area and the approval of the application would set an undesirable precedent for similar applications within "AGR" zone. The cumulative effect of approving such application would result in general degradation of the environment. Moreover, C for T did not support the application and advised that the proposed ingress and egress points of the application site, which would be located adjacent to the bus stop and the roundabout at the

junction of Sha Tau Kok Road and Ping Che Road, were undesirable from traffic engineering viewpoint. Moreover, the applicants had not demonstrated that there would be adequate spaces within the site for manoeuvring of vehicles (preferably by swept path analysis). In this regard, the applicants had failed to demonstrate that the proposed development would not have adverse traffic impacts on the surrounding areas.

28. A Member said that as covered on paragraph 4 of the Paper, an Enforcement Notice was issued to the landowners on 7.12.2010 requiring the landowners to discontinue the unauthorized development by 14.12.2010. This Member enquired whether there was any follow-up site inspection conducted after that date and any further action would be taken requiring the landowners to reinstate the land. Ms. Doris S.Y. Ting, STP/STN, replied that there was no further unauthorized land filling activity after the enforcement action was taken.

Deliberation Session

29. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- (a) the “Agriculture” (“AGR”) zone was primarily 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. The filling of land with bituminous macadam which rendered the site difficult to be recovered back to such a condition under which crops could grow healthily was not acceptable. There was no strong planning justification for using such material for land filling purpose;
- (b) the proposed temporary ‘shop and services’ use and proposed field study / education centre were not in line with the planning intention of the “AGR” zone which was primarily 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;

- (c) the filling of land had generated adverse impacts on the existing landscape resources and character on the surrounding area. There was no similar application for filling of land within “AGR” zone in the Lung Yeuk Tau and Kwan Tei South area. The approval of the application would set an undesirable precedent for similar applications within “AGR” zone. The cumulative effect of approving such application would result in general degradation of the environment; and
- (d) the proposed ingress and egress points adjacent to the bus stop and the roundabout at the junction of Sha Tau Kok Road and Ping Che Road were undesirable from traffic engineering viewpoint and the applicants had failed to demonstrate that the proposed development would not have adverse traffic impacts on the surrounding areas.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/436 Proposed 5 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lots 1565 S.F, 1565 S.G, 1565 S.H, 1565 S.I and 1565 S.J in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/436)

Presentation and Question Sessions

30. 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 five houses (New Territories Exempted Houses (NTEH) – Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view. He advised that agricultural activities in the vicinity of the application site were active and the site had high potential for rehabilitation of agricultural uses. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from the landscape planning point of view. Although the proposed use was not incompatible with the surrounding environment, the existing trees within the site would be affected by the proposed development. Besides, there was no tree survey for the application site, the landscape impact arising from the development could not be ascertained. Furthermore, there was no landscape proposal submitted by the applicants to mitigate the landscape impacts. The Commissioner for Transport had reservation on the application. Although additional traffic generated by the proposed NTEH developments 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 five Small Houses could be tolerated unless it was rejected on other grounds;
- (d) one public comment stating “no comment” was received during the statutory publication period. The District Officer (North) had consulted

the locals. He advised that the Chairman of Fanling District Rural Committee and Indigenous Inhabitant Representative of Kan Tau Tsuen had no comment on the application but with additional views that good drainage systems should be provided and fence wall should not be too close to vehicular access for pedestrian's safety. The Resident Representative of Kan Tau Tsuen had no response; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application generally complied with the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories' in that all the footprints of the proposed five Small Houses fell entirely within the 'village environs' ('VE') of Kan Tau Tsuen and there was insufficient land within the "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 as the agricultural activities in the vicinity of the application site were active and potential of the application site for agricultural rehabilitation was high. However, it was noted the application site was located to the immediate south of the "V" zone of Kan Tau Tsuen and the entire footprints of the proposed five 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. Similar applications for Small House development within the same "AGR" zone in the vicinity of the application site had been approved with conditions by the Committee. Moreover, the proposed Small House developments would not have significant adverse impacts on the environment and the Director of Environmental Protection had no adverse comment on the application. As regards the concerns from government departments including the Chief Engineer/Mainland North, Drainage Services Department and CTP/UD&L, PlanD, they could be addressed by way of stipulating approval conditions as recommended in paragraphs 12.2 (a) and (c) of the Paper.

31. Members had no question on the application.

Deliberation Session

32. 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 28.1.2015, 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.

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

- (a) to note the comments of the 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 should be consulted

regarding the sewage treatment / disposal facilities for the proposed development;

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) the application site was located within the flood pumping gathering ground; and
 - (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (c) to note the comment of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (d) to note the comment of the Commissioner for Transport that the application site would intrude into the existing footpath and might block it. The applicants were advised to provide remedy solution as deemed necessary; 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 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/331 Proposed Columbarium in “Government, Institution or Community (1)” zone, Lots 11 S.A (Part) and 11 S.B in D.D. 77, Ping Che, Fanling
(RNTPC Paper No. A/NE-TKL/331)

Presentation and Question Sessions

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

Background to the application

- (i) Wun Chuen Sin Kwoon (WCSK) comprised the existing portion zoned “Government, Institution or Community” and the expansion area zoned “Government, Institution or Community (1)” (“G/IC(1)”) on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP). The application site fell within the expansion area of WCSK;
- (ii) the expansion area of WCSK (excluding the subject application site) was the subject of a rezoning request No. Z-NE-TKL/4 to amend the OZP from “Agriculture” (“AGR”) to “G/IC(1)” for expansion of WCSK for religious institution use and regularization of four as-built columbarium buildings of 6,776 niches. On 28.9.2007, the Committee agreed the rezoning request;
- (iii) the application site was the subject of another rezoning application No. Y/NE-TKL/2 submitted by WCSK for rezoning the application site from “AGR” to “G/IC(1)” to include three proposed single-storey columbarium buildings for additional 6,072 niches. The application was partially agreed by the Committee on 23.1.2009. Since the Committee members had concern on traffic and parking arrangements, particularly on festival days, the ‘columbarium’ use was included as a Column 2 use of the “G/IC(1)” zone and

the applicant was advised that detailed information on the traffic arrangements, in particular during the festival days, should be submitted in the s.16 planning application for Committee's consideration;

- (iv) on 17.4.2009, the Committee considered and agreed to the proposed amendments to the OZP taken on board the decisions of the rezoning request/application (as mentioned in paragraphs 34 (ii) and (iii) above), as well as other technical amendments. The Board also agreed that the proposed "G/IC(1)" zone should be subject to a maximum GFA of 3,099m², a maximum site coverage of 15.8%, a maximum building height of 19m above the mean formation level, a maximum number of niches under Column 1 not exceeding 6,776 and maximum number of niches for columbarium use within "G/IC(1)" zone as a whole not exceeding 12,848; and
- (v) on 2.2.2010, the Chief Executive in Council, under section 9(1)(a) of the Town Planning Ordinance, approved the draft Ping Che and Ta Kwu Ling OZP, which was subsequently renumbered as S/NE-TKL/14;

Proposals

- (i) proposed three single- storey structures for columbarium use with 6,072 niches;
- (ii) there were four existing incense furnaces in WCSK and two new incense furnaces were proposed near the application site for joss paper burning. The exact locations for the new furnaces were not yet determined. Mitigation measures, including water spraying and scrubber systems had been and would be adopted for minimizing smoke emission and removing smoke particles arising from incense burning of the existing and proposed incense furnaces within WCSK;
- (iii) there were three existing parking areas (Car Parks A, B and C) in the WCSK. To cater for the additional traffic demand generated from the proposed columbarium development, more parking spaces within the existing car parks

would be provided (Drawings A-1 and A-4 of the Paper referred). In sum, the number of parking spaces for private car, coach and motorcycle would be increased from 85 to 145 (+60), 24 to 30 (+6) and 10 to 20 (+10) respectively;

- (iv) to cater for additional traffic demand during festival days, special parking and traffic arrangement were proposed to minimize potential traffic impacts. Re-arrangement of car parking areas was proposed and special parking fee arrangement would be implemented to shorten the duration of stay of visitors. Visitors were encouraged to use public transport during festival occasions. On the festival days, only parking spaces for private car would be provided and the number of parking spaces would be reduced from 145 to 111. The remaining car parking spaces would be used for coach pick up/drop off, taxi lay-by and bus/green minibus stops; and
- (v) the applicant would co-ordinate with public transport operators to strengthen existing public transport services. Provision of shuttle coach services between WCSK and Mass Transit Railway station would be reserved as a supplementary solution and plans for shuttle coach service would be provided after the enhancement of the existing public transport services. Special traffic arrangement plans with details of crowd control would be submitted to the Transport Department and Hong Kong Police Force in advance of special festival days;

Departmental Comments

- (i) the Commissioner for Transport (C for T) noted that there was a reduction of private car parking spaces in WCSK during the festival days. Since the insufficient supply of parking spaces would result in the problem of illegal parking on public roads, C for T requested the applicant to consider increasing car parking spaces in Car Parks A and B as an alternative during the festival days or implement relevant parking control and management measures within the development so as to avoid illegal parking; and
- (ii) the Chief Town Planner/Urban Design and Landscape had reservation on the

application in that the location of the proposed car parks would likely affect the existing trees. It was unable to give comments as there was insufficient information submitted by the applicant, hence landscape impact of the proposed car parks could not be ascertained;

Public Comments

- (i) five public comments were received during the statutory publication periods. The comments as detailed in paragraph 11 of the Paper were summarized below;
- (ii) one public comment supported the application as the shortage of niches could be relieved; local economy could be boosted; the application site was large and with a special landscape design, tourism activities could be promoted;
- (iii) three commenters objected to the application mainly on the grounds that niches would lead to psychological impacts on local residents; the increase in the number of niches would be in conflict with the development of Ping Che/Ta Kwu Ling New Development Area; the land lease policy was very confusing; the District Officer (North) (DO(N)), the District Lands Officer/North, LandsD and WCSK were irresponsible and failed to abide by the agreement with local villagers in 1998;
- (iv) one commenter indicating no comment on the application; and
- (v) local objections were received by the DO(N). The objections were submitted by Ta Kwu Ling District Rural Committee (TKLDRC), Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Tai Po Tin, IIR, RR and a resident of Ping Che on similar grounds as the public comments. In response to a public comment indicating that LandsD, WCSK and DO(N) were irresponsible and failed to abide by the agreement with local villagers in 1998, DO(N) commented that the application site under the current application was part of the expansion area of WCSK, and it fell outside the land lots covered in the land exchange approved in 1998;

Planning Department (PlanD)'s Views

PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper which were summarized below:

- (i) the proposed development in terms of location of columbarium, Gross Floor Area, building height and number of niches under the current application was the same as that of the previous rezoning application (Application No. Y/NE-TKL/2) partially agreed by the Committee. In view of Members' concern on the traffic and parking arrangements (particularly on festival days), 'Columbarium' use was included under Column 2 of the "G/IC(1)" zone of the OZP. Under the current application, the applicant had submitted information on the traffic arrangements to address concerns of the Committee. C for T and C of Police had no adverse comment on the proposed parking and traffic arrangement plans subject to relevant approval conditions on enhancement of public transport services and the design and provision of operation plan on traffic and crowd management during special festivals (paragraphs 13.2(b) to (d) of the Paper);
- (ii) the proposed columbarium within the expansion area of WCSK was generally in line with the planning intention of "G/IC(1)" zone which was primarily for the expansion of the adjoining religious institution use and associated columbarium use. The proposed columbarium development comprising three single-storey structures of about 5m high with a total GFA of 234m² and landscape planting was considered not incompatible with the religious use and temple setting of WCSK in terms of use, development scale and building height. In addition, the proposed development could meet the acute demand of columbarium use within the territory;
- (iii) the proposed development generally complied with the Town Planning Board Guidelines No.16 for 'Application for Development/Redevelopment within "G/IC" Zone for Uses other than G/IC Uses under section 16 of the Town Planning Ordinances' (TPB Guidelines No. 16) in that the provision of GIC

facilities within the WCSK would not be jeopardized. The low-rise and low-density columbarium buildings within the application site with landscape planting would not cause significant adverse visual impact on the townscape of the area. Moreover, the proposed development was unlikely to cause adverse environmental and drainage impacts on the surrounding areas. As regards the concerns from CTP/UD&L, PlanD, it could be addressed by way of approval conditions as recommended in paragraph 13.2(f) of the Paper; and

- (iv) as regards the local objections and public comments against the application on the grounds that the proposed development would cause adverse traffic, environmental and psychological impacts, in conflict with the proposed New Development Area and land lease for WCSK, concerned government departments including C for T, the Commissioner of Police, Director of Environmental Protection, Project Manager/New Territories North & West, Civil Engineering and Development Department, Chief Town Planner/Studies and Research, PlanD and District Lands Officer/North, Lands Department had no adverse comment on or no objection to the application. The concerns on traffic grounds could be addressed by way of approval conditions. The proposed development would be surrounded by landscape planting. Hence, it was considered that the psychological impacts on local residents would be minimized. The applicant was also advised to liaise with TKLDRC and local residents to address their concerns on the proposed development.

35. In response to a Member's question regarding DO(North)'s letter dated 30.11.1998 to the village representative of Ping Che (Appendix IV of the Paper referred), Ms. Doris S.Y. Ting, STP/STN, responded that the land exchange for existing WCSK was considered by the North District Lands Conference (DLC) in 1998. At the meeting, the DLC agreed to add a sub-clause in the Special Conditions to prohibit the use of any part of the lots for the deposit of human remains. The subject land exchange case executed in 1998 was related to the existing WCSK and did not cover the current application site. Ms. Ting added that DLO/North, LandsD advised that should the planning application be approved, the lot owner had to submit land exchange application in respect of the concerned lots for the proposed columbarium development.

36. A Member noted that there was strong local objection against the proposed columbarium on traffic and environmental grounds, this Member suggested that advising the applicant should further liaise with the local residents to address their concerns.

37. Another Member enquired whether there was any columbarium use operating in the application site and whether the columbarium development was included in the 'Information on Private Columbaria' published by the Development Bureau.

38. Ms. Ting responded that there were four existing single storey columbarium structures, providing 6,776 niches, located within the expansion area of WCSK. The application site was currently used as landscaped areas. In December 2010, the Development Bureau published the Information on Private Columbaria (the Information). The Information was divided into two parts. Part A set out the private columbaria which were compliant with the user restrictions in the land leases and the statutory town planning requirements, and were not illegally occupying any government land. Part B set out the private columbaria which were pending checking for compliance with the relevant conditions for inclusion in Part A, or had been confirmed to be non-compliant with the user restrictions in the land leases and/or statutory town planning requirements and/or were illegally occupying government land. According to the Information, the existing columbarium use with 6,776 niches in the WCSK expansion area was included in Part B.

39. In response to the same Member's enquiry, the Secretary recapitulated Members the planning history of the application site. In considering a rezoning request (No. Z/NE-TKL/4) submitted by WCSK on 28.9.2007, the Committee agreed to amend the OZP from "AGR" to "G/IC(1)" for expansion of WCSK for religious institution use and regularization of four as-built columbarium buildings with 6,776 niches. Later, the applicant submitted another rezoning application to rezone the application site from "AGR" to "G/IC(1)" to include three proposed single-storey columbarium buildings for additional 6,072 niches. On 23.1.2009, the Committee agreed to rezone the application site from "AGR" to "G/IC(1)" zone. Originally, the applicant's proposal was to include 'columbarium' use included as a Column 1 use. However, Members had concerns on traffic and parking arrangements, in particular during the festival days. Hence, the application site was rezoned from "AGR" to "G/IC(1)" zone with 'columbarium' use included as a Column 2 use, for additional columbarium development, the applicant had to submit a section 16 application

supported by detailed information on the traffic and parking arrangement for TPB's consideration. It was against this background that the applicant submitted the current application for proposed columbarium use of an addition of 6,072 niches. Detailed traffic and parking arrangement had also been submitted for Members' consideration.

Deliberation Session

40. In response to a Member's concern, Mr. Simon Yu of Lands Department said that a land exchange application to regularize the existing columbarium development with 6,776 niches was under-processing. Such information had already been included in Part B of the Information published by the Development Bureau. In respect of the proposed columbarium use under application, the lot owner had to submit a land exchange application if the planning permission was granted.

41. The Chairman concluded that the proposed columbarium development in terms of location of columbarium, Gross Floor Area, building height and number of niches under the current application was the same as that of the previous rezoning application, the applicant had submitted information on the traffic and parking arrangements to address concerns of the Committee. In addition, the proposed columbarium development could help relieve the shortage of niches for the territory.

42. 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 28.1.2015, 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 maximum number of niches within the application site should not exceed 6,072;
- (b) the submission and implementation of proposals for car parking, loading/unloading and manoeuvring spaces for Wun Chuen Sin Kwoon for both daily operation and operation during special festivals including Ching Ming Festival and Chung Yeung Festival to the satisfaction of the

Commissioner for Transport or of the TPB;

- (c) the submission and implementation of proposals for enhancement of public transport services including pick-up and set-down, stacking, queuing and crowd control arrangements for Wun Chuen Sin Kwoon during special festivals including Ching Ming Festival and Chung Yeung Festival with the agreement of relevant public transportation operators to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission and implementation of operation plans on traffic and crowd management for Wun Chuen Sin Kwoon during special festivals including Ching Ming Festival and Chung Yeung Festival to the satisfaction of the Commissioner of Police or of the TPB;
- (e) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission and implementation of a landscape master plan for the application site and the associated car parks of Wun Chuen Sin Kwoon, including tree preservation proposals and quarterly tree monitoring reports, to the satisfaction of the Director of Planning or of the TPB; and
- (g) the design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply that the necessary approvals would be given by any government departments. The applicant should approach the relevant government departments direct for any necessary approvals;
- (b) prior approval from the Commissioner for Transport should be obtained if

shuttle coach services to and/or from Wun Chuen Sin Kwoon was to be provided;

- (c) to note the comment of the Commissioner for Transport to consider increasing car parking spaces in Car Parks A and B as an alternative during the festival days or implement relevant parking control and management measures within the development so as to avoid illegal parking;
- (d) to note the comments of the Commissioner of Police that suitable traffic arrangement to facilitate vehicles to turn into Car Park A and Car Park B should be considered to facilitate the safety of such turning / manoeuvring activities;
- (e) to note the comments of the Director of Environmental Protection that air pollution nuisance from the subject site was controlled under the Air Pollution Control Ordinance and the burners should be located as far as practicable from nearby sensitive receivers;
- (f) to note the comments of the District Lands Officer/North, Lands Department as follows:
 - (i) the lot owner would need to submit to the District Lands Office /North, Lands Department a land exchange application and if the application was approved by his department acting in its capacity as landlord at its discretion, the approval would be subject to such conditions as might be imposed including, inter alia, payment of premium. There was no guarantee that the application would be approved; and
 - (ii) attention should be drawn to that objections from the Ta Kwu Ling District Rural Committee and Ping Che village towards the proposed columbarium development remained fierce, as conveyed by District Officer (North);

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department as follows:
- (i) the tree data in Table 1 (Appendix Ii of the Paper) was extracted from the data of the Tree Assessment Report prepared in 2007. Hence, the tree survey was no longer valid. With reference to Appendix II of LAO-PN No. 7/2007, the tree survey should be conducted within 24 months prior to their submission. The applicant was required to provide an updated tree survey;
 - (ii) it was illogical to transplant the trees with low survival rate after transplanting. The applicant should provide good justification for their recommendation;
 - (iii) it was not reasonable to transplant the trees with poor form and fair health and low amenity value, the applicant should review such recommendation;
 - (iv) compensatory landscape proposal should be provided;
 - (v) the submitted Table 1 (Appendix Ii of the Paper) was a tree survey report, but not a planting schedule;
 - (vi) T70A was rated with good health and medium survival rate after transplanting, but it was recommended to be felled. The recommendation of T70A should be reviewed;
 - (vii) the legend 'existing tree' for "Plan A: Preliminary Trees Transplanted Plan for Car Parking C on Festival Day" (Appendix Ii of the Paper) should read as 'trees to be retained';
 - (viii) the legend 'transplanted tree' was confusing. The applicant should confirm whether it was the receptive location of the trees to be transplanted;

- (ix) the applicant should clarify the term 'existing trees' and also clarify if these 'existing trees' were compatible with the design of the Car Park C on festival day or not; and
 - (x) information of 'trees to be retained' should be included in the new tree survey report;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as follows:
- (i) an existing open channel was proposed to be decked over for car parking. The existing concrete panel decking to the open channel should be removed or replaced with grating to facilitate collection of surface run-off by the open channel; and
 - (ii) the application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (i) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
- (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards;
 - (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and

- (iii) the application site was located within the flood pumping gathering ground;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows:
- (i) all unauthorized building works/structures found on the application site were subject to section 24 of the Buildings Ordinance. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all the unauthorized works in the future;
 - (ii) the development intensity should not exceed the permissible as stipulated under the First Schedule of the Building (Planning) Regulations (B(P)R);
 - (iii) formal submission by an Authorized Person for the proposed development was required under the Buildings Ordinance;
 - (iv) if the site did not abut on street of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
 - (v) the provision of emergency vehicular access (EVA) under B(P)R 41D;
- (k) to note the comments of the Director of Fire Services as follows:
- (i) EVA arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by the Buildings Department; and
 - (ii) detailed fire safety requirements would be formulated upon receipt

of formal submission of general building plans; and

- (1) to liaise with the Ta Kwu Ling District Rural Committee and villagers of Ping Che and Tai Po Tin to address their concerns on the proposed development.

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-TKL/345 Temporary Furniture Repair Workshop, Covered and Open Storage of Metal and Steel Materials, Machine Accessories, Machinery and Equipment for Electronic Components with Ancillary Office, Electricity Transformer Station and Lavatory for a Period of 3 Years in “Agriculture” and “Open Storage” zones, Lots 783 and 784 in D.D. 77, Ping Che, Fanling
(RNTPC Paper No. A/NE-TKL/345)

44. The Committee noted that the applicant on 17.1.2011 requested the Board to defer the consideration of the application for two months in order to allow more time for the applicant to address comments of the Transport Department.

45. 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 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/346 Proposed Temporary Open Storage of Semi-products for a Period of
3 Years in “Agriculture” zone, Lot 1113 S.A (Part) in D.D. 82, Ping
Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/346)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary open storage of semi-products for a period of three years;
- (c) departmental comments – the Commissioner for Transport (C for T) could not render support to the application for the time being. According to the applicant, there was an existing access leading to the application site. However, no information on the access, ingress/egress point, carparking and loading/unloading arrangements within the application site had been provided. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application. Although the application site was hard paved, agricultural activities in the vicinity of the site were active and the site was of high potential for rehabilitation of agricultural activities. From an agricultural development point of view, the application was not in line with the planning intention of the “Agriculture” (“AGR”) zone, and approval of the proposed development would set an undesirable precedent for other similar

applications. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application and commented that the proposed development was considered incompatible with the surrounding rural landscape character and would set an undesirable precedent resulting in spreading open storage use in the area;

- (d) two public comments were received during the statutory publication period. One commenter supported the application without giving any reason. Another commenter raised objection to the application on the grounds that the open storage use was a blight on the environment; the application site was zoned “AGR” and the open storage use was not in line with the planning intention; the proposed use did not comply with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E); the approval of the application would set a bad precedent and induced further degradation of the rural environment. This commenter also suggested that a condition requiring a plan for quality landscaping and well-designed fencing of the application site should be imposed if the application was approved by the TPB. The District Officer (North) had consulted the locals regarding the application and advised that the vice-chairman of the Ta Kwu Ling District Rural Committee and Indigenous Inhabitant Representative of Tong Fong raised objection to the application on the grounds that the application site was within the ‘village environs’ and *fung shui* and traffic at nearby roads would be affected; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarized below:
 - (i) the proposed use was not in line with the planning intention of “AGR” zone which was primarily 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 such planning intention, even on a temporary basis. In this regard, DAFC did not support the application from agricultural development point of view;

- (ii) the application did not comply with the TPB Guidelines No. 13E in that no previous planning approval had been granted for the application site and there were adverse departmental comments and local objections against the application. DEP did not support the application as there were sensitive uses in the vicinity of the site and the applicant had failed to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas. In addition, the proposed use was considered not compatible with the adjacent rural environment, comprising orchard, domestic use and fallow agricultural land, as well as the surrounding rural landscape character. In this regard, CTP/UD&L, PlanD had reservation on the application;
- (iii) the applicant had proposed to use the site for open storage of semi-products. However, there was no information in the submission regarding the nature and details of semi-products to be stored within the application site. In the absence of such essential information, it was not possible to assess whether the proposed open storage use would not have adverse impact on the surrounding area. C for T advised that as there was no information on the access, ingress/egress point, car parking and loading/unloading arrangements within the application site, he could not render support to the application for the time being. Thus, it would not be appropriate for the Committee to grant an approval to the application without knowing the type of semi-products to be stored; and
- (iv) there was no other similar application in the same “AGR” zone to the east of Ping Che Road that had been approved by the TPB. The approval of the application would lead to sporadic and undesirable

infiltration of similar open storage use into this “AGR” zone.

47. In response to the Chairman’s enquiry, Ms. Doris S.Y. Ting, STP/N, said that the applicant had been requested to provide information on the type of semi-products to be stored within the application site, but the applicant refused to provide such further information.

Deliberation Session

48. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed use was not in line with the planning intention of the “Agriculture” zone in the Ping Che and Ta Kwu Ling area which was primarily 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 proposed use did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB PG-No.13E) in that no previous planning approval had been granted for the application site and there were adverse departmental comments and local objections against the application; and the applicant had failed to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas; and
- (c) there was no information in the submission regarding the nature and details of semi-products to be stored within the application site. It was not possible to assess whether the proposed open storage use would not cause adverse impacts on the surrounding areas.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/347 Proposed Farm House in “Agriculture” zone, Lot 1113 S.A (Part) in
D.D. 82, Ping Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/347)

Presentation and Question Sessions

49. 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) according to the applicant, the proposed farm house should be regarded as ‘On-Farm Domestic Structure’, which was a Column 1 use within “Agriculture” (“AGR”) zone and also the proposed farm house would be NTEH under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121);
- (c) the proposed farm house had a total floor area of 58.5m² and a building height of 5m or 7.83m (including the solar panel installation at the rooftop);
- (d) the proposed one-storey structure was 3m high (measured from the lowest point of G/F to the roof, excluding the solar panel installation) with a total floor area of 58.5m² and a roofed over area of 1m² which was the total roofed over area of the nine columns;
- (e) departmental comments – the District Lands Officer/North, Lands Department (DLO/N, LandsD) did not support the application because an application for ‘On-Farm Domestic Structure’ would only be considered if the applicant was applying for agricultural resite and was eligible for the resite when the applicant’s existing domestic structure was affected by a

government project and required to be cleared. According to the information submitted by the applicant, it was noted that the applicant was not applying for agricultural resite on the grounds that its existing domestic structure was affected by a government project and required to be cleared. In this case, even if planning permission was granted, a Short Term Waiver would not be granted to the applicant to cover the proposed 'On-Farm Domestic Structure'. Besides, the proposed development did not meet the conditions stipulated in the Buildings Ordinance (Application to the New Territories) Ordinance in relation to the issue of Certificate of Exemption (C of E). Hence, C of E could not be issued for the proposed development. It was considered that the proposed development was not an NTEH. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view. Although it was claimed by the applicant that the proposed development was for 'farm house' use, it was understood that the proposed development with its building dimension and nature was considered not in line with the definition of an 'on-farm domestic structure' under the prevailing policy of LandsD and Planning Department (PlanD);

- (f) two public comments were received during the statutory publication period. One commenter supported the application. Another commenter objected to the application on the grounds that the application site was zoned "AGR" zone 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; the applicant failed to provide a sustainable layout, which would deteriorate the living environment in the village, impact the well being of residents and create health and social problems and future costs to society; and approval of the application would lead to a general degradation of the area. The District Officer (North) received local objection from the Indigenous Inhabitant Representative of Tong Fong while the Resident Representative of Tong Fong and the vice-chairman of the Ta Kwu Ling District Rural Committee had no specific comment on the application; and

- (g) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed farm house with a building height of 7.83m and a total of roofed over area of 58.5m² did not comply with the definition of 'On-Farm Domestic Structure' as specified in the Definition of Terms used in the statutory plans. Hence, the proposed farm house could not be regarded as an 'On-Farm Domestic Structure' and could not be accepted as a Column 1 use within the "Agriculture" ("AGR") zone. In addition, DLO/N, LandsD advised that application for 'On-Farm Domestic Structure' would only be considered if the applicant was applying for agricultural resite and was eligible for the resite when the applicant's existing domestic structure was affected by a government project and required to be cleared. However, the applicant was not applying for agricultural resite. Thus, DLO/N, LandsD did not support the application. DAFC also did not support the application as the building dimensions and nature of the proposed farm house was considered not in line with the definition of 'On-Farm Domestic Structure' under the prevailing policy of LandsD and PlanD. It was noted that the proposed farm house was neither an 'On-Farm Domestic Structure' nor an NTEH, there was no provision for the Committee to consider the proposed farm house development under the current application, which was neither a Column 1 nor Column 2 use within the "AGR" zone on the Ping Che and Ta Kwu Ling OZP.

Deliberation Session

50. The Chairman noted that the dimensions and nature of the proposed farm house was not in line with the definition of the 'On-Farm Domestic Structure' under the prevailing policy of LandsD and PlanD. However, the applicant also claimed that the proposed structure would be a NTEH under the Buildings Ordinance (Application to the New Territories) Ordinance. According to paragraph 9.1.1 of the Paper, DLO/N, LandsD did not support the application because the proposed development did not meet the conditions stipulated in the Buildings Ordinance. However, by referring to the dimensions of a NTEH as defined under Part I of the Schedule of the Buildings Ordinance, the proposed farm house with a building height of 7.83m and roofed-over area of 58.5m² fell within those parameters

prescribed for a NTEH. DLO/N, LandsD might need to clarify his comments. A Member commented that dimensions should not be the sole consideration in deciding whether a proposed development was a NTEH. Other Members shared this Member's view. Mr. Simon Yu of LandsD said that he would seek further comments from DLO/N, LandsD on details of the subject application.

51. Regarding 'On-Farm Domestic Structure', a Member enquired whether there was any administrative mechanism to ensure that a farm house was for the use of a farmer. Mr. Yu replied that such application would only be considered by LandsD if the proposed development was for agricultural resite on the grounds that the existing domestic structure was affected by a government project and required to be cleared. The applicant also had to prove that he/she was a genuine farmer.

52. In view of Members' concerns on whether the proposed development would be considered as a NTEH, the Secretary suggested to defer the consideration of the subject application pending further clarification from DLO/N, LandsD. Members agreed.

53. After further deliberation, the Committee decided to defer a decision on the application pending PlanD's clarification with LandsD on the issue mentioned in paragraph 50 above.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/729 Temporary Public Vehicle Park (Excluding Container Vehicles) Use
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents)
for a Period of 3 Years in "Residential (Group A)" zone,
Integrated Commercial/Car Park Accommodation, Sun Yee House;
Open Carparks; Car Park Blocks (Carpark 1: G/F, 2/F, 3/F, Roof;
Carpark 2: G/F and Carpark 3: G/F), Sun Chui Estate,
No. 2 Chui Tin Street, Sha Tin
(RNTPC Paper No. A/ST/729)

Presentation and Question Sessions

54. 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) temporary public vehicle park (excluding container vehicle) use (letting of surplus monthly vehicle parking spaces to non-residents) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) 12 public comments were received during the statutory publication period. The commenters raised objections to the application mainly on the grounds that letting the parking spaces to non-residents would result in increase in traffic flow and congestion, noise and environmental nuisance, concerns on traffic safety as heavy vehicles and coaches might be allowed in the parking spaces, and residents in nearby areas currently without parking space were encouraged to own a car; the applicant had not submitted sufficient information for the application, the car parks should be used by residents of the Sun Chui Estate, letting the car parks to outsiders would cause noise nuisance and traffic safety hazards and create pressure for relevant facilities in the area. Some residents stated that they should enjoy priority in using the car parking spaces and no heavy vehicles should be allowed so as to minimize environmental and noise nuisance to the residents. One commenter requested the applicant to submit further information on vacancy rates of the parking spaces, clarification on type of vehicles to be allowed and suitability of the parking spaces for heavy vehicles and coaches. Another commenter suggested that residents of Sun Chui Estate should enjoy priority for use of the parking spaces and letting the car park on hourly basis instead. Another commenter pointed out over provision of parking would reduce cost of car use and promote car ownership and

private car use which was against the current transport policies and another comment pointed out that increase in parking by outsiders would add costs of maintenance which would be borne by residents. The District Officer (Sha Tin) relayed a comment from a District Councillor who raised objection against the application but did not specify any point of his objection; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The application site was subject to a previous application approved by the Committee for the same use. There was no change in planning circumstances since the previous temporary approval was granted. The proposal did not involve any new development or redevelopment of the application site. According to the applicant, the residents of the Sun Chui Estate would be given priority in renting the vehicle parking spaces. As only the surplus monthly vehicle parking spaces would be let to non-residents, the parking needs of the residents would not be compromised. The proposal did not involve increase in parking provision and would not generate additional traffic flow nor worsen the environmental conditions in the area. The temporary nature of the application for a period of three years was considered reasonable so that the surplus parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed. In view of the concerns raised by commenters mentioned in paragraph 54(d) above, C for T advised that there was no traffic congestion on Chui Tin Street during the peak hours. The letting of under-utilized parking spaces to the public could address the problem of shortage of local parking spaces. Moreover, an advisory clause that the applicant should liaise with the Management Committees of Sun Chui Estate and the concerned residents with a view to addressing their concerns had been recommended in paragraph 11.2(e) of the Paper.

55. Members had no question on the application.

Deliberation Session

56. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

- priority should be accorded to the residents of Sun Chui Estate in the letting of the surplus vehicle parking spaces and the proposed number of private car parking spaces, lorry parking spaces and motorcycle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) to apply to the District Lands Officer/Shia Tin, Lands Department for temporary waiver to permit the proposed use at Sun Chui Estate;
- (b) to note the comment of the Senior Maintenance Surveyor/Independent Checking Unit(1), Housing Department that the covered carparks (previously provided for residents) were now accountable to non-domestic Gross Floor Area (GFA) as they would be let to the outsiders. In future, any new submission to the Independent Checking Unit under the Buildings Ordinance should include these new GFA;
- (c) to note the comment of the Director of Environmental Protection that the tenancy agreement with the tenant would need to be reviewed if there was any vehicle noise complaints from residents;
- (d) to note the comment of the Director of Fire Services that his no objection stance was subject to there being no change in the layout of the carparks; and
- (e) to liaise with the Management Committees of Sun Chui Estate and the concerned residents with a view to addressing their concerns.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/730 Temporary Public Vehicle Park (Excluding Container Vehicle) Use
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents)
for a Period of 3 Years in “Residential (Group A)” zone,
Commercial/Car Park Block (G/F, 1/F);
Integrated Commercial/Carpark Accommodation, Sand Martin House
(G/F, 1/F); Integrated Commercial/Carpark Accommodation, Osprey
House (G/F, 1/F); and Open Carpark, Sha Kok Estate, No. 5 Sha Kok
Street, Sha Tin

(RNTPC Paper No. A/ST/730)

Presentation and Question Sessions

58. Mr. Otto K.C. Chan, STP/STN, drew Members’ attention to a typo error in lines 4 and 5 of page 7 of the Paper, which should read as ‘Sha Kok Estate’. Mr. Chan then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary public vehicle park (excluding container vehicle) use (letting of surplus monthly vehicle parking spaces to non-residents) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) three public comments were received during the statutory publication period. One commenter raised objection mainly on grounds that letting the parking spaces to non-residents would promote car ownership among residents of nearby properties where car parking facilities were not included and over provision of parking would reduce cost of car use and promote car

ownership and private car use which was against the current transport policies. Two comments were received from a Member of both Sha Tin District Council and Housing Authority. The commenter supported the application and suggested that priority use of the parking spaces should be accorded to residents and shop owners of Sha Kok Estate and nearby residents, and that the management of the carpark should be improved. The District Officer (Sha Tin) had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The application site was subject to a previous application approved by the Committee for the same use. There was no change in planning circumstances since the previous temporary approval was granted. The proposal did not involve any new development or redevelopment of the application site. According to the applicant, the residents of the Sha Kok Estate would be given priority in letting of vehicle parking spaces. As only the surplus monthly vehicle parking spaces would be let to non-residents, the parking needs of the residents would not be compromised. The proposal did not involve increase in parking provision and would not generate additional traffic flow nor worsen the environmental conditions in the area. In this respect, the Commissioner for Transport and Director of Environmental Protection had no in-principle objection to the application. The temporary nature of the application for a period of three years was considered reasonable so that the surplus parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed. In view of the concerns raised by the commenter mentioned in paragraph 58(d) above, an advisory clause requesting the applicant to liaise with the Management Committees of Sha Kok Estate with a view to addressing the public concerns had been recommended in paragraph 11.2(e) of the Paper.

59. Members had no question on the application.

Deliberation Session

60. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

- priority should be accorded to the residents of Sha Kok Estate in the letting of the surplus vehicle parking spaces and the proposed number of private car parking spaces, lorry parking spaces and motorcycle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) to apply to the District Lands Officer/Shia Tin, Lands Department for a lease modification or temporary waiver to permit the proposed use at Sha Kok Estate;
- (b) to note the comment of the Senior Maintenance Surveyor/Independent Checking Unit(1), Housing Department that the covered carparks (previously provided for residents) were now accountable to non-domestic Gross Floor Area (GFA) as they would be let to the outsiders. In future, any new submission to the Independent Checking Unit under the Buildings Ordinance should include these new GFA;
- (c) to note the comment of the Director of Environmental Protection that the tenancy agreement with the tenant would need to be reviewed if there was any vehicle noise complaints from residents;
- (d) to note the comment of the Director of Fire Services that his no objection stance was subject to there being no change in the layout of the carparks; and
- (e) to liaise with the Management Committees of Sha Kok Estate with a view to addressing the public concerns.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/731 Temporary Public Vehicle Park (Excluding Container Vehicle) Use
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents)
for a Period of 3 Years in “Residential (Group A)” zone,
the Commercial Carpark Block (G/F) and Open Carparks, Lek Yuen
Estate, No. 6 Lek Yuen Street ,Sha Tin
(RNTPC Paper No. A/ST/731)

Presentation and Question Sessions

62. 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) temporary public vehicle park (excluding container vehicle) use (letting of surplus monthly vehicle parking spaces to non-residents) for a period of three years;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;

- (d) three public comments on the applicant’s further information were received during the public inspection period. A resident of Lek Yuen Estate objected to the application mainly on grounds that if vehicle parking was allowed on vehicular access, it would increase traffic risks and endanger pedestrian. Besides, roads within the housing estate were within the purview of the Housing Department. Other commenters had no in-principle objection to the application. However, they commented that residents should be given priority for renting the parking spaces and the parking spaces No. PL1 and L25 to L32 should only be used for private car

parking in order to reduce noise nuisance and ensure residents' safety. According to both commenters, the lorry parking spaces No. PL1 and L25 to L32 were located in close proximity to Wing Shui House. The pavement between the building and the parking spaces was the main pedestrian circulation area, which was narrow. If goods vehicles were allowed to park at these spaces and loading/unloading activities were allowed there, it would pose danger and cause inconvenience to the residents. The District Officer (Sha Tin) had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The application site was subject to a previous application approved by the Committee for the same use. There was no change in planning circumstances since the previous temporary approval was granted. The proposal did not involve any new development or redevelopment of the application site. According to the applicant, the residents of the Lek Yuen Estate would be given priority in renting the vehicle parking spaces. As only the surplus monthly vehicle parking spaces would be let to non-residents, the parking needs of the residents would not be compromised. The proposal did not involve increase in parking provision and would not generate additional traffic flow nor worsen the environmental conditions in the area. In this respect, the Commissioner for Transport and Director of Environmental Protection had no in-principle objection to the application. The temporary nature of the application for a period of three years was considered reasonable so that the surplus parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed. In view of the concerns raised by the commenters mentioned in paragraph 62(d) above, an advisory clause requesting the applicant to liaise with the Management Committees of Lek Yuen Estate and the concerned residents with a view to addressing their concerns had been recommended in paragraph 11.2(e) of the Paper.

63. Members had no question on the application.

Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

- priority should be accorded to the residents of Lek Yuen Estate in the letting of the surplus vehicle parking spaces and the proposed number of private car parking spaces, lorry parking spaces and motorcycle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) to apply to the District Lands Officer/Shia Tin, Lands Department for temporary waiver to permit the proposed use at Lek Yuen Estate;
- (b) to note the comment of the Senior Maintenance Surveyor/Independent Checking Unit(1), Housing Department that the covered carparks (previously provided for residents) were now accountable to non-domestic Gross Floor Area (GFA) as they would be let to the outsiders. In future, any new submission to the Independent Checking Unit under the Buildings Ordinance should include these new GFA;
- (c) to note the comment of the Director of Environmental Protection that the tenancy agreement with the tenant would need to be reviewed if there was any vehicle noise complaints from residents;
- (d) to note the comment of the Director of Fire Services that his no objection stance was subject to there being no change in the layout of the carparks; and
- (e) to liaise with the Management Committees of Lek Yuen Estate and the concerned residents with a view to addressing their concerns.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/732 Temporary Public Vehicle Park (Excluding Container Vehicle) Use
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents)
for a Period of 3 Years in “Residential (Group A)” zone,
the Integrated Commercial Carpark Accommodation (G/F),
Commercial Carpark Blocks (G/F and 1/F) and Open Carparks,
Wo Che Estate, Sha Tin
(RNTPC Paper No. A/ST/732)

Presentation and Question Sessions

66. 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) temporary public vehicle park (excluding container vehicle) use (letting of surplus monthly vehicle parking spaces to non-residents) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and the District Officer (Sha Tin) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The application site was subject to a previous application approved by the Committee for the same use. There was no change in planning

circumstances since the previous temporary approval was granted. The proposal did not involve any new development or redevelopment of the application site. According to the applicant, the residents of Wo Che Estate would be given priority in renting the vehicle parking spaces. As only the surplus monthly vehicle parking spaces would be let to non-residents, the parking needs of the residents would not be compromised. The proposal did not involve increase in parking provision and would not generate additional traffic flow nor worsen the environmental conditions in the area. The Commissioner for Transport and Director of Environmental Protection had no in-principle objection to the application. The proposed temporary nature of three years of the planning permission under application was considered reasonable so that the surplus parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed.

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

- priority should be accorded to the residents of Wo Che Estate in the letting of the surplus vehicle parking spaces and the proposed number of private car parking spaces, lorry parking spaces and motorcycle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) to apply to the District Lands Officer/Shia Tin, Lands Department for temporary waiver to permit the proposed use at Wo Che Estate;
- (b) to note the comment of the Senior Maintenance Surveyor/Independent

Checking Unit(1), Housing Department that the covered carparks (previously provided for residents) were now accountable to non-domestic Gross Floor Area (GFA) as they would be let to the outsiders. In future, any new submission to the Independent Checking Unit under the Buildings Ordinance should include these new GFA; and

- (c) to note the comment of the Director of Fire Services that his no objection stance was subject to there being no change in the layout of the carparks.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/734 Proposed Public Utility Installation (Package Substation) in
 “Residential (Group A)” zone, Government Land near Tsuen Nam
 Road, Tai Wai, Sha Tin
 (RNTPC Paper No. A/ST/734)

Presentation and Question Sessions

70. 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) proposed public utility installation (package substation);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and District Officer (Sha Tin) had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed package substation was required to enhance the security of supply and provide adequate electricity supply to the buildings at Chik Fuk Street, Chik Fu Street, village houses to the south of Tai Wai Village and future developments in the vicinity. The proposed package substation was a mini-type substation which covered a total floor area of only about 11.95m² and was considered as a small scale development. No local objection and public comment were received during the statutory publication period.

71. Members had no question on the application.

Deliberation Session

72. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 28.1.2015, 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 service installations and fire fighting water supplies 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 layout of the proposed package substation should be suitably adjusted to the satisfaction of the Commissioner for Transport or of the TPB.

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

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

- (i) Emergency Vehicular Access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department; and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (b) to note the comment of the Director of Electrical and Mechanical Services that as the package transformer was to provide electricity supply to nearby customers, the associated electricity demand should be provided by the nearby substation as far as possible;
- (c) to note the comment of the Chief Engineer/Mainland South, Drainage Services Department that the applicant should exercise extreme care when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to the public sewer drains and manholes. Any blockage or damage to the existing drainage works due to construction of the package substation should be made good to his satisfaction at the resources of the applicant; and
- (d) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the International Commission on Non-Ionising Radiation Protection guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services.

[A short break of 5 minutes was taken at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/426 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 310 S.B in D.D.9, Kau Lung Hang Village,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/426)

Presentation and Question Sessions

74. 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) proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the application site had high potential of rehabilitation for agricultural activities. The Commissioner for Transport (C for T) had reservation on the application as such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. However, the application only involved the construction of one Small House, he considered that the application could be tolerated unless it was rejected on other grounds;
- (d) one public comment was received during the statutory publication period. The commenter objected to the application as the site fell within the “Agriculture” (“AGR”) zone without a sustainable village layout plan. The

District Officer (Tai Po) (DO(Tai Po)) commented that the footpath next to the proposed house was maintained by his office. It was suggested that the footpath should be kept accessible to the public, unless an alternative route could be provided by the applicant. Meanwhile, if the applicant planned to carry out any works on the concerned footpath, he should seek comments from DO (Tai Po) beforehand, and reinstate the footpath to the satisfaction of his office upon completion of the works; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application generally in line with the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories' ('Interim Criteria') in that the proposed footprint of the Small House fell entirely within the 'village environs' of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the villages concerned. The application site was within the upper indirect water gathering ground. According to the Chief Engineer/Consultants Management, Drainage Services Department, a public sewerage connection point would be provided at about 30m to the south of the application site according to the latest proposed sewerage scheme for Kau Lung Hang San Wai. In technical terms, the proposed Small House would be able to be connected to the public sewerage in the area provided that the applicant was willing to make proper sewer connection from the proposed house via Lot 310RP to the public sewerage at his own cost. The applicant had obtained the consent of the owner of Lot 310RP to having the sewerage connection for the proposed house passing through his lot. As such, both the Director of Environmental Protection and Chief Engineer/Development(2), Water Supplies Department had no objection to the application. There were a number of similar applications for Small House developments in the vicinity approved by the Committee in accordance with the revised 'Interim Criteria'. The approval of the application would be in line with the previous decisions of the Committee. As regards the public comment on

the grounds that the application site fell within the “AGR” zone without a sustainable village layout plan, concerned government departments had no objection to or adverse comments on the application.

75. Members had no question on the application.

Deliberation Session

76. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 28.1.2015, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual construction of the proposed Small House should only begin

after the completion of the public sewerage network;

- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (d) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the site was in an area where no public drain maintained by his Department was available. The applicant was required to implement a drainage proposal and maintain drainage systems provided for the site properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (f) to note the comments of CE/MN, DSD that stormwater connection might be available after completion of the drainage improvement works under the project, 'Drainage Improvement Works in Ping Kong, Kau Lung Hang, Yuen Leng, Nam Wa Po and Tai Hang Areas' and to consult the Chief Engineer/Drainage Projects, Drainage Services Department on availability of drainage connection;
- (g) to note the comments of CE/MN, DSD that the site was in an area where no existing public sewerage was available and the sewerage connection might be available when the proposed village sewerage works under the project, 'North District Sewerage, Stage 2, Phase 1' was completed in around

2016/17. The Director of Environmental Protection should be consulted on the sewage treatment/disposal aspects of the proposed development;

- (h) to note the comments of the Chief Engineer/Consultants Management, Drainage Services Department that the proposed sewerage scheme for Kau Lung Hang San Wai might be fine-tuned in the course of finalizing the design. The applicant was advised to continue to pay attention to the latest development of the proposed sewerage scheme. His Department would keep all relevant village representatives posted in this regard;
- (i) to note the comment of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 4 of Appendix IV of the Paper;
- (k) to note the comment of the District Officer (Tai Po) to keep the footpath next to the proposed house accessible to the public unless an alternative route could be provided and to seek comments from his office beforehand and reinstate the footpath to the satisfaction of his office upon completion of the works if any works on the concerned footpath were carried out;
- (l) to note the comments of the Commissioner for Transport to check with the Lands Authority on the land status of the existing village access nearby and clarify with the relevant lands and maintenance authorities on the management and maintenance responsibilities of the village access accordingly;
- (m) to note the comments of the Director of Electrical and Mechanical Services (DEMS) to 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. For application 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; and

- (n) if there was underground cable (and/or overhead line) within or in the vicinity of the application site, note the comments of DEMS to 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 application site; and to observe the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines.

Agenda Item 22

Section 16 Application

[Open Meeting]

A/NE-LT/407 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 140 S.A in D.D. 19, Tong Min Tsuen,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/407A)

78. The Committee noted that the applicant’s representative on 20.1.2011 requested for deferment of the consideration of the application for two months in order to allow more time for the applicant to address the issues on proposed sewerage connection for the proposed house and obtaining relevant owner’s consents.

79. 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, resulting in a total of three months, had been allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 23

Section 16 Application

[Open Meeting]

A/NE-TK/303 Proposed Columbarium in “Government, Institution or Community”
zone, Soka Gakkai International of Hong Kong Cultural and
Recreational Centre, Tai Po Town Lot 127 (Part), 33 Shan Nam Road,
Tai Po

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

80. The Committee noted that the applicant’s representative on 21.1.2011 requested for deferment of the consideration of the application for two months in order to allow more time for the applicant to consult the local villagers and rural committee.

81. 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 further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/339 Proposed House (New Territories Exempted House – Small House) in
 “Green Belt” zone, Lot 625 S.B ss.1 in D.D. 15, Shan Liu Village,
 Tai Po
 (RNTPC Paper No. A/NE-TK/339)

Presentation and Question Sessions

82. Mr. W.K. Hui, DPO/STN, said that replacement pages 10 and page 1 of Appendix VI for the Paper 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) proposed house (New Territories Exempted House (NTEH)- Small House);
- (c) departmental comments – the Commissioner for Transport had reservation on the application, the NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible. However, the subject application only involved the construction of one Small House, it could be tolerated unless it was rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view as the proposed use was not in line with the planning intention of “Green Belt” (“GB”) zone. The approval of the application would set undesirable precedent to other similar Small House applications in the area encouraging urban sprawl/village developments in the existing rural landscape setting and further degrading the landscape quality of the area;
- (d) three public comments were received during the statutory publication

period. Two commenters pointed out that substantial land degradation and slope cutting had been carried out in the area. The proposed development was not in line with the planning intention of “GB” zone within which there was a general presumption against development. Moreover, the applicant had not provided sufficient information to address concerns on sewerage connection and slope stability. They requested the TPB to reject the application in order to send a clear message to the public that the “destruction first” approach would not help approval of any development. Another commenter objected to the application as the site was zoned “GB”, the zoning intention and character of the area was incompatible with urban sprawl. Noting that suspected unauthorized developments and removal of vegetation were carried out on site, the commenter urged for strict monitoring and enforcement actions be taken to terminate the unauthorized development. Approval of the application and condoning of illegal development might further promote a “destroy first, develop later” attitude among landowners. The District Officer (Tai Po) had no comment on the application; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development complied with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ in that the proposed Small House fell entirely within the ‘village environs’, there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Shan Liu Village. Although the CTP/UD&L, PlanD objected to the application from landscape planning point of view and there were public comments against the application, sympathetic consideration might be given to the application as the site was currently vacant with no significant vegetation and the closest woodland was at some distance away. The site was located within the upper indirect water gathering grounds. The Director of Environmental Protection and the Chief Engineer/Development (2), Water Supplies Department had no objection to the application provided that the proposed Small House could be connected

to the planned public sewerage system and the occupation of the Small House would only take place after the public sewerage system was completed in the area. The applicant would be required to connect his sewer to the planned sewerage system at his own cost. Moreover, to address the concerns raised by the public regarding the unauthorized development on site, the Chief Town Planner/Central Enforcement and Prosecution, PlanD advised that there was an enforcement case against the unauthorized storage use (including deposit of containers) to the south of the application site. An Enforcement Notice (EN) was issued on 15.12.2010 to the concerned parties requiring the discontinuance of the unauthorized development. If the requirement of the EN was not complied with upon the expiry of the notice on 15.2.2011, prosecution action would be taken against the notice recipients.

83. Members had no question on the application.

Deliberation Session

84. In response to a Member's enquiry, the Secretary pointed out that the approval condition recommended in paragraph 13.2(d) of the Paper was suggested by the Chief Engineer/Development (2), Water Supplies Department (page 3 of Appendix VI of the Paper referred).

85. 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 28.1.2015, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;

- (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;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage system;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage system;
- (c) the trunk sewers would be laid along Shan Liu Road under the “Tolo Harbour Village Sewerage Stage 1 – Remaining Works” project. Upon completion of the trunk sewers, the applicant should extend his sewer, at his own cost, to the nearest connection point of the public sewerage system in the area;
- (d) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no existing public stormwater drains

available for connection in the vicinity of the site. The 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;

- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the whole of foul effluent from the proposed Small House should be conveyed through cast iron pipes with sealed joints and hatch boxes. Since the proposed Small House itself was less than 30m from the nearest watercourse, it should be located as far away from the watercourse as possible. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (g) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that there were two registered features No. 3SE-C/C186 and 3SE-C/DT40 located to the southwest of the site. The applicant was reminded to make necessary submissions to the District Lands Officer and/or the Building Authority for approval in accordance with the provisions of the Buildings Ordinance; and
- (h) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/342 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” and “Village Type Development” zones,
Lot 1035 S.A in D.D. 23, Po Sam Pai Village, Tai Po
(RNTPC Paper No. A/NE-TK/342)

Presentation and Question Sessions

87. 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) proposed house (New Territories Exempted House) (NTEH) – Small House);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment supporting the application was received during the statutory publication period. The District Officer (Tai Po) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House was considered compatible with the existing village setting with village houses on the southeast of the site. The proposed Small House complied with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ in that more than 50% of the footprint of the proposed Small House fell within the “Village Type

Development” (“V”) zone and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of concerned villages. The proposed development was unlikely to cause adverse impacts on the surrounding area. No adverse comment from concerned government departments and no public comment against the application were received.

88. Members had no question on the application.

Deliberation Session

89. 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 28.1.2015, 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 drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant was required to submit and implement a drainage proposal for the site to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant was also required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should be liable for and should indemnify claims and demands arising out of damage or nuisance

caused by a failure of the systems. There was no existing public sewerage in the vicinity of the site. Sewerage connection might be available near the site when the proposed village sewerage works under the “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” project was completed in 2013. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the development;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (c) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) 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 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/481 Religious Institution including Ancillary Staff Quarters and Services Use in “Village Type Development” zone, Lots 755 S.B, 1361 (Part), 1886 (Part) in D.D. 6 and Adjoining Government Land, 62 Kam Shan Village, Tai Po (RNTPC Paper No. A/TP/481)

Presentation and Question Sessions

91. 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) religious institution including ancillary staff quarters and services use;
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) objected to the application in that the subject site fell within the ‘village environs’ of Kam Shan. LandsD had no intention to grant the government land concerned to the applicant. Therefore, his office did not support the inclusion of the government land concerned in the application site. Moreover, land search record showed that the applicant was not the owner of the concerned lots. The proposed development would also affect government land Licence No. T13541. The Chief Building Surveyor/New Territories West, Buildings Department said that in case buildings/structures within the site were found to be unauthorized building works under the Buildings Ordinance, he did not support the application; and
- (d) eight public comments objected to the application were received during the statutory publication period. The commenters questioned the legitimacy of the operation and expressed concerns on the nuisance to nearby residents, its close proximity to residential dwellings, environmental pollution, road safety, conflict with town planning for the area, effect on property price, possible conversion to columbarium and that there was no need for additional religious institutions in Kam Shan. The District Officer (Tai Po) had no comment on the application on the assumption that no columbarium facilities were provided at the site concerned; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper.

The religious institution including ancillary staff quarters and services use were not in line with the planning intention of the “Village Type Development” (“V”) zone. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was noted that there was a shortage of land within the subject “V” zone to meet the Small House demand from the nearby Pan Chung, Pan Chung San Tsuen, Kam Shan and Shek Kwu Lung. There was insufficient information in the submission to justify a departure from the planning intention. Government departments including DLO/TP, LandsD and CBS/NTW, BD objected to/did not support the application as mentioned in paragraph 91(c) above. As compared with the previous application (No. A/TP/458) which was rejected by the Committee on 29.10.2010, the site was smaller but the proposed uses and nature of the development were still similar. There was no change in planning circumstances and so the previous views of not supporting the application were still applicable. Moreover, there were public comments objected to the application mainly on the concerns that the development was too close to residential dwellings, conflict with the town planning for the area, its nuisance and adverse environmental impacts on the surrounding area and the possible conversion into columbarium which was not a permitted use in “V” zone.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zoning for the area which was primarily intended for development of Small Houses by indigenous villagers. There was insufficient information in the submission to justify a departure from this planning intention; and

- (b) the approval of the application would set an undesirable precedent for similar developments within the “V” zone.

Agenda Item 27

Section 16 Application

[Open Meeting]

A/TP/482 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” zone, Lot 101 S.A ss.5 in D.D. 14, Tung Tsz, Tai Po
(RNTPC Paper No. A/TP/482)

94. The Secretary reported that the application site was located in the “Green Belt” (“GB”) area, west of Tung Tsz Road. The area was rural in character and had good landscape quality. TPB had, in the past, considered Tung Tsz Road as a natural boundary to confine village expansion to the east side of the road and not supported previous Small House applications to the west of the road. The only exception was application No. A/TP/417, which was approved by the TPB on review on 11.9.2009 based on the special circumstances of the review case as the applicant had lived on the site for a long time, more than 50% of the application site was within the ‘village environs’, and there was insufficient land in the “V” zone to meet the Small House demand. It was revealed that the subject “GB” area was subject to development pressure for Small House development to meet shortfall in Tung Tsz Village. TPB requested Planning Department (PlanD) to examine the land use of the area concerned including the appropriateness of maintaining the “GB” zoning for the subject area and report the result to TPB in due course.

95. The Secretary said that in view of the above background, it was considered inappropriate for the TPB to consider the application before PlanD completed the review of the “GB” zone of the area. In this regard, PlanD requested the Committee to defer a decision on the application in order to allow more time to complete the review and consult relevant government departments.

96. After deliberation, the Committee decided to defer a decision on the application for two months as requested by PlanD. The Committee also agreed that the application

should be submitted to the Committee for consideration as soon as possible upon completion of the zoning review.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/483 Proposed 2 Houses in “Green Belt” zone and area shown as ‘Road’,
Lots 361, 362 R.P., 365, 373 R.P. and 454 in D.D. 34 and Adjoining
Government Land, Tai Po Kau, Tai Po
(RNTPC Paper No. A/TP/483)

Presentation and Question Sessions

97. 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) proposed two houses with a building height of 3 storeys and domestic Gross Floor Area of about 824.7m²;
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD), the Commissioner for Transport (C for T), and the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had objection to/ reservation on the application. Their comments detailed in paragraph 9 of the Paper were summarized below:
 - (i) DLO/TP, LandsD did not support the application as the application site comprised five private lots and the adjoining government land. The major portion of the application site was government land and was currently let under Short Term Tenancy for private garden

purpose. The tenant had no development right on the tenancy area. In pursuing the proposed development, a land exchange instead of a lease modification was required as the proposal would involve amalgamation of lots for a joint development. However, the application site comprised less than 30% of private land resulting in a proposed land exchange ratio of greater than 1:3 (surrender area: regrant area) which was considered not acceptable under the current land policy;

- (ii) C for T had reservation on the application. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “Residential” 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 application only involved construction of two houses and the portion within area shown as ‘Road’ would be non-building area. It was considered that the application could be tolerated unless it was rejected on other grounds; and

- (iii) CTP/UD&L, PlanD had reservation on the application. The application site fell mostly within an area zoned “Green Belt” (“GB”), with a small part falling within government land shown as ‘Road’. There was a general presumption against development within the “GB” zone. The applicant failed to provide information to demonstrate that existing landscape resources would not be disturbed and the proposed landscape treatment was sufficient to effectively blend in the development with the surroundings. Although it was stated in the applicant’s submission that the proposed development would have insignificant visual impact in the locality, there was no information/evidence in the submission to demonstrate that the proposed two houses would blend in with the local setting and had no adverse visual impacts to the surroundings;

- (d) no public comment was received during the statutory publication period. The District Officer (Tai Po) commented that his office received a request for improving the road adjacent to the site in September 2010. His office was clearing land matters with relevant departments. As far as the application would not affect or diminish the width of the adjacent road, he had no further comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment set out in paragraph 11. The planning intention of the “GB” zoning in the area 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 in “GB” zone. The development of Government land in “GB” area into residential and ancillary garden uses were not in line with the planning intention of “GB” zone. No strong planning justification provided in applicant's submission for a departure from this planning intention. The proposed two houses with a total GFA of 824.7m², which was five times the existing intensity of 162.6m², contravened the TPB Guidelines No. 10 for ‘Application for Development within “GB” Zone under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 10), which stipulated that redevelopment of existing residential development within “GB” zone would generally be permitted up to the intensity of the existing development. Concerned government departments including DLO/TP, LandsD, C for T, CTP/UD&L, PlanD did not support/ had reservation on the application as mentioned in paragraph 97(c) above. There were other houses and low-density residential developments nearby having similar circumstances on or adjacent to land zoned “GB”. Approval of the application would set an undesirable precedent for similar applications.

98. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone and no strong planning justifications had been provided in the submission for a departure from this planning intention;
- (b) the proposed development did not comply with the Town Planning Board Guidelines No.10 in that the proposed development intensity would far exceed that of the existing development;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse visual and landscape impacts on the surrounding areas; and
- (d) approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area.

[The Chairman thanked Mr. W.K. Hui, DPO/STN, Ms. Doris S.Y. Ting and Mr. Otto K.C. Chan, STPs/STN, for their attendance to answer Members’ enquires. Mr. Hui, Ms. Ting and Mr. Chan left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 29

Section 12A Application

[Open Meeting]

Y/TM/4

Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/27 from “Residential (Group B) 10” to “Government, Institution or Community”, Lot 2011 (Part) and Adjoining Government Land in D.D. 132, Tuen Mun
(RNTPC Paper No. Y/TM/4)

100. The Committee noted that the applicant on 31.12.2010 requested for deferment of the consideration of the application for one month in order to allow more time for the applicant to prepare supplementary information to address the departmental and public comments.

101. 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 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.

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

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/410 Religious Institution in “Residential (Group A)” zone, Shop No. 7,
Level 2, Commercial Podium, Tai Hing Gardens, Phase I, 11 Tsun
Wen Road, Tuen Mun

(RNTPC Paper No. A/TM/410)

Presentation and Question Sessions

102. 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) religious institution on level 2 of the non-domestic podium of an existing residential development (i.e. Tai Hing Gardens(Phase 1));
- (c) bureaux/departmental comments – concerned government bureaux/ departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The religious institution was not incompatible with the adjoining units within the commercial podium of the existing residential development which were predominantly occupied by other shops and services uses. There was no change in planning circumstances since the last approval under application No. A/TM/352 and concerned government bureaux/ departments including the Director of Environmental Protection,

Commissioner for Transport, Chief Building Surveyor/New Territories West, Director of Fire Services and Secretary for Education had no objection to the application. No public comment was received during the statutory public inspection period. Although the approval condition for fire services installations (FSIs) under the previous application (No. A/TM/352) had yet to be fulfilled, the previous application was granted to a different applicant, the applicant under the current application stated that he would make reasonable arrangement regarding the FSIs. Should the Committee approve the application, an approval condition for submission and provision of FSIs would be stipulated which had been recommended in paragraph 11.2(a) of the Paper.

103. Members had no question on the application.

Deliberation Session

104. 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 28.1.2015, 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 provision 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 28.7.2011; 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.

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

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department that the religious institution use constituted breach of the lease

conditions. Upon obtaining planning approval, the applicant would need to apply to him for a lease modification or temporary waiver for the above proposal. He also advised that the proposed use would only be considered upon receipt of formal application from the applicant and there was no guarantee that such application, if received, would be approved and he reserved his comment on such. The application would be considered by his Department acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including, among others, charging of premium, waiver fee and administrative fee;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the premises; and
- (c) to note the comment of the Director of Fire Services that detailed fire services requirements would be formulated upon receipt of formal submission of general building plans.

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/51 Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) Use (Letting of Surplus Monthly Private Car Parking Spaces to Non-residents) for a Period of 3 Years in “Residential (Group A)” zone, Private Car Parking Spaces No. 30-47 and 51-84 on Level 2 and all Private Car Parking Spaces on Level 3 to 7 of Commercial/Carpark Block, Grandeur Terrace, Tin Shui Wai (Total 513 nos. of Private Car Parking Spaces)
(RNTPC Paper No. A/TSW/51)

106. The Secretary said that the application was submitted by the Hong Kong Housing Authority (HKHA) and the following Members had declared interests in this item:

- | | |
|---|---|
| Mr. Jimmy C.F. 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; |
| Mr. Y.K. Cheng | – spouse was the Assistant Director (Development & Procurement), Housing Department; and |
| Mr. Stephen M.W. Yip | – being the former member of the Building Committee of the HKHA and the SPC of the HKHA. |

107. The Committee considered that Members' interests were direct and they should be invited to withdraw from the meeting. Mr. Jimmy C.F. Leung, Mr. Simon Yu, Mr. Y.K. Cheng and Mr. Stephen M.W. Yip were invited to withdraw from the meeting. The Committee noted that Mr. Andrew Tsang, Professor Edwin H.W. Chan and Dr. W.K. Lo had tendered apologies for not attending the meeting. Since the Chairman had declared interest and withdrawn from the meeting, the Committee agreed that the Vice-chairman should chair the meeting.

[Mr. Jimmy C.F. Leung, Mr. Simon Yu, Mr. Y.K. Cheng and Mr. Stephen Yip left the meeting temporarily at this point.]

Presentation and Question Sessions

108. 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 renewal of planning approval of the previous application No. A/TSW/41 for temporary public vehicle park (excluding container vehicle) use (letting of surplus monthly private car parking spaces to non-residents) in Grandeur Terrace of Tin Shui Wai for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) two public comments were received during the statutory publication period. One commenter strongly opposed to the application on the grounds that the proposed public car park in Grandeur Terrace would undermine the interest of the residents, and the proposed public car park would compete with the carparks in the proximity which had been under-utilized for a long time and thus infringe the property right and interest of other property owners. Another commenter objected to the application on the grounds that the provision of public car park would promote car ownership of nearby residents whose residences had no car parking facilities; a holistic approach was required regarding the vacancy rate and use of car parking space since excessive provision of car parking spaces reduced cost of car use thus promoting car ownership which was against the overall transport policy. The District Officer (Yuen Long) had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarized below:

- (i) the application generally complied with the Town Planning Board Guidelines No. 34B on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB Guidelines No. 34B) in that there had been no material change in planning circumstances since the previous temporary approval was granted nor a change in the land uses of the surrounding areas. Moreover, no adverse planning implications arising from the renewal of the planning approval was envisaged. Concerned government departments had no objection to or adverse comments on the application. The proposal did not involve any new development or redevelopment at the premises and would not generate additional traffic flow on the surrounding areas. The approval period of three years sought was also not longer than the original validity period of the previous temporary approval; and
- (ii) according to the applicant, on average, 42% of the monthly private car parking spaces in the premises were not let to the residents. The letting of the surplus parking spaces to non-residents would therefore help utilize resources more efficiently. As regards the concerns raised by the commenters as mentioned in paragraph 108(d) above, allocation priority to rent the parking spaces would continue to be given to residents of Grandeur Terrace and monthly charge for both residents and non-residents would be the same. Moreover, it should be noted that the current application was a renewal application. No significant adverse traffic impact was observed during the approval period of the last application, and adverse traffic impact to be generated by renewing the application was not anticipated. The application only involved conversion of existing ancillary car park to public vehicle park and no additional car parking spaces would be provided. Besides, an approval condition requiring the applicant to accord such priority to the residents of Grandeur Terrace in the letting of the carparking spaces had been recommended in paragraph 12.2(b) of the Paper.

109. Members had no question on the application.

Deliberation Session

110. Mr. Ambrose S.Y. Cheong of Transport Department said that for similar applications under agenda items 16-19, the recommended approval condition had made specific reference to the 'surplus' car parking spaces. He enquired whether the same approach should be adopted for the subject case. Members agreed that approval condition (b) should be amended to read as 'priority should be accorded to the residents of Grandeur Terrace in the letting of the surplus private car parking spaces in the application premises'.

111. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 2.2.2011 to 1.2.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the proposed number of car parking spaces to be let to non-residents should be agreed with the Commissioner for Transport; and
- (b) priority should be accorded to the residents of Grandeur Terrace in the letting of the surplus private car parking spaces in the application premises.

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

- (a) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the subject commercial/carpark block and Tin Shui Road; and
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all the required facilities and associated works, including service core areas of such public carpark should be accountable for Gross Floor Area calculation under the Buildings Ordinance and the non-domestic and domestic plot ratio of the development should not exceed

the permissible under the first Schedule of the Building (Planning) Regulations. Formal submission of the proposed works to the Building Authority for approval was required. Detailed consideration would be made at building plan submission stage.

[Mr. Jimmy C.F. Leung, Mr. Simon Yu and Mr. Stephen M.H. Yip returned to join meeting at this point.]

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-PS/337 Temporary Open Storage and Workshop (Dismantling and Storage of Reusable/disused Computers and Transport Overseas) for a Period of 3 Years in “Green Belt” and “Undetermined” zones, Lots 3246 (Part), 3247 (Part), 3248 (Part), 3249 (Part), 3251 (Part), 3252 (Part), 3335 (Part), 3336 (Part), 3337 (Part), 3338 (Part) and 3339 (Part) in D.D. 124, Tin Sam, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-PS/337)

113. The Committee noted that the applicant on 12.1.2011 requested for deferment of the consideration of the application for two months in order to allow more time for the applicant to appoint consultants to supplement the environmental and drainage impact assessments.

114. 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 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/392 Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park for a Period of 3 Years in “Undetermined” zone, Lot 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land in San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/392)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary container vehicle park, open storage of containers and public car park for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period . The District Officer (Yuen Long) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under current application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was considered not incompatible with the surrounding land uses which included vehicle parks, open storage yards, and vehicle/tyre repair workshops. The future land uses of the area currently zoned in the “Undetermined” (“U”) zone on the San Tin Outline Zoning Plan (OZP) would be reviewed under the Planning and Engineering Study on

Development of Lok Ma Chau Loop (the Loop Study). Prior to completion of the Loop Study, sympathetic consideration could be given for temporary use of the site, and approval on a temporary basis would not frustrate the long-term use of the “U” zone of the OZP. The application was in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) in that there were previous approvals and there were no major adverse departmental comments on or no objection to the application. Similar applications had been approved by the Committee, approval of the current application was in line with the Committee’s or the TPB’s previous decisions. Technical concerns of government departments including the Chief Town Planner/Urban Design and Landscape, Planning Department, Chief Engineer/Mainland South, Drainage Services Department and Director of Fire Services could be addressed by stipulating relevant approval conditions as recommended in paragraphs 13.2 (g) to (k) of the Paper. To address DEP’s concern and to minimize potential environmental impact from the development on the surrounding areas, approval conditions restricting the operation hours, the types of vehicles and activities on-site, the stacking height of containers stored on-site and requiring maintenance of paving and boundary fencing had been recommended in paragraphs 13.2 (a) to (f) of the Paper.

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2014, 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. and 7:00 a.m. for container vehicles, as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) the containers stacked within 5m of the periphery should not exceed the height of the boundary fence during the planning approval period;
- (e) the stacking height of containers stored at any other location within the site should not exceed 8 units during the planning approval period;
- (f) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (g) the landscape planting on the site should be maintained at all times during the planning approval period;
- (h) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the submission of an as-built drainage plan and photographic records 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 28.7.2011;
- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2011;
- (k) in relation to (j) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of

the Director of Fire Services or of the TPB by 28.10.2011;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the land under application site comprised Old Schedule Agricultural Lot held under Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. No approval had been given for the specified structure as site office with container converted office; the information

indicated that government land (GL) of about 14m² had been included in the site for which no permission had been given for its occupation by his Office. Enforcement action would be taken by his Office against unauthorized occupation of GL; access to the site from Lok Ma Chau Road required traversing through the abovementioned project limits and a short stretch of GL; upon obtaining planning approval, the lot owner would still need to apply to his Office to permit structure to be erected or regularize any irregularities on-site. The occupier was also required to apply to his Office for occupation of the GL involved. Such application would be considered by Lands Department 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 Lands Department;

- (e) to note the detailed comments of the Drainage Services Department indicated in Appendix V of the Paper;
- (f) to note the comments of the Commissioner for Transport that the site was connected to Lok Ma Chau Road via a local access road which was not managed by Transport Department; the land status of the local access road leading to the site from Lok Ma Chau Road should be checked with the lands authority; and the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Highway Department's (HyD) that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Lok Ma Chau Road;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (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 structure, for approval under the BO was required. If the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under Building (Planning) Regulations (B(P)R) 19(3) during building plan submission stage; and B(P)R41D regarding the provision of emergency vehicular access was applicable;

- (i) to note the comments of the Director of Fire Services that fire service installations (FSIs) were required in consideration of the design/nature of the proposed structures, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements as prescribed at Appendix VI of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justification to his Department for consideration; and his detailed comments on the application were in Appendix VI of the Paper; and

- (j) to note the comments of the 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 measures as prescribed at Appendix VII of the Paper.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/393 Temporary Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) with Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen) and Storage of Metal Ware and Construction Material for a Period of 3 Years in “Undetermined” zone, Lots 253, 254, 255, 256, 257, 258, 259, 260, 261 (Part), 262 (Part), 264 (Part), 265, 266, 267, 268, 270, 279 S.B RP (Part), 280 and 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/393)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary public vehicle park (including private cars, container vehicles and heavy goods vehicles) with ancillary facilities (including vehicle repair area, site offices and canteen) and storage of metal ware and construction material for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period. The commenter raised objection to the application and stated that he was the owner of Lots 266, 267 and 270 in D.D. 99, and had not signed any contract of rental of these lots to the applicant under current application. He objected to the application as he understood nowadays a signed rental

contract between the operator of a carpark was obligatory. The District Officer (Yuen Long) had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarized below:
 - (i) the applied use was considered not incompatible with the surrounding land uses in the “Undetermined” (“U”) zone of San Tin Outline Zoning Plan (OZP). The land uses would be reviewed under the Planning and Engineering Study on Development of Lok Ma Chau Loop (the Loop Study). Prior to completion of the Loop Study, sympathetic consideration could be given for temporary use of the site, and approval on a temporary basis would not frustrate the long-term use of the “U” zone of the OZP. The application was considered in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) in that there were previous approvals and there were no major adverse departmental comments on/objection to the application. Similar applications had been approved by the Committee, approval of the current application was in line with the Committee’s or the TPB’s previous decisions; and
 - (ii) technical concerns of government departments including the Chief Engineer/Railway Development 1-1, Railway Development Office, Highways Department, Chief Engineer/Mainland South, Drainage Services Department, Chief Town Planner/Urban Design and Landscape of PlanD and Director of Fire Services could be addressed by way of stipulating approval conditions as recommended in paragraphs 13.2(a) and (f) to (j) of the Paper. The Director of Environmental Protection had no adverse comment on the application. To minimize potential environmental impact from

the development on the surrounding areas, approval conditions restricting the operation hours and the types of vehicles as well as requiring maintenance of paving and boundary fencing, and drainage facilities had been recommended in paragraphs 13.2(b) to (e) of the Paper.

120. Members had no question on the application.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) setting back the boundary of the site to avoid encroachment onto the administrative protection boundary of Northern Link as and when required by the Government to the satisfaction of the Director of Highways or of the TPB;
- (b) no operation between 11:00 p.m. and 7:00 a.m. for container vehicles and heavy goods vehicle, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of an as-built drainage plan and photographic records 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 28.7.2011;

- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2011;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2011;
- (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2011;
- (j) in relation to (i) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

122. 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 temporary uses with the concerned owner(s) of the application site;
- (c) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the land under application site comprises Old Schedule Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. Modification of Tenancy (MoT) Nos. MT/LM 1511 and M19780 were granted to allow for erection of temporary agricultural structures on Lots No. 259, 270 and 372 S.D RP in D.D. 99. Change of use of the subject site would cause a breach of the terms of the MoT; no approval had been given for the specified structures as office, canteen, vehicle repair area, ancillary tyre repair area and watchman office; the information indicates that government land (GL) of about 978m² had been included in the site for which no permission had been given for its occupation by his Office. Enforcement action would be taken by his Office against unauthorized occupation of GL; access to the site from Lok Ma Chau Road required traversing through the abovementioned Mass Transit Corporation project limit and a short stretch of GL; should planning approval be given to the subject planning application, the lot owner would still need to apply to his Office to permit structure to be erected or regularize any irregularities on-site. The occupier was also required to apply to his Office for occupation of the GL involved. Such application would be considered by Lands Department 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 Lands Department;

- (e) to note the detailed comments of the Chief Engineer/Mainland South, Drainage Services Department were indicated in Appendix V of the Paper;
- (f) to note the comments of the Commissioner for Transport that the site was connected to Lok Ma Chau Road via a local access road which was not managed by Transport Department; the land status of the local access road leading to the site from Lok Ma Chau Road should be checked with the lands authority; and the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comment of the Highways Department (HyD) that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Lok Ma Chau Road;
- (h) to note the comment of the Director of Fire Services that fire extinguisher(s) should be provided to all proposed temporary structures;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found; and formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under Building (Planning) Regulations 19(3) during building plan submission stage;

- (j) to note the comment of the Chief Engineer/Development (2), Water Supplies Department that existing water mains would be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development;
- (k) to note the comments of the 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 measures as prescribed at Appendix VI of the Paper; and
- (l) to note the comment of the Director of Food and Environmental Hygiene that the applicant was advised that a proper food licence issued by his Department was necessary if any food business was open to the public.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/394 Renewal of Planning Approval for Temporary Public Car Park with Ancillary Office under Application No. A/YL-ST/346 for a Period of 3 Years in “Undetermined” zone, Lots 244 S.B RP (Part), 252 RP (Part), 253 (Part), 254 (Part), 258 (Part), 266 (Part) and 270 in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/394)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval under application No. A/YL-ST/346 for temporary public car park with ancillary office for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period. The District Officer (Yuen Long) had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper and were summarized below:
 - (i) the current application was for the renewal of the permission under application No. A/YL-ST/346 for the same use for a further period of three years. The renewal application was generally complied with the Town Planning Board Guidelines No. 34B on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB Guidelines No. 34B) in that there had been no material change in planning circumstances. All the approval conditions under the previous application (No. A/YL-ST/346) had been complied with. Concerned government departments had no adverse comments on the application. Significant environmental, traffic and infrastructural impacts on the surrounding areas were not anticipated. There were also no public complaint or objection. No adverse planning implication arising from the renewal was expected and the approval period was the same as the previous application;
 - (ii) the application also complied with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port

Back-up Uses under section 16 of the Town Planning Ordinance' (TPB Guidelines No. 13E) in that the public car park was located near the Lok Ma Chau Control Point and could satisfy some of the parking demand for cross-boundary travellers as well as the local villagers. Moreover, the public car park on-site was considered not incompatible with the surrounding land uses which included vehicle parks, open storage yard etc. The future land uses of the area currently zoned "Undetermined" ("U") zone on the San Tin Outline Zoning Plan would be reviewed under the Planning and Engineering Study on Development of Lok Ma Chau Loop. Prior to completion of the Loop Study, sympathetic consideration could be given for temporary use of the site, and approval on a temporary basis would not frustrate the long-term use of the "U" zone; and

- (iii) to minimize any potential environmental impact from the development on the surrounding areas, it could be addressed by way of stipulating approval conditions restricting the types of vehicles and activities on-site and requiring maintenance of paving and boundary fencing as recommended in paragraphs 13.2(b) to (e) of the Paper.

124. Members had no question on the application.

Deliberation Session

125. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 2.2.2011 to 1.2.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) setting back the existing run-in/out of about 1.6m from kerblines of Lok Ma Chau Road as and when required by the Director of Highways or of the TPB;

- (b) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (e) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (f) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.8.2011;
- (i) the submission of fire service installations proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.8.2011;
- (j) in relation to (i) above, the provision of fire service installations proposed within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB

by 1.11.2011;

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

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

- (a) to resolve any land issue relating to the temporary use with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the land under application site comprises Old Schedule Agriculture Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government; Short Term Waiver No. 3274 had been issued to allow the erection of structures on Lot No. 252 RP in D.D. 99 for the purpose of ancillary use to temporary car park with ancillary office with a permitted site coverage of not more than 99.49m² and permitted height of not more than 5 metres. Furthermore, Modification of Tenancy (MoT) No. M19780 was granted to allow for erection of temporary agricultural structures on Lot No. 270 in D.D. 99. Change of use of the subject site would cause a breach of the terms of the MoT; the information indicates that government land (GL) of about 126m² had been included in the site for which no permission had been given for its occupation by his office.

Enforcement action would be taken by his office against unauthorized occupation of GL; ingress/egress of the application site abutted directly onto Lok Ma Chau Road and his office did not guarantee right-of-way; and upon obtaining planning approval, the lot owner would still need to apply to his office to permit structure to be erected or regularize any irregularities on-site. The occupier was also required to apply to his office for occupation of the GL involved. Such application would be considered by Lands Department 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 Lands Department;

- (c) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) to note the detailed comments of the Drainage Services Department indicated in Appendix V of the Paper;
- (e) to note the comment of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Lok Ma Chau Road;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found; use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; and formal submission of any proposed new works, including any temporary structure, for

approval under the BO was required. If the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under Building (Planning) Regulations during building plan submission stage;

- (g) to note the comments of the Fire Services Department that fire service installations (FSIs) were required in consideration of the design/nature of the proposed structures, the applicant was advised to submit relevant layout plans incorporated the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed site, the applicant was advised to make reference to the requirements: portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed in the above, the applicant was required to provide justifications to his Department for consideration;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains would be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a Waterworks Reserve with 1.5 metres measuring from the centerline of the affected water mains should be provided to WSD. No structure should be erected over this Waterworks Reserve and such area should not be used for storage or car-parking purposes; the Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize; and no trees/shrubs should be planted within the Waterworks Reserve; and
- (i) to note the comments of the 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 measures as prescribed at Appendix VI of the Paper.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/689 Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (Tyre Repair, Compacting and Unpacking) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 57 (Part), 66 (Part), 67 (Part), 68, 69, 70 (Part), 71 (Part), 73 (Part), 74 (Part), 75 (Part), 76 S.A (Part), 76 S.B, 77 (Part), 78, 79, 80 (Part), 84 (Part), 85, 86, 87, 88, 89 (Part), 91, 781 S.B RP, 782 S.B RP, 783 S.B RP, 784 S.B RP, 785, 786, 787, 788, 789, 790, 791, 792 and 793 in D.D. 125, Lots No. 3212 RP (Part), 3228 (Part), 3234 (Part), 3235 (Part), 3237 (Part), 3238, 3239 (Part), 3240 (Part), 3241 (Part), 3251 RP (Part), 3281 (Part), 3282 (Part), 3283 (Part), 3284 (Part), 3285 (Part), 3286 (Part), 3287 RP (Part), 3288 RP (Part), 3289 S.B RP (Part) and 3442 (Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/689)

Presentation and Question Sessions

127. Mr. Ernest C.M. Fung, STP/TMYL, said that replacement pages 15, 1 and 2 of Appendix V for the Paper 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) temporary logistics yard, open storage of containers, container vehicle park with ancillary workshop (tyre repair, compacting and unpacking) for a period of three years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site (about 3m to the north) and the access road (Ping Ha Road) and environmental nuisance was expected. She also advised that one substantiated water pollution complaint about polluting effluent discharged against the site was received on 16 November 2009. Her inspection on 30 November 2009 confirmed that the problem was fixed and there was no more malpractice;
- (d) two public comments were received during the statutory publication period. One commenter 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. This commenter also considered that the application should be rejected in view of the applicant's lack of sincerity in complying with the approval conditions of previous planning permission. Another commenter objected to the use of the site for open storage use as it was a blight on the environment, and not in line with the planning intention for the area. The site fell within Category 3 areas under the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance' (TPB Guidelines No. 13E), and it was not suitable for open storage use. The commenter suggested that should the application be approved, a condition requiring a quality landscape plan and well-designed perimeter fencing to mitigate the blight should be imposed. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The

areas surrounding the site were predominantly occupied by open storage yards, warehouses and vehicle parks. In fact, part of the site was an existing use for container storage tolerated under the Town Planning Ordinance. In this regard, the applied use was considered not incompatible with the surrounding uses. Besides, it was considered that approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “Comprehensive Development Area” (“CDA”) zone since there was not yet any programme/known intention to implement the zoned use on the OZP. The application was considered in line with the TPB Guidelines No. 13E in that there were previous approvals and there were no major adverse departmental comments on/objection to the application. Although DEP did not support the application, two public comments against the application on environmental nuisance grounds and complaint against the site were received, DEP and the commenters’ concern could be addressed by stipulating approval conditions restricting the operation hours, the types of activity, the installation of noise barriers and the stacking height of containers on-site which had been recommended in paragraphs 13.2 (a) to (e) of the Paper. Other technical concerns raised by government departments could also be addressed by way of stipulating approval conditions as recommended in paragraphs 13.2 (f) to (l) of the Paper. Applications for similar uses had been approved by the Committee in 2009, approval of the current application was in line with the Committee’s previous decisions. However, noting that the previous approval was revoked due to non-compliance with approval condition, the applicant would be advised that should he fail to comply with the approval condition(s) resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

128. Members had no question on the application.

Deliberation Session

129. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 28.1.2014, 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 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no paint-spraying, cutting, dismantling, crushing, cleansing and grinding activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) noise barrier in the form of a fixed row of 2-unit high container stack along the northern boundary of the site should be maintained at all times during the planning approval period (Plan A-6 of the Paper);
- (e) the stacking height of containers stored within 2.5m to 10m of the northern periphery of the site should not exceed 3 units (Plan A-6 of the Paper), and the stacking height of containers stored at any other location within the site should not exceed 8 units, during the planning approval period;
- (f) the implementation of the drainage/flood mitigation measures for the development identified in the accepted 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 28.7.2011;
- (g) the submission of a revised 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 28.7.2011;
- (h) in relation to (g) 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 28.10.2011;

- (i) 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 28.7.2011;
- (j) in relation to (i) 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 28.10.2011;
- (k) 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 28.7.2011;
- (l) in relation to (k) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 28.10.2011;
- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2011;
- (n) 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;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before continuing the development on the site;
- (b) a canteen was found at the site. Although such activities at a small scale and serving staff working at the site could be considered as ancillary to the permitted use and hence could be tolerated, the applicant would be reminded that the permission was given to the use/development under application. It did not condone to general restaurant use serving the general public and any other use/development not covered by the application;
- (c) should the applicant fail to comply with the approval conditions 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 owner(s) of the site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the lots (except Lot No. 3442 in D.D. 129) within the site were Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without his prior approval. Lot No. 3442 in D.D. 129 was a New Grant Agricultural Lot held under New Grant No. 635 restricted for agricultural purpose only upon which no structure should be erected. He reserved the right to take enforcement/control action against the unauthorized structures (including converted containers) on the site and the unauthorized occupation of government land if indeed found in due course. To apply to him for Short Term Waiver (STW) to regularize the unauthorized structures (including converted containers) on-site. Should no STW application be received/approved and the irregularities persist on-site, he would consider taking appropriate lease enforcement action against the registered owners.

To consult the Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) for the access arrangement during and after implementation of the works of 'Ping Ha Road Improvement Works (Ha Tsuen Section)'. He did not guarantee right-of-way to the site;

- (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 the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) to construct a run in/out at the access point at Lau Fau Shan Road in accordance with the latest version of HyD's standard drawings No. H1113 and H1114, or H5133, 5134 and H5135, whichever set was appropriate to match with the adjacent pavement condition. Adequate drainage measures should be provided to prevent surface water flowing from the site onto the nearby public roads/drains;
- (i) to note the comments of Chief Engineer/Land Works, Civil Engineering and Development Department that the ingress/egress route to/from the site might be affected during the construction period for Contract No. CV/2006/01 'Ping Ha Road Improvement Works (Ha Tsuen Section)' commenced in December 2007 for completion in end 2010, and the applicant should not be entitled for any compensation arising from the said construction. The road level of Ping Ha Road would be raised and a rectangular drainage channel and a catchpit would be constructed within the said works limit adjacent to the site after the said improvement works.

Any necessary modification works, including those at the ingress/egress route to/from the site, should be carried out at the applicant's own expense in future to tie in the interface with said project;

- (j) to note the comments of the Director of Fire Services on the requirements of formulating 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 fire service installations (FSIs) were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and

- (k) to note the comments of the 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. Workshops, shelters and use of container as offices or stores were considered as temporary structures and were subject to control under Building (Planning) Regulations (B(P)R), Part VII. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. Provision of emergency vehicular access under B(P)R 41D was applicable.

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/708 Temporary Open Storage of Scrap Metal and Plastic for a Period of
3 Years in “Comprehensive Development Area” zone,
Lots No. 2938 RP (Part), 2939 RP, 2940 RP (Part), 2946, 2947 (Part),
2950 S.B (Part) and 2950 RP (Part) in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/708)

Presentation and Question Sessions

131. Mr. Ernest C.M. Fung, STP/TMYL, said that replacement page 4 for the Paper was 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) temporary open storage of scrap metal and plastic for a period of three years;
- (c) departmental comments – the Director of Environmental Protection advised that two noise pollution complaints and one air pollution complaint against the application site were received in 2009. However, no environmental complaint against the site was received between January and October 2010. She did not support the application because there were sensitive uses in the vicinity of the site (the nearest dwelling being less than 25m away) and the access road (Lau Fau Shan Road) and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The applied use was considered not incompatible with the surrounding uses which were predominantly occupied by open storage yards. The approval of the application on a temporary basis would not frustrate the planning intention of the “Comprehensive Development Area” zone since there was not yet any programme/known intention to implement the zoned use on the Ha Tsuen Outline Zoning Plan. The application was considered in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) in that there were previous approvals and government departments had no objection to or adverse comments on the application. Although DEP did not support the application and complaints against the site were received, it could be addressed by way of stipulating approval conditions such as restrictions on operation hours, stacking height and types of materials stored, and prohibition of workshop activities on-site, which had been recommended in paragraphs 13.2(a) to (e) of the Paper. Other technical concerns raised by government departments could be addressed by way of stipulating approval conditions as recommended in paragraphs 13.2(h) to (m) of the Paper. Similar applications had been approved by the Committee, approval of the current application was in line with the Committee’s previous decisions.

132. Members had no question on the application.

Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2014, 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 7:00 p.m. to 7:00 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 materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) no handling (including loading, unloading and storage) of used car batteries was allowed on the site during the planning approval period;
- (e) no cutting, dismantling, melting, cleansing, repairing and other workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (f) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/660 should be maintained during the planning approval period;
- (g) 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 28.7.2011;
- (h) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 28.7.2011;
- (i) in relation to (h) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 28.10.2011;
- (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 28.7.2011;

- (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 28.10.2011;
- (l) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2011;
- (m) in relation to (l) above, the implementation of fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2011;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the land under the site comprised Old Schedule Agricultural Lots held under the Block Government Lease which contained

the restriction that no structure was allowed to be erected prior without the prior approval of the Government; and to apply to him to regularize the specified structures as office, storage and toilet and any irregularities on-site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. It would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. The site was accessible via a short stretch of government land (GL) to Lau Fau Shan Road, which fell within the clearance limit of project 'PWP Item No. 4235DS – Yuen Long and Kam Tin Sewerage and Sewage Disposal (part) – Lau Fau Shan Trunk Sewerage'. He provided no maintenance work for the GL and did not guarantee right-of-way;

- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department to construct the run-in/out at the access point at Lau Fau Shan Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement; and to provide adequate drainage measures to prevent surface water flowing from the site to the nearby public roads and drains through the run-in/out;
- (f) to note the comments of the Director of Fire Services on the requirements of formulating the fire service installations 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 fire service installations (FSIs) were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and

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

[Mr. Y. K. Cheng returned to join the meeting at this point.]

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/711 Proposed Temporary Open Storage of Recyclable Materials
(including Metal, Paper and Plastic Goods) for a Period of 3 Years
in “Comprehensive Development Area” and
“Village Type Development” zones, Lots No. 2420 RP (Part),
2422 RP (Part), 2442 (Part) and 2443 RP (Part) in D.D. 129 and
Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/711)

Presentation and Question Sessions

135. Mr. Ernest C.M. Fung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary open storage of recyclable materials (including metal, paper and plastic goods) for a period of three years;
- (c) departmental comments – the Director of Environmental Protection did not support the application because there were sensitive uses in the vicinity of the application site (the nearest dwelling being less than 25m away across Lau Fau Shan Road) and environmental nuisance was expected. Moreover, there was one waste pollution complaint against the application site received in 2008;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use under current application could be tolerated for a period of two years based on the assessments set out in paragraph 12 of the Paper which were summarized below:

- (i) the applied use was considered not incompatible with the surrounding uses. The areas surrounding the site, including the “Village Type Development” (“V”) zone in which the site was situated, were predominantly occupied for open storage of containers, most of which were either existing uses or operating under the TPB’s temporary planning permission. Besides, it was considered that approval of the application on a temporary basis would not frustrate the planning intention of the “Comprehensive Development Area” and “V” zones on the Ha Tsuen Outline Zoning Plan since there was not yet any programme/known intention to implement the comprehensive development. The District Lands Officer/Yuen Long, Lands Department advised that there was no small house application within the subject “V” zone. In fact, the majority part of the subject “V” zone was occupied by an open storage yard for containers which was an existing use tolerated under the Town Planning Ordinance;

- (ii) the application was considered in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) in that there were previous approvals and government departments had no objection to or adverse comments on the application. To address DEP’s concern and to mitigate any potential environmental impacts, approval conditions on restrictions on operation hours, stacking height of materials, types of vehicles used for transportation of materials, and prohibition of workshop activities on-site had been recommended in paragraphs 13.2(a) to (e) of the Paper. Other technical concerns raised by government departments could also be addressed by way of stipulating approval conditions as recommended in paragraphs 13.2(i) to (n) of the Paper;

- (iii) as a small part of the site (22%) fell within Category 4 areas under TPB Guidelines No. 13E, a shorter approval period of two years, instead of three years sought, was recommended should the Committee decide to approve the application to encourage the phasing out of such non-conforming use at the “V” portion of the site as early as possible. Moreover, previous applications for similar temporary uses had been approved by the Committee since 2000, there had been no material change in the planning circumstances. Approval of the subject application was therefore in line with the Committee’s previous decisions.

136. Members had no question on the application.

Deliberation Session

137. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 28.1.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the 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 materials stored within the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) no goods vehicle exceeding 5.5 tonnes, as proposed by the applicant, was allowed for the operation of the site during the planning approval period;
- (e) no cutting, dismantling, cleansing, repairing and workshop activity, as proposed by the applicant, was allowed on the site during the planning

approval period;

- (f) 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;
- (g) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/588 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/588 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2011;
- (i) 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 28.7.2011;
- (j) in relation to (i) 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 28.10.2011;
- (k) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 28.7.2011;
- (l) in relation to (k) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 28.10.2011;
- (m) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 28.7.2011;

- (n) in relation to (m), the implementation of fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2011;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) 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
- (q) 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.

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

- (a) to note that a shorter approval period of 2 years was granted in order to allow time for the applicant to relocate the current use on the “Village Type Development” portion of the site to other suitable location;
- (b) the permission was given to the use/development under application. It did not condone to the open storage of used electronic 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 application site;

- (d) to note the comments of the District Lands Officer/Yuen Long that the land under the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government; and to apply to him for modification of Short Term Waiver No. 3311 and Short Term Tenancy No. 2181 to permit structures to be erected or regularize any irregularities on-site. 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/fees, as might be imposed by LandsD. The site was accessible via a short stretch of government land (GL) leading to Lau Fau Shan Road. This portion of Lau Fau Shan Road fell within the clearance limit of project 'PWP Item No. 4235DS – Yuen Long and Kam Tin Sewerage and Sewage Disposal (part) – Lau Fau Shan Trunk Sewerage'. He provided no maintenance work for the GL and did not guarantee right-of-way;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the 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;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department to construct a run-in/out at the access point at Lau Fau Shan Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5133, H5134 and H5135, whichever set was appropriate to match with the existing pavement; and to provide

adequate drainage measures at the site access to prevent surface runoff flowing from the site onto the nearby public roads/drains;

- (h) to note the comments of the Director of Fire Services on the requirements of formulating the fire service installations 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 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

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department to remove any unauthorized structures on the site, which were liable to action under section 24 of 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. Containers being used as stores and offices and proposed open sheds were considered as temporary buildings that were subject to control under Building (Planning) Regulations (B(P)R), Part VII. Formal submission of any proposed new works, including any temporary structures for approval under the BO was required. Since the site was not abutting and accessible from a street having a width not less than 4.5m, the site access and the development intensity should be determined under B(P)Rs 5 and 19(3) at the building plan submission stage. An emergency vehicular access under B(P)R 41D should be provided.

Agenda Item 39

Section 16 Application

[Open Meeting]

A/YL-LFS/216

Proposed Pond Filling (about 2m) for Permitted New Territories Exempted House in “Village Type Development” zone, Lots No. 1531 S.A (Part) and 1531 S.B (Part) in D.D. 129, Mong Tseng Tsuen, Ping Shan Heung, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/216)

139. The Committee noted that the applicant on 17.1.2011 requested for deferment of the consideration of the application for two months in order to allow more time for the applicant to prepare supplementary information for consideration by relevant government departments.

140. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration 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 40

Section 16 Application

[Open Meeting]

A/YL-NSW/204

Proposed Columbarium in “Government, Institution or Community” and “Undetermined” zones, Lots 879, 880 S.A ss1, 880 S.B ss1, 881 to 885, 889 RP (Part), 891 (Part), 1318, 1326, 1344 (Part) in D.D. 115 and Adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/204)

141. The Committee noted that the applicant's agent on 11.1.2011 requested for deferment of the consideration of the application for two months in order to allow more time for the applicant to prepare responses to departmental and public comments on various issues such as traffic, environment and visual impact etc.

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

Agenda Item 41

Section 16 Application

[Open Meeting]

A/YL-NSW/205 Proposed Land and Pond Filling for Permitted New Territories
Exempted House Development in "Village Type Development" zone,
Lots 592 S.B ss7 S.A to S.J in D.D. 115, Shan Pui Tsuen,
Shap Pat Heung, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/205)

143. The Committee noted that the applicant on 12.1.2011 requested for deferment of the consideration of the application for two months in order to allow more time for the applicant to prepare Ecological Impact Assessments and Environmental Assessment to address comments from the Director of Agriculture, Fisheries and Conservation.

144. 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 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/254 Temporary Container Tractor and Trailer Park (with Ancillary Repair Activities) for a Period of 3 Years in “Open Storage” zone,
Lots 2521 (Part), 2525 (Part), 2535 (Part), 2536 (Part), 2537, 2538,
2539, 2540 (Part), 2541 (Part), 2542 (Part), 2545 (Part), 2546 (Part),
2548 (Part) and 2549 in D.D. 102 and Adjoining Government Land,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/254A)

Presentation and Question Sessions

145. Mr. Ernest C.M. Fung, STP/TMYL, said that replacement page 11 for the Paper was 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) temporary container tractor and trailer park (with ancillary repair activities) for a period of three years;
- (c) departmental comments – the Chief Engineer/Mainland South, Drainage Services Department (CE/MN, DSD) did not support the application for the reasons that site was located at the upstream area of Shek Wu Wai, which was a low-lying area and was a known Flooding Black Spot in DSD’s Flood Blackspot List with a long history. According to the records, the location had been subject to various complaints on flooding including those through various government departments since 2008. The site was filled

up in the past years and the filling had depleted the concerned flood plain area. As a result, the site would create adverse drainage impact on the adjacent area. The Director of Environmental Protection (DEP) did not support the application because there were sensitive receivers in the vicinity of the application site and environmental nuisance was expected. His office had received complaints on noise nuisance caused by container traffic generated by the temporary container yard at Siu Hom Village. The complainants also requested for assistance from the Police as there were associated container traffic noise during mid-night, causing severe disturbance to the residents nearby;

- (d) 26 public comments objecting the application were received during the statutory publication period objecting the application. One commenter objected to the application as the application site was in close vicinity of residential dwellings, heavy vehicles and loading and unloading activities would generate noise and cause airborne dust which would cause nuisance to residents nearby. 14 villagers from Siu Hom Village, Shek Wu Wai Village and Tsing Lung Village objected to the application mainly about the narrow access road connecting to Ka Lung Road and the long operation hours of the use would affect their living environment, the proposed use would have adverse impacts on noise, water, flooding and the ecology. 11 private individuals objected to the application mainly for the reasons of adverse environmental impacts, road safety and traffic burden, and high flooding risk. The District Officer (Yuen Long) received complaints regarding the operation of the container tractor and trailer park at the application site. The complainants were concerned that the operation of the container tractor and trailer park had caused several noise nuisances to the villagers living nearby; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. According to the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance' (TPB Guidelines No. 13E), although the site

fell within the Category 1 areas, favourable consideration would be given to applications subject to no major adverse departmental comments and local objections. CE/MN, DSD and DEP did not support the application as mentioned in paragraph 145(c) above. Public comments were received objected to the proposed development mainly due to adverse environmental impacts, road safety and traffic burden and high flooding risk. The District Officer (Yuen Long) had also received complaints regarding several noise nuisances from the operation of the container tractor and trailer park at the application site.

146. Members had no question on the application.

Deliberation Session

147. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 13.1 of the Paper and considered that it was appropriate. The reason was :

- the temporary container tractor and trailer park with ancillary repair Activities was not in line with the Town Planning Board Guidelines No. 13E for Application for Temporary Open Storage and Port Back-up Uses in that there were adverse departmental comments and objection from local residents; and that no technical assessment had been submitted to demonstrate that the proposed development would not have adverse environmental, drainage and traffic impacts on the surrounding area.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/257 Renewal of Planning Approval for Temporary Public Vehicle Park
(Including Private Cars and Container Vehicles) for a Period of 5 Years
in “Open Storage” zone, Lots 111 RP (Part), 112 RP (Part),
113 and 116 (Part) in D.D. 105 and Adjoining Government Land,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/257)

Presentation and Question Sessions

148. Mr. Ernest C.M. Fung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval under application No. A/YL-NTM/193 for temporary public vehicle park (including private cars and container vehicles) for a period of five years;
- (c) departmental comments – the Director of Environmental Protection did not support the application because there were sensitive receivers in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under current application could be tolerated for a period of five years based on the assessments set out in paragraph 12 of the Paper. The current application was to renew the planning permission under

application No. A/YL-NTM/193 for temporary public vehicle park (including private cars and container vehicles) for another five years. There had been no material change in planning circumstances since the previous approval. The site was still zoned as “Open Storage” and there had been no major new development in the vicinity. Moreover, the applicant had complied with all planning conditions under the previous application (No. A/YL-NTM/193) to the satisfaction of relevant government departments. No public comment was received. Hence, renewal of the permission for another five years could be given favourable consideration. The development was in line with the Town Planning Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) in that there was generally no adverse comment from concerned government departments. As regards the concerns from DEP and to mitigate any potential environmental impacts, it could be addressed by way of stipulating approval conditions on restriction on operation hours as recommended in paragraphs 13.2(b) to (c) of the Paper. Similar applications for container vehicle parking within the same “OS” zone were approved by the Committee in 2010, approval of the current application was in line with the Committee’s or the TPB’s previous decisions.

149. Members had no question on the application.

Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years from 18.3.2011 until 17.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no cutting, dismantling, melting, cleansing, repairing or other workshop activity was allowed on the site during the planning approval period;
- (b) no night-time operation between 11:00 p.m. and 7:00 a.m. for container

vehicle parking, from Mondays to Saturdays, as proposed by the applicant, was allowed on the site at any time during the planning approval period;

- (c) no operation on Sundays and public holidays for container vehicle parking, as proposed by the applicant, was allowed on the site at any time during the planning approval period;
- (d) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the submission of an as built drainage plan for reviewing within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.9.2011;
- (f) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.9.2011;
- (g) the submission of a proposal for providing a run-in within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 17.9.2011;
- (h) in relation to (g) above, the implementation of the proposal for providing a run-in within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 17.12.2011;
- (i) the implementation of compensatory planting within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the Town Planning by 17.9.2011;
- (j) the provision of fire extinguishers for the car park areas and converted

containers within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.9.2011;

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

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the location of the container site offices specified on the layout plan was not consistent with the existing site condition and was falling outside boundaries of Short Term Waiver (STW) No. 3303 and Short Term Tenancy (STT) No. 2172. The applicant should revise the proposed layout plan or clarify the discrepancies. Ingress/egress of the western portion of the application site abutted directly onto Mai Po Lung Road while the eastern portion of the site was accessible from Mai Po Lung Road via a short stretch of government land (GL). His office did not provide maintenance works for this GL nor guarantee right-of-way. The lot owner and the tenant of the said STT might still need to apply to his office for modification of the said STW and STT to permit 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 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 Lands Department;

- (b) to note the comments of the Commissioner for Transport that the land status of the local access road should be checked with the lands authority and that the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities;
- (c) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department that no public stormwater drainage maintained by his office was currently available for connection. The area was probably being served by some of the existing local village drains. The village drains were probably maintained by District Office (Yuen Long (DO(YL))). The applicant should approach DO(YL) if he wished to know more about these drains. If the proposed discharge point was to these drains, comments should be sought from the relevant department on the proposal. No public sewerage maintained by his office was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained. The applicant was required to ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. The applicant should not disturb nor adversely affect all existing drains, ditches, natural streams and the adjacent areas at all time. The applicant was reminded to note his other detailed comments as mentioned at Appendix VI of the Paper;
- (d) to note the comments of the Director of Environmental Protection that the applicant was advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas; and
- (e) to note the comments of the Chief Building Surveyor/New Territories West of Buildings Department that unauthorized structures should be removed. All building works were subject to compliance with Building Ordinance (BO). Authorized person should be appointed to coordinate all building

works. The granting of the planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/258 Temporary Container Tractor/Trailer Park for a Period of 3 Years in
“Open Storage” zone, Lots 2688 RP (Part), 2729 (Part) and
2730 RP (Part) in D.D. 102 and Adjoining Government Land,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/258)

Presentation and Question Sessions

152. Mr. Ernest C.M. Fung, STP/TMYL, said that replacement pages 11 and 12 for the Paper was 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) temporary container tractor/trailer park for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive receivers in the vicinity of the application site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under current application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The temporary container tractor/trailer park was generally in line with the planning intention of the “Open Storage” (“OS”) zone of the Ngau Tam Mei OZP. The development at the application site was generally not incompatible with the surrounding environment which was mainly occupied by open storage yards and vehicle repair workshops. The development was in line with the Town Planning Board Guidelines No.13E for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) in that there was generally no adverse comment from most of the concerned government departments. Technical concerns from government departments such as DEP, the Chief Engineer/Mainland North, Drainage Services Department, Chief Town Planner/Urban Design and Landscape, PlanD, Commissioner for Transport and Director of Fire Services could be addressed by way of stipulating approval conditions as recommended in the Paper. Three applications for temporary public vehicle park in the locality within the same “OS” zone were recently approved by the Committee in 2010, approval of the subject application was in line with the Committee’s or the TPB’s previous decision. Moreover, no local objection was received during the statutory publication period.

153. Members had no question on the application.

Deliberation Session

154. Mr. Ambrose S.Y. Cheong of Transport Department suggested including the Transport Department’s comments as stated in paragraph 10.1.2 (c) of the Paper as advisory clauses to be attached to the planning permission should the Committee decide to approve the application. Members agreed.

155. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2014, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no cutting, dismantling, melting, cleansing, repairing or other workshop activity was allowed on the site during the planning approval period;
- (b) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no parking of container tractor/ trailer exceeding 20-feet, as proposed by the applicant, was allowed on the site at any time during the planning approval period;
- (e) the maintenance of the existing landscape planting on the site at all times during the planning approval period;
- (f) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of an as built drainage plan for reviewing within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2011;
- (h) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2011;
- (i) the submission of a proposal for providing a run-in within 6 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 28.7.2011;

- (j) in relation to (i) above, the implementation of the proposal for providing a run-in within 9 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 28.10.2011;
- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2011;
- (l) in relation to (k) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2011;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (n) if any of the above planning conditions (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.

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

- (a) planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the site was situated on Old Schedule Agricultural Lots held under Block Government Lease under which no structures were

allowed to be erected without prior approval from his Office. No approval had been given for the specified structure as site office. Information indicated that government land (GL) of about 167m² had been included in the site for which no permission had been given for its occupation. Enforcement action would be taken against unauthorised occupation of GL by his office. Access to the site from Kwu Tung Road required traversing through the rail project limit and a short stretch of GL. His office provided no maintenance works for this GL nor guaranteed right-of-way;

- (d) to note the comments of the Director of Environmental Protection to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation to adopt good site practices and necessary tree measures to protect the trees found in vicinity of the site;
- (f) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department that no public stormwater drainage maintained by his office was currently available for connection. The area was probably being served by some of the existing local village drains. The village drains were probably maintained by District Office (Yuen Long) (DO(YL)). The applicant should approach DO (YL) if he wished to know more about these drains. If the proposed discharge point was to these drains, comments should be sought from the relevant department on the proposal. No public sewerage maintained by his office was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained. The applicant was required to ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. The applicant should not disturb nor adversely affect all existing drains, ditches, natural streams and the adjacent areas at all time. The applicant was

reminded to note his other detailed comments as mentioned at Appendix V of the Paper;

- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed site, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Office for approval. In formulating the FSIs proposal, the applicant was advised to make reference to the requirements that portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of FSIs, he was required to provide justifications to his Office for consideration;
- (h) to note the comments of the Chief Building Surveyor/New Territories West of Buildings Department that unauthorized structures should be removed. All building works were subject to compliance with Building Ordinance (BO). Authorized person must be appointed to coordinate all building works. The granting of the planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
- (i) to note the comments of the Commissioner for Transport that the site was connected to Kwu Tung Road via a local access road which was not managed by Transport Department. The land status of the local access road should be checked with the lands authority. The management and maintenance responsibilities of the local access road should also be clarified with the relevant lands and maintenance authorities accordingly and;
- (j) to note the comments of the Chief Highway/Railway Development 1-1, Railway Development Office, Highways Department that as the site was located within the route protection boundary for Northern Link, the

applicant would vacate the site at the time of railway development.

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/351 Temporary Car Trading (for Second-Hand Private Cars) for a Period of 3 Years in “Residential (Group D)” zone, Lot 636 S.B ss.1 RP (Part) in D.D. 110 and Adjoining Government Land, Kam Tin Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/351)

Presentation and Question Sessions

157. 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) temporary car trading (for second-hand private cars) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period. The commenter objected to the application as the development was not in line with the planning intention and was a blight on the environment. Besides, the development did not comply with the Town Planning Board Guidelines No.13E for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E). Approval of the application would set a bad precedent and further degrade the rural environment. If the application was approved,

the applicant would be required to submit a plan for quality landscaping and well-designed interface with the public domain (e.g. setback of the fences and green buffer) to mitigate the blight should be included in the planning approval. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarized below:
 - (i) the site was the subject of last application No. A/YL-KTN/345 for temporary open storage of private vehicles prior to sale rejected by the Committee on 15.10.2010. Despite the fact that the applied use was now changed to temporary car trading, the area and substance of the applied use remain essentially unchanged. The development was considered not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone. There was no strong planning justification for a departure from the planning intention, even on a temporary basis;
 - (ii) the application did not comply with the TPB Guidelines No. 13E in that there was no previous approval for open storage use granted at the application site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. Moreover, the applicant had not included relevant technical assessments to demonstrate that the proposed use would not generate adverse drainage and landscaping impacts on the surrounding areas as required under TPB Guidelines No. 13E. The current application did not warrant sympathetic consideration; and
 - (iii) open storage use was considered not compatible with the surrounding rural residential environment. While there were open storage yards and a parking lot located to the east, north and west of

the site, these were suspected unauthorized developments subject to enforcement actions taken by the Planning Authority. Further away from the application site within the same “R(D)” zone were some open storage uses with approval from the Committee. However, all of these similar applications were subject to previous planning approvals for similar open storage uses since 2003 or before. The approval of the applications with no previous approval for similar open storage use, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

158. Members had no question on the application.

Deliberation Session

159. 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 “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the TPB PG-No. 13E in that there was no previous approval for open storage use granted at the site, and that the applicant had not included in the submission technical assessments to demonstrate that the development would not generate adverse drainage and landscaping impacts on the surrounding areas; and

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

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/352 Temporary Storage of Logistics Products and Goods with Ancillary Office for a Period of 3 Years in “Agriculture” zone, Lots 409 S.A (Part) and 413 in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/352)

Presentation and Question Sessions

160. 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) temporary storage of logistic products and goods with ancillary office for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as sensitive receivers, i.e. residential structures, were found to the immediate west of the application site, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. The undeveloped fields within the “Agriculture” (“AGR”) zone would create intermission in the landscape defining the boundaries of developed

areas in a rural setting. The development was against the planning intention of the “AGR” zone. If the application was approved, it would set an undesirable precedent to more similar planning applications in the area, thus would have further adverse impacts on the existing predominantly rural landscape;

- (d) two public comments were received during the statutory publication period. Two commenters supported the application as agricultural activities were dwindling and the development would facilitate better utilization of the site and generate employment opportunities. It would also improve the environmental hygiene condition of the site. Besides, there were similar open storage uses near the site and the development would not generate adverse impacts on the environment or the local residents/church. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under current application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarized below:
 - (i) the development for storage of logistic products and goods (such as electronic parts and food products etc.) within the enclosed temporary structure was akin to a warehouse was considered not incompatible with the surrounding areas mixed with open storage/storage yards, workshops, a factory, a warehouse, scattered residential structures/development, a plant nursery, an orchard and vacant/unused land. It was considered that the granting of temporary planning permission would not frustrate the long-term planning intention of the “AGR” zone;
 - (ii) while DEP did not support the application as there were residential structures located to the west of the site and environmental nuisance was expected, no local objection against the application had been received during the statutory publication period. As regards the

concern from DEP on the possible nuisance generated by the temporary use, it could be addressed by way of stipulating approval conditions restricting the operation hours and types of vehicles, and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities as recommended in paragraphs 12.2(a) to (d) of the Paper. As regards the concern from CTP/UD&L, PlanD on possible adverse landscape impact arising from the development, it could be addressed by way of stipulating approval conditions which had been recommended at paragraphs 12.2(e) of the Paper; and

- (iii) though most of the similar applications in the vicinity were rejected by the Committee or the TPB on review, they were rejected when the same part of the “AGR” zone fell within Category 3 areas under the previous versions of the Town Planning Board Guidelines No.13E for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E), where favourable consideration would not be given unless the applications with previous planning approvals. However, under the prevalent TPB Guidelines No. 13E, part of the “AGR” zone covering the site had been re-classified from Category 3 areas to Category 2 areas, where temporary planning permission could be granted if the departmental or local concerns could be addressed by appropriate approval conditions. In this regard, similar applications for various temporary open storage uses in the vicinity had been approved recently by the Committee in 2010.

161. Members had no question on the application.

Deliberation Session

162. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2014, 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 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) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be stored/parked at or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (e) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2011;
- (f) in relation to (e) above, the implementation of landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2011;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2011;
- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.10.2011;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2011;

- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2011;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no approval had been given for the specified existing temporary structure for storage and office purpose located on Lot 409 S.A in D.D. 110. The site was accessible to Kam Tai Road via a track on other private land and government land (GL). His office provided no maintenance work for the GL and did not guarantee right-of-way. Part of Lot 409 S.A in D.D. 110 fell within the protection boundary of the proposed XRL. The development should not affect the operation of the proposed XRL. Upon obtaining planning approval, the lot owner would still need to apply to his office to permit structure to be erected or regularize any irregularities on the site. Such application would

be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as might be imposed by LandsD;

- (c) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (d) to note the comments of the 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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tai Road;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not generate adverse drainage impact to the adjacent areas;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirements as mentioned

in Appendix III of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, he was required to provide justifications to his department for consideration;

- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for 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 consultation and arrangement with the electricity supplier was necessary for application 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 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. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

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

Agenda Item 47

Section 16 Application

[Open Meeting]

A/YL-KTS/507

Proposed House and Minor Relaxation of Building Height Restriction in “Village Type Development” zone, Kat Hing Wai Lots 151 and 152 and Lots 399 (Part) and 1411 in D.D. 109, Kat Hing Wai, Kam Tin, Yuen Long

(RNTPC Paper No. A/YL-KTS/507A)

164. The Secretary reported that Ms. Anna S.Y. Kwong had declared interest in this item as she had business dealing with the consultant of the application. The Committee noted that Ms. Kwong had not yet arrived to join the meeting.

165. The Secretary also reported that on 31.8.2010, the application seeking planning permission for development of a proposed house and minor relaxation of building height restriction at the application site was received. On 29.10.2010, the Committee decided to defer a decision on the current application for two months as requested by the applicant in order to allow the applicant to have more time to address comments of the relevant departments. On 9.12.2010, the applicant submitted further information to address the departmental comments. As the Planning Department (PlanD) required more time to consult the relevant department regarding the building entitlement of the lots under the lease, PlanD requested the Committee to defer a decision on the application.

166. After deliberation, the Committee decided to defer a decision on the application for two months as requested by PlanD.

Agenda Item 48

Section 16 Application

[Open Meeting]

A/YL-KTS/514 Temporary Concrete Batching Plant for a Period of 2 Years in
“Agriculture” zone, Lots 111 RP (Part), 112 (Part), 113 (Part), 115 RP
(Part) and 116 (Part) in D.D. 113, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/514A)

167. The Committee noted that the applicant on 11.1.2011 requested for deferment of the consideration of the application for two months in order to allow more time for the applicant to prepare supplementary information to address the environmental issues.

168. The Secretary informed Members that a letter from Mayor Brown JSM dated on 26.1.2011 was tabled at the meeting for Members’ information. The Secretary said that Mayor Brown JSM raised objection to the applicant’s request to defer the consideration of the subject application for the reasons that this was the second deferral request by the applicant; and pursuant to the Town Planning Board Guidelines No. 33 on ‘Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance’ (TPB Guidelines No. 33), no further deferment should be granted unless very strong justification given by the applicant. There was no strong justification provided by the applicant to substantiate continual deferment.

169. The Secretary said that as set out in the Paper, on 15.10.2010, the applicant submitted the current application for temporary concrete batching plant for a period of two years at the application site. The application was originally scheduled for consideration by the Committee on 10.12.2010. However, on 1.12.2010, the applicant submitted further information (FI) to address the departmental comments. The FI was published for public inspection and the application was scheduled for consideration by the Committee at this meeting. The Secretary said that this was the applicant’s first request to defer the consideration of the subject application. Members noted.

170. A Member suggested that the Secretariat should clarify with Mayer Brown JSM on the subject. Members agreed.

171. After further 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 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/520 Proposed Public Utility Installation (Package Substation) and
Excavation of Land in “Village Type Development” zone, Government
Land in D.D. 113, Ma On Kong, Yuen Long
(RNTPC Paper No. A/YL-KTS/520)

Presentation and Question Sessions

172. 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) proposed public utility installation (package substation) and excavation of land;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period. The commenter supported the application as the proposed development would ensure a stable voltage for the benefits of the residents. No local

objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed electricity package substation was required for provision of electricity supply to the existing village and future developments in the area. It was an essential facility to serve the local district. The proposed electricity package substation involving excavation of land of about 1.6m in depth was of a small scale and was considered not incompatible with the surrounding area in rural character predominated by residential dwellings/village houses, agricultural land and vacant/unused land. Relevant government departments had no adverse comments on the application. To address the potential landscape and visual impacts of the proposed electricity package substation on the surrounding environment, approval conditions related to submission and implementation of landscaping proposal to provide landscape treatment to screen the proposed substation from the surroundings had been recommended in paragraph 12.2(a) of the Paper. Moreover, a comment from the public supporting the application was received during the statutory publication period.

173. Members had no question on the application.

Deliberation Session

174. 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 28.1.2015, 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 landscaping proposal to screen the proposed development from the surroundings to the satisfaction of the Director of Planning or of the Town Planning Board; and

- (b) the design and provision of an emergency vehicular access, water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the applicant should submit application for an Excavation Permit to LandsD prior to commencement of the proposed works;
- (b) to note the comments of the Commissioner for Transport that the status of land/road leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same land/road should be clarified with the relevant lands and maintenance authorities;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that some trees and a water channel lie in close proximity to the site. The applicant should adopt good site practices and necessary tree protection measures to avoid disturbing the water channel or damaging the trees;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should neither obstruct the overland flow nor adversely affect any existing watercourse, village drains or ditches etc;
- (e) to note the comments of the Director of Health that according to the World Health Organization (WHO), compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encourages effective and open communication with stakeholders in the planning of new

electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;

- (f) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that existing structures that apparently had not been obtained approval under the Buildings Ordinance (BO) should be removed. The proposed development and excavation of land works were subject to control under the BO if the works were to be carried out on leased land and formal submission under the BO was required for the works. The site should be provided with means of access from a street under Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under B(P)R 41D. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage.

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/521 Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years in “Agriculture” zone, Lots 118 RP (Part), 120 (Part), 121 (Part) and 122 (Part) in D.D. 113 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/521)

Presentation and Question Sessions

176. 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) temporary warehouse for storage of exhibition materials for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as sensitive receivers, i.e. residential dwellings/structures were located to the immediate west and in the vicinity of the site, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. The proposed use involved storage of exhibition materials which was not related to agriculture. If the application was approved, it would set an undesirable precedent to similar applications of open storage in the area. It was likely that the cumulative impact of open storage sites in the area would lead to further degradation of the “Agriculture” (“AGR”) zone and intensify development in the woodland area, thus degrading the existing landscape quality. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that although the site was surrounded by open space, temporary structures and abandoned farmland, it was easily accessible. A plant nursery or a farm with greenhouse could be readily set up on the site. Hence, she had reservation on the application from the agricultural point of view;
- (d) two public comments were received during the statutory publication period. One commenter stated that TPB should assess the application in a holistic manner taking into account the impacts on the natural environment and traffic arising from the development. Another commenter objected to the application as the proposed use was a blight on the environment and not in

line with the planning intention of the “AGR” zone. This commenter suggested that should the application be approved, a condition requiring a plan for quality landscaping and well-designed fencing should be included in the planning approval. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The temporary warehouse for storage of exhibition materials was not in line with the planning intention of the “AGR” zone. In this regard, DAFC had reservation on the application from the agricultural point of view. There was no strong planning justification submitted by the applicant to justify for a departure from planning intention, even on a temporary basis. The development was not compatible with the surrounding areas which were rural in character predominated by agricultural land/orchard, vacant/unused land, a few residential structures, warehouses, open storage/storage yards, parking lots, a workshop and a concrete batching plant. Although there were warehouses, open storage yards, workshops and a concrete batching plant in the vicinity, they were all suspected unauthorized developments subject to enforcement action taken by the Planning Authority. The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas, concerned government departments including DEP, CTP/UD &L, PlanD and DAFC did not support/had reservation to the application. Moreover, there had been no previous or similar approval been granted within the same “AGR” zone. Approval of the current application, even on a temporary basis, would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

177. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) which was to retain and safeguard 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. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the surrounding areas which were predominantly rural in character;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/522 Temporary Open Storage of Used Vehicles and Vehicle Parts for a Period of 3 Years in “Agriculture” zone, Lots 1011 (Part), 1012 (Part), 1013 (Part), 1014 (Part), 1015 S.A, 1015 S.B (Part), 1015 RP (Part), 1016 (Part) and 1018 (Part) in D.D. 113 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/522)

Presentation and Question Sessions

179. 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) temporary open storage of used vehicles and vehicle parts for a period of three years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape (CTP/UD&L, PlanD) objected to the application from the landscape planning perspective. The proposed open storage use was considered not compatible with the existing rural village and farm landscape in the vicinity. Open Storage yards and workshops in the area were mostly unauthorized practices. If the current application was approved, it was likely that similar applications would be submitted for planning permission, degrading the landscape quality of the area. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential structures located along the access road (i.e. Kam Ho Road) to the application site, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from

the agricultural point of view as there were active vegetable farms and an orchard nearby, and the site could be rehabilitated for agricultural purposes such as nursery gardening or greenhouse farming;

- (d) two public comments were received during the statutory publication period. One commenter objected to the application as the development was a blight on the environment and was not in line with the planning of the “Agriculture” (“AGR”) zone. Besides, the development did not comply with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) and approval of the application would set a bad precedent. This commenter suggested that should the application be approved, a condition requiring the preparation of a plan for quality landscaping and well-designed fencing should be imposed. Another commenter stated that the Board should assess the application in a holistic manner particularly taking into account its impacts on the natural environment and the local traffic. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment set out in paragraph 12 of the Paper. The development was not in line with the planning intention of the “AGR” zone. There was no strong planning justification in the applicant’s submission to justify for a departure from the planning intention, even on a temporary basis. The development was not compatible with the surrounding land uses which were predominantly rural in character with a mixture of cultivated and fallow agricultural land, vacant/unused land and open storage yards. While there were some open storage yards near the site, most of these uses were suspected unauthorized developments subject to enforcement action taken by the Planning Authority. Moreover, the development was not in line with the TPB Guidelines No. 13E in that there was no previous approval granted at the site for open storage use and there were adverse departmental comments including DEP, DAFC and CTP/UD&L, PlanD and a public objection against the application received.

The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas. Hence, the current application did not warrant sympathetic consideration. There was no similar application except application No. A/YL-KTS/494 which was the subject of a previous approval and the application site of application No. A/YL-KTS/494 was encircled by local road, vacant land, open storage yards, warehouse and workshop, which was unlike the subject application site which was located at a relatively rural part of the area close to the woodland zoned "Conservation Area". No similar application except Application No. A/YL-KTS/ 494 and its previous application were approved within the "AGR" zone. The approval of the current application, even on a temporary basis, would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such application would result in general degradation of the rural environment of the area.

180. Members had no question on the application.

Deliberation Session

181. 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 "Agriculture" ("AGR") zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board PG-No. 13E in that the development was not compatible with the surrounding land uses

which were predominantly rural in character with a mixture of cultivated and fallow agricultural land, vacant/unused land and open storage yards; there was no previous approval granted at the site and there were adverse departmental comments and public objection against the application;

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

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

182. 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) proposed temporary open storage of second-hand vehicles for display and export for a period of two years;
- (c) departmental comments – the Chief Engineer/Railway Development 2-3, Railway Development Office, Highways Department (CE/RD2-3, RDO, HyD) fully supported the application as the applicant's original occupation site of the applied use had been affected by the Hong Kong Section of Hong Kong Express Rail Link (XRL) project and the applicant had to identify a suitable site in order to continue his business. He was also of the view that the current application site was situated immediately next to the XRL works site and therefore the proposed open storage use should not be considered as incompatible with the land use in the area;
- (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 proposed temporary use under the current application could be tolerated for a period of two years based on the assessments set out in paragraph 12 of the Paper which were summarized below:
 - (i) according to the applicant, his original site for the applied use at Kam Tin North area would be affected and resumed for the XRL project. He had spent efforts in identifying a suitable site to continue his business for the subject open storage of second-hand vehicles for display and export in the neighbouring areas including Ha Tsuen, Ping Shan and Tong Yan San Tsuen etc. These locations were not suitable due to various issues such as accessibility, easement, ownership or environmental problems. Land within the Categories 1 and 2 areas in the region for the proposed use was also largely occupied by other open storage uses. If the application was approved, the applicant was willing to undertake several measures to minimize the nuisances including the visual and traffic impacts

generated from the proposed uses, such as installation of site boundary fencing with zinc boards in dark green colour, setting back 5m from the works area of XRL project and limiting the traffic volume without the use of medium/heavy goods or container vehicles. In this regard, CE/RD2-3, RDO, HyD fully supported this application;

- (ii) the surrounding land uses, especially those to the east, south and west, were at present basically rural in character with scattered residential dwellings, fallow agricultural and vacant land. However, it was noted that the areas to the north were zoned “Open Storage” and were Category 1 areas under the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) where there were various existing open storage uses. Moreover, the area to the immediate southwest was proposed for the Shek Kong Stabling Sidings (SKSS) (i.e. railway tracks) which would be situated at grade with underground emergency rescue station of the XRL. Once built, the SKSS development would change the landscape character of the surrounding areas permanently, and lessen the existing rural character, hence the landscape impact of the proposed development would not be significant; and
- (iii) relevant government departments had no objection to the application. As efforts had been made by the applicant in identifying an alternative suitable site but to no avail, impacts on the landscape were insignificant due to the XRL project, the concerns from DEP and DAFC could be addressed by way of stipulating approval conditions as recommended in paragraph 13.2 of the Paper, consideration in favour of the application could be given in view of the special background of the case and planning circumstances as mentioned in the Paper, despite the site was located within Category 3 areas. In light of the changes to be effected by the XRL project,

consideration could be given to review the categorization of the area under TPB Guidelines No.13E when opportunities arose.

183. Members had no question on the application. The Secretary said that in view of the changes to be effected by the XRL projects, the categorization of the area under the TPB Guidelines No. 13E would be reviewed when the opportunity arose. This also applied to the following two planning applications No. A/YL-PH/616 and No. A/YL-PH/618 to be considered at the same meeting. Members noted.

Deliberation Session

184. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 28.1.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no 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 medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, were allowed to be parked/stored at or enter/exit the site at any time during the planning approval period;
- (e) the provision of boundary fencing, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2011;

- (f) 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 28.7.2011;
- (g) in relation to (f) 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 28.10.2011;
- (h) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2011;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2011;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2011;
- (k) in relation to (j) 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 28.10.2011;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (n) upon expiry of the planning permission, the reinstatement of the site, at the applicant's own cost, to a condition which was suitable for agricultural uses with a view to preserving agricultural land as far as possible to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.

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

- (a) to resolve any land issue relating to the development with the concerned owners of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that no structure was allowed to be erected without prior approval from his office. Unauthorized structures in the form of converted containers were noted. He reserved the right to take enforcement against the irregularities if indeed found in due course. The site was accessible to Kam Tin Road through long haul of informal village tracks on government land/other private land. His office did not provide maintenance works to the tracks nor guarantee right-of-way. The registered owners of the lots and occupier of government land (GL) should apply to his office for Short Term Waiver/Tenancy (STW/STT) to regularize any structures and unauthorized occupation of GL on-site. Should no STW/STT application be received/approved and the irregularities persist on-site, his office would consider taking appropriate lease enforcement action/land control against the registered owners/occupier according to the prevailing programme;
- (c) to note the comments of the Commissioner for Transport that the land status of the proposed access between the site and Kam Tin Road should be checked with the lands authority and the management and maintenance responsibility of the access leading to the site from Kam Tin Road should be checked with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West,

Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;

- (e) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should demonstrate clearly that the proposed development would not cause any increase in the flooding susceptibility of the areas in the vicinity or cause any adverse drainage impact to the existing drainage facilities and the adjacent areas;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirements in Appendix V of the Paper;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person should be appointed to coordinate all building works; and
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that a 48 inches in diameter raw water main for the delivery of Dongjiang water was located adjacent to the site with the existing 10m-wide Waterworks Reserve along this water main. No structure

or plant should be erected over this Waterworks Reserve and such area should be used for storage and planting purposes. The Water Authority (WA) and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the WA might require or authorize. His office should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site. For provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow.

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

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/616 Proposed Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials for a Period of 3 Years in "Agriculture" zone, Lots 1831 RP, 1832 RP (Part), 1867 (Part), 1868 (Part), 1869 (Part), 1870 (Part), 1871 (Part), 1872 (Part), 1873 (Part), 1874 RP and 1875 RP (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/616)

Presentation and Question Sessions

186. 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) proposed temporary open storage of backdrop screens, advertising aluminium frames and construction materials for a period of three years;
- (c) departmental comments – the Chief Engineer/Railway Development 2-3, Railway Development Office, Highways Department (CE/RD2-3, RDO, HyD) fully supported the application as the applicant’s original occupation site of the applied use had been affected by the Hong Kong Section of the Hong Kong Express Rail Link (XRL) project and the applicant had to identify a suitable site in order to continue his business. He was also of the view that the current application site was situated immediately next to the XRL works site and therefore the proposed open storage use should not be considered as incompatible with the land use in the area;
- (d) two public comments were received during the statutory publication period. One commenter objected to the application as the site was zoned “Agriculture” (“AGR”) zone, the proposed open storage yard was not in line with the planning intention of the area and would generate environmental nuisances to the surroundings. The other commenter objected to the application that the use of the site for open storage was a blight on the environment. The use was not in line with the planning intention of the area. The proposed development did not comply with the Town Planning Guideline No.13E for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPG Guidelines No. 13E). Approval of the case would set a bad precedent and induce further degradation of rural environment. The commenter suggested that a quality landscaping plan and well-designed interface with the public domain, including the design of the perimeter with

a setback of the fences and inclusion of a green buffer should be provided to mitigate the blight, in case the TPB approved the application. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use under the current application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarized below:
 - (i) according to the applicant, his original site for the applied use would be affected and resumed for the XRL project. He had spent efforts in identifying a suitable site to continue its business for the subject backdrop scenes, advertising aluminium frames and construction materials in the neighbouring areas including Ha Tsuen, Ping Shan and Tong Yan San Tsuen etc. These locations were not suitable due to various issues such as accessibility, easement, ownership or environmental problems. Land within the Categories 1 and 2 areas in the region for the proposed use was also largely occupied by other open storage uses. As the current application site was situated immediately west to the XRL works site, the proposed open storage use should not be considered as incompatible with the land use in the area. In this regard, CE/RD2-3, RDO, HyD fully supported this application;
 - (ii) the surrounding land uses, especially those to the west, north and south, were at present basically rural in character with scattered residential dwellings, fallow agricultural and vacant land. However, it was noted that the areas to the further east were zoned “Open Storage” and were Category 1 areas under the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E), where there were various existing open storage uses. Moreover, the area to the immediate west and southwest of the site was proposed for the Shek Kong Stabling

Sidings (SKSS) (i.e. railway tracks) which would be situated at grade with underground emergency rescue station of the XRL. Once built, the SKSS development would change the landscape character of the surrounding areas permanently, and lessen the existing rural character, hence the landscape impact of the proposed development would not be significant;

- (iii) relevant government departments had no objection to the application. As efforts had been made by the applicant in identifying an alternative suitable site but to no avail, impacts on the landscape were insignificant due to the XRL project, the concerns of DEP and DAFC and two public objections could be addressed by way of stipulating approval conditions as recommended in paragraph 13.2 of the Paper, consideration in favour of the application could be given in view of the special background of the case and planning circumstances as mentioned in the Paper, despite the site being located within Category 3 areas. In light of the changes to be effected by the XRL project, consideration could be given to review the categorization of the area under TPB Guidelines No.13E when opportunities arose.

187. Members had no question on the application.

Deliberation Session

188. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2014, 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. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) no 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 medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, were allowed to be parked/stored at or enter/exit the site at any time during the planning approval period;
- (e) the provision of boundary fencing, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2011;
- (f) 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 28.7.2011;
- (g) in relation to (f) 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 28.10.2011;
- (h) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2011;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.10.2011;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2011;
- (k) in relation to (j) 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 28.10.2011;

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

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

- (a) to resolve any land issue relating to the development with the concerned owners of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long that no structure was allowed to be erected without prior approval from his office. No approval had been given for the specified structure as open-sheds for storage of backdrop screens and advertising aluminium frames and office & restroom and the occupation of the government land (GL) within the site. The site was accessible to Kam Tin Road via a track on other private land and GL. His office provided no maintenance work for the GL and did not guarantee right-of-way. The lot owner had to apply to his office to permit structure to be erected or regularize any irregularities on-site. The occupier also had to apply to his office for occupation of the GL involved. Such application would be considered by 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;

- (c) to note the comments of the 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 responsibility of the same road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (e) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should advise whether the proposed peripheral U-channels within the site would intercept all runoff falling onto and passing through the site. Adequacy of the proposed 375mm U-channels should be justified by design calculation. Alignment of the drainage path after the collected runoff leaving the site should be shown on the drainage proposal. And as advised by the applicant, the collected runoff leaving the site would be discharged to the drainage system maintained by Mass Transit Railway Corporation Ltd. (MTRCL). As such, the applicant should seek MTRCL's comments on the drainage proposal;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs

to his department for approval. In formulating the FSIs proposal for the proposed open storage site, the applicant was advised to make reference to the requirements in Appendix V of the Paper;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person must be appointed to coordinate all building works;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (j) to note the comments of the 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 54

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/618 Proposed Temporary Open Storage of Construction Materials and Machinery with Ancillary Office for a Period of 3 Years in “Agriculture” and “Open Storage” zones, Lots 371 RP, 373 (Part) and 385 in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/618)

Presentation and Question Sessions

190. 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) proposed temporary open storage of construction materials and machinery with ancillary office for a period of three years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. The surrounding landscape was predominantly rural in character and partly degraded due to clearance and storage activities. Approval of the application might set an undesirable precedent to similar open storage applications in the area, encouraging urban sprawl into the “Agriculture” (“AGR”) zone and further degrade the local landscape character. There was no information submitted by the applicant to address that the landscape impact could be effectively mitigated. CTP/UD&L, PlanD also noted that there were two trees and a bamboo cluster on-site. While the trees were mostly located near the site boundary, adverse impacts of the proposed use to the landscape resources on-site was considered small. However, the applicant failed to demonstrate that the existing trees would be preserved and protected. The Chief Engineer/Railway Development

2-3, Railway Development Office, Highways Department (CE/RD2-3, RDO, HyD) fully supported the application as the applicant's original occupation site of the applied use had been affected by the Hong Kong Section of Hong Kong Express Rail Link (XRL) project and the applicant had to identify a suitable site in order to continue his business. He was also of the view that the current application site was situated immediately next to the XRL works site and therefore the proposed open storage use should not be considered as incompatible with the land use in the area;

- (d) two public comments were received during the statutory publication period. Two commenters supported the application as agricultural activities were dwindling and the development would facilitate better utilization of the site and generate employment opportunities. It would also improve the environmental hygiene condition of the site. Besides, there were similar open storage uses near the site and the development would not generate adverse impacts on the environment or the local residents/church. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarized below:
 - (i) according to the applicant, the current application was submitted for relocation of his original occupation of the applied use which was situated within the works area of the XRL project. He had spent efforts in identifying a suitable site to continue his business for the applied open storage use in the neighbouring areas. In this regard, CE/RD2-3, RDO, HyD fully supported the application;
 - (ii) the surrounding land uses though rural in character with scattered residential dwellings and vacant land. It was however noted that the areas to the south were zoned “Open Storage” and were Category 1 areas under the Town Planning Board Guidelines No.13E for

‘Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) where there were various existing open storage uses. The site conditions had changed gradually since the previous applications for similar uses on the site in the last few years. Moreover, the area to the west and southwest of the site was proposed for works area of the XRL project. Once the works commenced, the landscape character of the surrounding areas would be changed in the interim period;

- (iii) although a small amount of trees were located near the site boundary, adverse impacts of the proposed use to the landscape resources on-site was considered small. Relevant government departments had no objection to the application. Technical concerns from the government departments could be addressed by way of stipulating approval conditions as recommended in paragraph 13.2 of the Paper; and
- (iv) consideration in favour of the application could be given in view of the special background of the case and planning circumstances, despite the site being located within Category 3 areas. In light of the changes to be effected by the XRL project, consideration could also be given to review the categorization of the area under TPB Guidelines No. 13E when opportunities arose.

191. Members had no question on the application.

Deliberation Session

192. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2014, 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. 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) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, were allowed to be parked/stored at or enter/exit the site at any time during the planning approval period;
- (e) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2011;
- (f) 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 28.7.2011;
- (g) in relation to (f) 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 28.10.2011;
- (h) the submission of 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 28.7.2011;
- (i) in relation to (h) above, the implementation of 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 28.10.2011;

- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2011;
- (k) in relation to (j) 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 28.10.2011;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site, at the applicant's own cost, to a condition which was suitable for agricultural uses with a view to preserving agricultural land as far as possible to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing open storage uses at the site;
- (b) the permission was given to the use under application. It did not condone any other uses including open storage of air-conditioners, vehicles, vehicle parts, recycling materials and workshops which currently exist on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such uses not covered by the

permission;

- (c) to resolve any land issue relating to the development with the concerned owners of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no structure was allowed to be erected without prior approval of the government. The site was accessible to Kam Tai Road via a track on other private land and government land (GL). Part of the track falls onto the resumption limit of the project Hong Kong Section of XRL. The Chief Engineer/Railway Development 2-3, Railway Development Office, Highways Department should be consulted for any interface problem. His office provided no maintenance work for the GL and did not guarantee right-of-way. Upon obtaining planning approval, the lot owner had to reply to his office to permit structure to be erected or regularize any irregularities on-site. Such application would be considered by 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;
- (e) to note the comments of the 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (g) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open

Storage Sites' issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. Also all the existing flow paths as well as the runoff falling onto and passing through the site should be intercepted and disposed of via proper discharge points. The applicant should also consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structure, 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 structure, the applicant was advised to make reference to the requirements in Appendix V of the Paper;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person should be appointed to coordinate all building works;
- (k) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction,

operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow; and

- (1) to note the comments of the 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 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/160 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in "Village Type Development" zone, Lot 225 S.D (Part) in D.D. 112, Lai Uk Tsuen, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-SK/160)

Presentation and Question Sessions

194. Mr. Kepler S.Y. Yuen, STP/TMYL, informed Members that the first line of paragraph 9.1.2 should be amended to 'Comments of the Commissioner for Transport (C for T)'. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) four public comments were received during the statutory publication period. One commenter considered that the revocation of the previous planning approval reflected the applicant's insincerity to comply with the approval conditions and, as such, the current application should be rejected. Other three commenters objected to the application as they considered that the illegal land filling works at the site had led to drainage and flooding problems to Lai Uk Tsuen and Tsang Uk Tsuen. Many big trees at the site had been felled during the construction of the development. The substandard retaining wall and septic tanks of the site would pose danger and cause nuisance to the villagers. The site had encroached on government land and other private land. The customers of the real estate agency often park their vehicles near the bus stop and rain shelter on the roadside of Kam Sheung Road, blocking the road and cause inconvenience and danger to the villagers. The development blocked the only vehicular access road leading to Lai Uk Tsuen and Tsang Uk Tsuen and affected the visit to the declared monument of Chik Kwai Study Hall. The operation of the real estate agency had affected the public security of the area. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under current application could be tolerated for a period of one year based on the assessments set out in paragraph 11 of the Paper which were summarized below:
 - (i) the development comprising two single-storey structures of about 87m² in floor area within a site of about 225m² was of a relatively small scale. It was located by the side of a major road and was

considered not incompatible with the surrounding environment which was predominantly rural in character mixed with residential structures, cultivated/fallow agricultural land and vacant land. Although the development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, similar shop and services use on the ground floor of a New Territories Exempted House (NTEH) was always permitted within the “V” zone, and selected commercial uses might be permitted upon application to the Board. According to the District Lands Officer/Yuen Long, Lands Department that there was currently no Small House application received for the site. Hence, the approval of the development on a temporary basis would not frustrate the long-term planning intention of the “V” zone;

- (ii) government departments generally had no adverse comments on the application. The requirements of the government departments on the need to maintain the existing drainage facilities and provide landscape plantings and fire service installations could be addressed by way of stipulating approval conditions as recommended in paragraphs 12.2 (b) to (g) of the Paper;
- (iii) the last planning approval under application No. A/YL-SK/152 was revoked due to non-compliance with the approval conditions on provision of boundary fence for setting out the application site boundary and provision of fire service installations within the time limits. Moreover, there were local objections to the application. In this regard, shorter compliance periods were proposed to closely monitor the progress on compliance with the approval conditions. Failure to comply with the approval conditions within the time limits would result in revocation of the planning permission again and unauthorized development on the site would be subject to enforcement action by the Planning Authority. The applicant should be advised that sympathetic consideration might not be given to any further application if the planning permission was revoked

again due to non-compliance of approval conditions; and

- (iv) there were local objections to the application on drainage, environmental, traffic safety and structural safety impacts and public security problems brought by the development, to respond to the public concern and to monitor the situation on the site, a shorter approval period of one year, instead of for a period of three years sought, was recommended. Moreover, the applicant would be advised that sympathetic consideration might not be given to any further application if the planning permission was revoked again.

195. Members had no question on the application.

Deliberation Session

196. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 28.1.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation 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) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (c) the provision of boundary fence for setting out the application site boundary within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.4.2011;
- (d) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.4.2011;

- (e) in relation to (d) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2011;
- (f) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.4.2011;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2011;
- (h) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

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

- (c) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department that his office reserved the right to take lease enforcement action against the unauthorized structures erected on the site. Earlier record indicated that a strip of government land and portions of Lots 223 S.A and 222 in D.D. 112 on the northern and eastern parts of the site had been fenced off and provided with the vehicular access for the site without his permission. The applicant had to clarify if he had set back the site boundary to exclude these extensions from the site. His office might take action against the unlawful occupation of government land. The registered owner of the relevant lot should apply for Short Term Waiver (STW) to regularize the irregularities on the site. Should no STW application be received/approved and the irregularities persist on the site, his office would consider taking appropriate lease enforcement action against the registered owner. Moreover, the site was accessible to Kam Sheung Road via private land and a parcel of allocated government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;
- (f) to note the comments of the Commissioner for Transport that the site was not directly connected to Kam Sheung Road. 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;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department was not/should not be

responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;

- (h) 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;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affect water mains, Waterworks Reserve with 1.5m measuring from the centerline of the affected water mains should be provided to WSD. No structure should be erected over this Waterworks Reserve and such area should not be used for storage or car parking purposes. The Water Authority, his officers and contractors and his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. No trees/shrubs should be planted within the waterworks reserve;
- (j) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix III of Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration; and
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied

regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. The applicant's attention was also drawn to the requirements on provision of emergency vehicular access under B(P)R 41D.

Agenda Item 56

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/512 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in "Village Type Development" zone, Lots 2786 S.C and 2786 RP in D.D. 120, Tin Liu Tsuen, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/512)

Presentation and Question Sessions

198. 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) temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen

Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the current application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarized below:
 - (i) the development comprising three single-storey structures of about 76.8m² in total floor area within a site of about 270m² was of a relatively small scale. It was located by the side of a public road and was considered not incompatible with the surrounding environment which was predominantly rural residential in character mixed with vehicle repair workshops and open storage yard. Although the development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, similar shop and services use on the ground floor of a New Territories Exempted House was always permitted within the “V” zone, and other commercial uses might be permitted upon application to the Board;
 - (ii) while there were two Small House applications under processing at the site, the District Lands Officer/Yuen Long, Lands Department had no objection to the application. It was considered that the temporary use of the application site for the real estate agency in the interim by the applicant who was the owner of the site would not jeopardize the eventual development of Small Houses thereat. Government departments generally had no adverse comment on the application. No local objection against the application was received. Technical concerns from government departments could be addressed by way of stipulating approval conditions and advisory clauses as recommended in paragraph 12.2 of the Paper; and
 - (iii) the last approval under application No. A/YL-TYST/469 was revoked due to non-compliance with the approval conditions. In this

regard, shorter compliance periods were proposed to closely monitor the progress on compliance with approval conditions. Failure to comply with the approval conditions within the time limits would result in revocation of the planning permission again and unauthorized development on the site would be subject to enforcement action by the Planning Authority. The applicant should be advised that sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions.

199. Members had no question on the application.

Deliberation Session

200. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2014, 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 7:30 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 28.4.2011;
- (c) in relation to (b) above, the provision of run-in/out within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 28.7.2011;
- (d) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.4.2011;

- (e) in relation to (d) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2011;
- (f) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.4.2011;
- (g) in relation to (f) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2011;
- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.4.2011;
- (i) in relation to (h) 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 28.7.2011;
- (j) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (b), (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) the current fencing boundary of the site should be rectified as soon as possible to accord with the application site boundary;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that applications for Short Term Waiver at the respective lots of the site had been received. 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. According to his record, the structure for meter room purpose straddled Lots 2786 RP and 2785 RP in D.D. 120. The applicant should clarify this situation. Moreover, access to the site opened onto Kung Um Road via a short stretch of government land. His office did not provide maintenance works on this government land or guarantee right-of-way. This access was abutting on the boundary of an active project by WSD on Government Land Allocation GLA-TYL1018, namely “Replacement and Rehabilitation of Water Mains Stage 2 Mains in New Territories West – Investigation, Design and Construction”;
- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and

maintenance authorities accordingly;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department 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 H5115 and H5116, whichever set was appropriate, to suit the pavement of the adjacent areas. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out. His Department should not be responsible for the maintenance of any vehicular access between the site and Kung Um Road;
- (h) 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;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that tree planting should be proposed along the perimeter of the site for enhancing the greening and screening effect;
- (j) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix III of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration;
- (k) to note the comments of the 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). 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. An emergency vehicular access (EVA) under Building (Planning) Regulations (B(P)R) 41D should be provided. Containers used as office/toilet and the proposed open shed were considered as temporary buildings that were subject to control under B(P)R Part VII. Formal submission of any proposed new works, including any temporary structure, for approval under the Buildings Ordinance was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

- (1) to note the comments of the 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 57

Section 16 Application

[Open Meeting]

A/YL-TYST/514 Temporary Open Storage of Used Vehicles for a Period of 3 Years in “Undetermined” zone, Lots 2423 RP (Part), 2426 RP (Part), 2427, 2428 RP (Part), 2429 S.A, 2429 S.B (Part), 2430, 2431 (Part), 2432 (Part), 2433 (Part), 2434 (Part), 2688 (Part), 2690 (Part), 2691 (Part), 2692, 2693 (Part), 2694, 2695 (Part), 2696 (Part) and 2697 (Part) in D.D. 120 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/514)

202. The Committee noted that the applicant on 13.1.2011 requested for deferment of the consideration of the application for two months in order to allow more time for the applicant to consider amending the site boundary.

203. 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 58

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/515 Temporary Vehicle (Private Car Only) Repair and Maintenance
Workshop for a Period of 3 Years in “Undetermined” zone, Lot 1876
RP (Part) in D.D. 117 and Adjoining Government Land,
Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/515)

Presentation and Question Sessions

204. 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) temporary vehicle (private car only) repair and maintenance workshop for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate west and southwest and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The applied use of vehicle repair and maintenance workshop was considered not compatible with the surrounding rural land uses with scattered residential structures, gardening sites and agricultural land.

Although there were some warehouses, open storage yards and workshops in the surrounding areas, most of them were suspected unauthorized developments subject to enforcement action taken by the Planning Authority. While most of the government departments consulted had no adverse comments on the application, DEP did not support the application as mentioned in paragraph 204(c) above. Moreover, except the indication for not operating during night-time and not carrying out paint-spraying activities on site, the applicant provided no information on how the potential environmental impact of the development could be addressed. Although the last application (No. A/YL-TYST/408) for temporary storage of construction materials was approved by the Committee on 7.11.2008, the planning approval was recently revoked due to non-compliance with the approval condition which prohibited the carrying out of workshop activities on-site.

205. Members had no question on the application.

Deliberation Session

206. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 12 of the Paper and considered that it was appropriate. The reason was :

- the development would generate adverse environmental impact on the residential uses to the immediate west and southwest and in the vicinity of the application site; and the applicant failed to demonstrate in the submission how the potential environmental impact of the development could be addressed.

Agenda Item 59

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/516 Temporary Open Storage of Household Detergent, Construction Machinery/Materials and Recycled Materials including Paper, Metal and Plastic with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 2423 RP (Part), 2428 RP (Part), 2429 S.B (Part), 2429 S.C, 2429 S.D, 2429 RP (Part), 2685 (Part), 2686 (Part), 2687 (Part), 2688 (Part), 2689, 2690 (Part), 2691 (Part), 2695 (Part), 2696 (Part), 2697 (Part), 2698 S.A, 2698 S.B, 2699, 2700, 2701, 2702, 2703, 2704 S.A&S.B, 2705, 2706, 2712 (Part), 2713, 2714, 2716 RP, 2717 RP and 2718 RP (Part) in D.D.120 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/516)

Presentation and Question Sessions

207. 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) temporary open storage of household detergent, construction machinery/materials and recycled materials including paper, metal and plastic with ancillary workshop for a period of three years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from agricultural point of view as the site had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses along the access track leading from Shan Ha Road to the site, and environmental nuisance was expected. He also advised that there were two environmental

complaints related to waste pollution on the site in 2009 concerning land filling activities, but no offence under the Waste Disposal Ordinance could be established in his investigation;

- (d) two public comments were received during the statutory publication period. One commenter claimed that one of the lots of the site (i.e. Lot 2713 in D.D. 120) belonged to his company but it had been illegally occupied by someone without getting his consent or notifying him. He objected to the application as his interest of the land was affected. He also indicated that his company had taken legal action against the occupier. Another commenter objected to the application as the site was close to residential dwellings and the metal-hitting noise from the workshop could create nuisance to the nearby residents. Moreover, the storage of materials would pollute the surrounding environment and was a waste of the existing land resources. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for one year based on the assessments set out in paragraph 12 of the Paper which were summarized below:
 - (i) the application was generally in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) in that the concerns of relevant government departments were technical in nature which could be addressed through the implementation of approval conditions. There were similar applications in this part of the “Undetermined” (“U”) zone, i.e. Category 1 areas under TPB Guidelines No. 13E, that had been approved with conditions. Although the site was zoned “U” on the OZP, the area was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, the site

was connected to Shan Ha Road instead of Kung Um Road and the Commission for Transport (C for T) had no adverse comment on the application. It was considered that approval of the application on a temporary basis would not frustrate the long-term use of the area;

- (ii) the development for temporary open storage with ancillary workshop was not incompatible with the surrounding areas which were mixed with open storage yards and vehicle parks. Although DAFC had reservation on the application in view of the site's high potential for agricultural rehabilitation, the area was generally intended for open storage use and the vegetation on the site had already been cleared with the site formed;

- (iii) while DEP did not support the application and local objections were received as mentioned in paragraph 207(c) above, the applicant proposed not to operate the site during night time between 11:00 p.m. and 8:00 a.m., and on Sundays and public holidays, not to have open storage within 20m from the western boundary of the site adjoining the "V" zone, not to use heavy vehicles for the operation of the site and to locate the ancillary workshop far away from Lam Hau Tsuen, it was expected that the proposed development would not generate significant environmental impact on the surrounding areas. To address the possible environmental impact, approval conditions restricting the operation hours, prohibiting open storage and carrying out of workshop activities within the 20m-wide buffer area, prohibiting the storage and handling of used electrical appliances and electronic waste, restricting the use of heavy goods vehicles and requiring the provision of boundary fences had been recommended in paragraphs 13.2(a) to (e) and (g) of the Paper;

- (iv) the last planning approval under Application No. A/YL-TYST/458 was revoked due to non-compliance with the approval condition on implementation of drainage facilities in accordance with the drainage study within the time limit. In this regard, shorter

compliance periods were proposed to closely monitor the progress on compliance with the approval conditions. Failure to comply with the approval conditions within the time limits would result in revocation of the planning permission again and unauthorized development on the site would be subject to enforcement action by the Planning Authority. The applicant should be advised that sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions; and

- (v) there were two local objections to the application raising concerns on environmental impact and land use compatibility and alleging that there was illegal occupation of private land within the site. As the surrounding areas were mixed with open storage yards and vehicle parks and the site was primarily for open storage use, significant environmental impact from the site was not anticipated. To monitor the situation on the site, a shorter approval period of one year, instead of three years sought, was recommended. As regards the land dispute, the applicant would be advised to resolve any land issue relating to the development with the concerned owner(s) of the site vide the advisory clause in paragraph 13.2(d) of the Paper. It should also be noted that the applicant should be unable to occupy and use the land if there was no consent from the concerned land owner.

208. Members had no question on the application.

Deliberation Session

209. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 28.1.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 8:00 a.m., as proposed by

the applicant, was allowed on the application site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no open storage and carrying out of workshop activities were allowed within 20m from the western boundary of the application site adjoining the “Village Type Development” zone (Plan A-2 of the Paper) during the planning approval period;
- (d) no storage and handling (including loading and unloading) of used electrical appliances, electronic and computer wastes were allowed on the application site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, were allowed to enter/exit the application site at any time during the planning approval period;
- (f) the existing trees on the application site should be maintained at all times during the planning approval period;
- (g) the provision of boundary fence on the application site, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.4.2011;
- (h) 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 28.4.2011;
- (i) in relation to (h) 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 28.7.2011;

- (j) 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 28.4.2011;
- (k) in relation to (j) 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 28.7.2011;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (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 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter approval period and compliance periods were allowed to monitor the situation on the site and the progress on compliance with approval conditions;
- (c) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;

- (d) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owners 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 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. Besides, the site was accessible through an informal village track on government land and other private land extended from Shan Ha Road. His office provided no maintenance works for this track nor guarantees right-of-way;
- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the application site and Shan Ha Road;
- (h) 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;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the existing drainage facilities on-site were not consistent with those shown on the submitted drainage plan;

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

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

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

[The Chairman thanked Mr. C.C. Lau, Ms. S.H. Lam, Mr. K.C. Kan, Mr. Ernest C.M. Fung and Mr. Kepler S.Y. Yuen, STPs/TMYL, for their attendance to answer Members' enquires. Mr. Lau, Ms. Lam Mr. Kan, Mr. Fung and Mr. Yuen left the meeting at this point.]

Agenda Item 60

Any Other Business

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/337-1 Extension of Time for Compliance with Planning Conditions -
Temporary Telephone Exchange for a Period of 3 Years in
“Agriculture” zone and area shown as ‘Road’, Government Land in
D.D. 82, Ping Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/337-1)

211. The Secretary reported that an application for extension of time (EOT) for compliance with planning conditions (b) and (d) under application No. A/NE-TKL/337 was received on 14.1.2011. The application was approved by the Committee for temporary telephone exchange for a period of 3 years up to 16.7.2013 subject to approval conditions. Approval conditions (b) and (d) were related to the submission of drainage proposals and fire service installations proposals within 6 months by 16.1.2011. The application for EOT for compliance with conditions was received on 14.1.2011, that was only two days before the deadline for compliance with conditions (b) and (d) on 16.1.2011. According to TPB Guidelines No. 34B, an application submitted less than six weeks before the expiry of the specified time limit might not be processed for consideration of the Board, despite the application was submitted before the expiry of the specified time limit. The planning permission had been revoked on 16.1.2011. Hence, this EOT application would not be considered.

212. After deliberation, the Committee agreed that the application for EOT for compliance of planning conditions could not be considered for reason that conditions (b) and (d) had already expired on 16.1.2011, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked, the Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

213. There being no other business, the meeting was closed at 6:05 p.m..