

TOWN PLANNING BOARD

**Minutes of 435th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 18.2.2011**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Y.K. Cheng

Mr. Timothy K.W. Ma

Dr. W.K. Yau

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

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

Assistant Director/New Territories (Atg.),
Lands Department
Mr. Edwin W.K. Chan

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

Secretary

Absent with Apologies

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. C.P. Lau

Dr. James C.W. Lau

Dr. W.K. Lo

Ms. Anita W.T. Ma

Mr. Stephen M.W. Yip

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 434th RNTPC Meeting held on 28.1.2011

[Open Meeting]

1. The Secretary proposed to amend paragraph 155 of the draft minutes of the 434th RNTPC meeting by deleting approval condition (a) in page 147 and adding the comments of the Chief Highway/Railway Development 1-1, Railway Development Office, Highways Department as an advisory clause. The newly added advisory clause should read as “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.”. Members had no comment on the proposed amendments and the draft minutes were confirmed subject to the said amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) New Town Planning Appeal Received

Town Planning Appeal No. 2 of 2011

Proposed Comprehensive Residential and Commercial Development with the Provision of Government, Institution or Community Facilities and Public Open Space in “Comprehensive Development Area” zone, 60-66 and 88-90 Staunton Street, 4-6 Chung Wo Lane, 8 and 13 Wa In Fong East, 2-10 and 16 Wa In Fong West, 2-10 and 17-19 Shing Wong Street, 1-12 Wing Lee Street, Bridges Street Market and Refuse Collection Point and Adjoining Government Land, Sheung Wan
(Application No. A/H3/388)

2. The Secretary reported that an appeal against the decision of the Town Planning Board (TPB) to reject on review an application for the proposed comprehensive residential and commercial development with provision of government, institution or community facilities and open space at 60-66 and 88-90 Staunton Street, 4-6 Chung Wo Lane, 8 and 13

Wa In Fong East, 2-10 and 16 Wa In Fong West, 2-10 and 17-19 Shing Wong Street, 1-12 Wing Lee Street, Bridges Street Market and refuse collection point and adjoining government land at Sheung Wan was received by the Appeal Board Panel (Town Planning) (ABP) on 18.1.2011. The subject site was zoned “Comprehensive Development Area” (“CDA”) on the draft Sai Ying Pun and Sheung Wan Outline Zoning Plan (OZP).

3. The application was rejected on review by the TPB on 5.11.2010 for the reasons that the proposed development was not in line with the planning intention of the “CDA” zone to bring about environmental improvement through comprehensive redevelopment, restructuring the street pattern, promoting efficient land use and providing community facilities/public open space; no technical assessments had been submitted as part of the Master Layout Plan submission in accordance with the requirements of the Notes of the “CDA” zone; and the implementability of the proposed development was doubtful.

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

(b) Appeal Statistics

5. The Secretary reported that as at 18.2.2011, 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	:	148
Yet to be Heard	:	24
<u>Decision Outstanding</u>	:	<u>0</u>
Total	:	314

Tuen Mun and Yuen Long District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/YL/4

Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/18 by Amending the Notes of the “Other Specified Uses” annotated “Business” zone by deleting the words “(excluding those involving residential care)” from the use of “Social Welfare Facility (excluding those involving residential care)” in Column 2 of Schedule I, Area bounded by Po Yip Street, Long Yip Street and Yuen Long Nullah, Tung Tau, Yuen Long [Applicant’s Site: No. 8-12 Hi Yip Street, Yuen Long (Yuen Long Town Lot No. 361)]
(RNTPC Paper No. Y/YL/4)

Presentation and Question Sessions

6. Ms. Amy Y.M. Cheung, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Ms. S.H. Lam, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), of the Planning Department (PlanD), and the following applicant’s representatives were invited to the meeting at this point :

Mr. Kenneth To]	the applicant’s representative
Mr. David Fok]	the applicant’s representative
Mr. David Yeung]	the applicant’s representative
Mr. Wang Chung Yan]	the applicant’s representative

7. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms. S.H. Lam, STP/TMYL, to brief Members on the background of the application. Ms. S.H. Lam did so as detailed in the Paper and made the following main points with the aid of a powerpoint :

- (a) the applicant proposed to amend the Notes of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone by deleting the words “(excluding those involving residential care)” from the use of “Social Welfare Facility (excluding those involving residential care)” in Column 2 of Schedule I (for open-air development or for building other than industrial or industrial-office building) to enable the proposed conversion of an existing 5-storey industrial building completed in 1987 into a 180-bed residential care home for the elderly (RCHE) at the applicant’s site;

- (b) the applicant’s site was located within the Tung Tau Industrial Area and was surrounded by industrial buildings to its immediate north, west and southwest. The applicant submitted an indicative conversion scheme to illustrate how the existing industrial building at the applicant’s site could be converted into a RCHE. The conversion scheme would involve the addition and alteration works within the existing industrial building envelop for a RCHE containing 180 beds with full range of amenities such as physiotherapy/exercise/occupational therapy area, activity/training room, multi-sensory room, etc.;

- (c) the departmental comments were summarised as follows :
 - (i) the Director of Social Welfare (DSW) commented that, though the applicant proposed to use central air-conditioning and fixed windows to address the industrial/residential (I/R) interface and traffic noise problems, natural ventilation and openable windows were required for a RCHE under the Code of Practice for Residential Care Homes (Elderly Persons). DSW was concerned that the potential I/R interface problem would affect the quality of RCHE service provision. As residents of a RCHE had different degree of caring needs, DSW considered that an in-depth and critical feasibility study for developing a RCHE in an in-situ converted industrial building was essential;

 - (ii) the Director of Environmental Protection (DEP) considered that the

Environmental Assessment submitted by the applicant was not acceptable and advised that since the fixed windows proposed for all noise sensitive receivers could be opened by special keys, the basis to remove the noise interfacing problem was not substantiated; and

- (iii) the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) commented that the fixed windows under the applicant's indicative conversion scheme was unable to fulfill the requirements under the Building (Planning) Regulations (B(P)R) in that natural lighting and ventilation should be provided to the rooms used for habitation;
- (d) two public comments were received during the statutory publication period. While a Yuen Long District Council member objected to the application mainly on the grounds that the area was still occupied by industrial buildings and the future residents in the converted industrial building might face various pollution problems, a member of the public supported the application as elderly facilities were not adequate in the district and the proposed amendment would help transform the industrial area into a better environment; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper which was summarised as follows :
 - (i) the applicant intended to develop a RCHE at his site in Tung Tau, but applied to amend the Notes for the whole “OU(B)” zone covering the whole Tung Tau Industrial Area, which was zoned “OU(B)”. RCHE development within existing industrial area was not in line with the planning intention of the “OU(B)” zone, which was primarily for general business use;
 - (ii) in preparing the Master Schedule of Notes for “OU(B)” zone in 2000, to avoid potential I/R interface problem as well as fire risk,

residential element had been excluded from the user schedule. RCHE, which was a sensitive use, was fundamentally incompatible within existing industrial area. Approving the application would bring in a residential element in the user schedule of the “OU(B)” Notes and would have wide implications by setting an undesirable precedent for other similar applications in the “OU(B)” zones in other industrial areas and would distort the planning intention of the “OU(B)” zone;

- (iii) RCHE development, being a sensitive use involving the elderly and the infirmed, was considered incompatible with the surrounding industrial uses which were still active at present. Even if the application site was found suitable for RCHE, it should be effected through rezoning of the site to a more appropriate zoning rather than amending the Notes of the “OU(B)” zone as proposed by the applicant;
- (iv) government departments consulted had reservation on the applicant’s indicative conversion scheme. DSW indicated that natural ventilation and openable windows were required under the Code of Practice for Residential Care Homes (Elderly Persons). In this connection, DEP considered that the Environmental Assessment submitted was not acceptable and that the applicant had failed to demonstrate that the proposed RCHE would not be subject to adverse traffic and industrial noise impacts. DSW also raised concern on the I/R interface problem which would affect the quality of RCHE service provision. Besides, CBS/NTW of BD considered that the fixed windows under the applicant’s indicative conversion scheme was unable to fulfill the requirements under the B(P)R;
- (v) RCHE could be provided in other non-industrial areas in Yuen Long town proper. Besides “OU(B)” zone, RCHE development was either a use always permitted or a use that might be permitted upon application to the TPB under various residential zones on the Yuen

Long OZP. It also conformed with the planning intention for the “Government, Institution or Community” (“G/IC”) zone. In this regard, there were still a number of sites with a total land area of about 7.4 ha zoned “G/IC” on the OZP that were either with planned uses but not yet developed or without planned uses. No strong planning justifications were submitted to justify the proposed amendments to the Notes of the “OU(B)” zone to allow for application for RCHE development in Tung Tau.

8. The Chairman then invited the applicant’s representatives to elaborate on the application. Mr. Kenneth To presented the following main points of the proposed amendment with the aid of a powerpoint :

- (a) the applicant had more than 30 years of experience in providing medical care and RCHE services. The proposed RCHE development at the application site could meet the market demand for high-quality RCHE service as a result of the ageing population in Hong Kong;
- (b) there was a high demand for private RCHE. However, the lack of suitable and affordable sites or premises was found to be a major factor constraining the provision of private RCHEs in Hong Kong. Private RCHEs were expensive because of the high land cost involved. The applicant’s site, which was situated at the fringe of an industrial area, was considered suitable for development as a RCHE to meet the market demand. It was in line with PlanD’s recent “Area Assessments 2009 of Industrial Land in the Territory” in which part of the Tung Tau Industrial Area was identified as having potential for rezoning to “Residential (Group E)”;
- (c) noting that there was a public open space to the immediate east, a multi-storey car park to the north-east and a “Comprehensive Development Area” site to the further west and south-west of the applicant’s site, and its location close to the MTR station, the site was considered suitable for a RCHE providing 180 beds for the elderly. The technical assessments submitted had demonstrated that the proposed RCHE would not be subject

to unacceptable environmental nuisance or bring adverse impacts to the surrounding areas. The current application only involved minor change to the Notes by deleting the words “(excluding those involving residential care)” from the use of “Social Welfare Facility (excluding those involving residential care)” in column 2 of Schedule I of the Notes of “OU(B)” zone. Under the revised Note, RCHE development would still require planning permission from the TPB; and

- (d) given that other sites zoned “OU(B)” in Tung Tau were subject to various constraints, including the environmental conditions, scale and size of the sites, there would not be many industrial buildings in Tung Tau that were suitable for conversion to RCHE use. Approving the current application would therefore unlikely set a precedent case for other similar applications in the same “OU(B)” zone.

9. Mr. David Yeung made the following points:

- (a) regarding the issue on environmental nuisance, he had studied the impact of traffic noise, air quality, industrial noise and noise from the West Rail and found that all of them, except traffic noise, could comply with the requirements stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). The predicted road traffic noise at selected levels of the RCHE was found to be in the range of 59 to 72dB(A). Although the predicted noise level would exceed the HKPSG standards of 55dB(A) for RCHE, such standard, which was applicable to hospitals, clinics and RCHEs, was too stringent and could only be complied with by developments in the rural areas. Nevertheless, it should be emphasized that the proposed RCHE had complied with the standards of 70dB(A) for residential type developments under the HKPSG;
- (b) fixed windows was proposed as a mitigation measure to meet the HKPSG requirements on traffic noise. However, according to the requirements of Social Welfare Department (SWD) and BD, natural lighting and ventilation had to be provided for RCHE and hence the fixed windows could be

opened by special keys. The noise mitigation measure proposed by the applicant was similar to other residential developments and RCHEs located in the urban areas; and

- (c) as an alternative, a 1.5m wide corridor along the windows could be provided so that the beds could be set back from the noise pollution source. Further study on the detailed design could be carried out at the planning application stage.

10. Mr. Kenneth To summarized the consultant's presentation and made the following points:

- (a) both the technical assessments submitted by the applicant and the comments of DEP indicated that the proposed RCHE had complied with the HKPSG requirements except the traffic noise aspect. To address the traffic noise problem, an alternative measure to provide a 1.5m wide corridor was proposed. Detailed study could be undertaken at the planning application stage to prove the effectiveness of the proposal. This could satisfy both the SWD and BD's requirements regarding natural lighting and ventilation;
- (b) the traffic noise impact on the applicant's site was not due to the fact that it was located within an industrial area. Many other RCHEs located in sites zoned "G/IC" or "Residential (Group A)" in the urban areas near roads were also subject to the same traffic noise problem; and
- (c) with respect to the thirteen "G/IC" sites in Yuen Long District as mentioned in PlanD's assessment, all of them were found not suitable for RCHE development for various reasons including inaccessibility, poor environmental quality due to close proximity to major trunk roads/industrial noise source, sites owned by the government which would not be tendered out for "G/IC" use or were agricultural land under fragmented ownership. Nevertheless, the applicant had no objection if the Committee considered that it was more appropriate to rezone the

applicant's site to "G/IC" so that the applicant's conversion scheme could proceed.

11. In response to a Member's enquiry, Mr. Kenneth To said that the use of fixed windows was only one of the possible ways to address the traffic noise impact. There were other mitigation measures such as the provision of a 1.5m wide corridor to serve as a noise buffer by setting back a number of beds from the windows. The alternative measure which could reduce the traffic noise level would be further investigated in the planning application stage.

12. A Member noted that the applicant had stressed that the major problem that needed to be resolved was traffic noise, which were similarly faced by RCHEs in other districts, and asked whether PlanD agreed with such argument. The same Member further asked whether the vacancy rate of the industrial buildings in Tung Tau was increasing given the transformation of industrial areas in other parts of Hong Kong and hence the I/R interface and traffic noise problems might be reduced in the long run.

13. In response, Ms. Amy Y.M. Cheung said that the effect of traffic noise would depend on both the volume and the type of vehicles using the roads. She pointed out that heavy goods vehicles were the major type of vehicles moving around in the Tung Tau Industrial Area. According to the findings of "Area Assessments 2009 of Industrial Land in the Territory" undertaken by PlanD, Tung Tau was an active industrial area, with some 190,000m² industrial floor space being used for manufacturing/workshop and warehouse/storage. The vacancy rate of industrial buildings in Tung Tau was about 4.7% as compared to the territorial vacancy rate of 8.4% in sites zoned "OU(B)". In this connection, the traffic noise impact in Tung Tau would be greater than other industrial areas in the territory and could not be easily resolved.

14. Ms. Cheung further explained that the Tung Tau Industrial Area was a relatively new industrial area and many industrial buildings there were completed in the 1980s and 1990s. The transformation of Tung Tau to business use, as compared to other industrial areas like Kowloon Bay and Kwun Tong, was much slower. Nevertheless, part of Tung Tau had been identified as having potential for residential use but its transformation should be subject to careful planning in a progressive manner.

15. In response to a Member's question, Mr. David Yeung said that based on a preliminary estimate, a reduction of noise level by about 10dB(A) could be achieved as a result of the provision of a 1.5m corridor to serve as noise buffer. He also clarified that according to the information of Transport Department on traffic flow, the major source of traffic noise was not from the internal roads of the industrial area but the trunk roads to the south of the applicant's site, i.e. On Lok Road and Long Yip Street.

16. In response to the Chairman's enquiries, Mr. David Yeung said that the total number of beds to be provided as indicated in the indicative conversion scheme might have to be reduced as a result of the mitigation measures to provide a 1.5m corridor but it would be subject to detailed design at the planning stage. Mr. Yeung also said that technical assessment had been carried out to prove that fresh air in-take for the proposed central air-conditioning system of the RCHE could be provided on the roof top of the existing industrial building at the applicant's site.

17. In response to the question of the Chairman about the existing use of the two industrial buildings adjacent to the applicant's site, Ms. S.H. Lam said that according to a recent site inspection carried out by PlanD, the two industrial buildings were being actively used for business, industrial, workshop and storage uses. Their vacancy rates were low. Mr. David Yeung said that a survey on the existing uses of the industrial buildings had been carried out and the results had been taken into account in the Environmental Assessment.

18. In response to the Chairman's enquiry on the applicant's presentation suggesting to rezone the site to "G/IC", Mr. Kenneth To said that the applicant confirmed this could be the case if the proposed amendment to the Notes of the "OU(B)" zone was not accepted by the Committee. The Secretary said that since the current application was to amend the Notes for "OU(B)" zone, a change of the rezoning proposal to "G/IC" for the applicant's site would constitute a material change to the original application and a fresh application had to be made for the alternative zoning proposal.

19. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in

their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

20. The Chairman asked Members to first focus the discussion on whether the applicant's site was suitable for development as a RCHE and whether the technical problems could be overcome. If the answers were negative, it would not be necessary to deliberate on how the OZP could be amended to accommodate such a use.

21. Mr. C.W. Tse said that as the alternative measure proposed by the applicant at the meeting to provide a 1.5m wide corridor to serve as noise buffer was not submitted to the Environmental Protection Department (EPD) for comment before the meeting, he was not able to advise whether such measure was acceptable. EPD's comment could only be based on what had been included in the applicant's submission. Under such circumstances, the indicative conversion scheme could not comply with the HKPSG requirements.

22. A Member was of the view that the application should not be agreed as Tung Tau was at present a vibrant industrial area and the applicant was not able to resolve the technical concerns of relevant government departments. Nevertheless, that Member said that if the applicant could resolve the technical problems and consider a more appropriate land use zoning for the applicant's site, the revitalisation of industrial building for RCHE use could set a good precedent for other similar applications in industrial areas. This would help meet the imminent market demand for RCHEs. The views were shared by another Member.

23. The Chairman said that the applicant's site might be considered for RCHE development to meet the needs of the elderly provided that the technical problems raised by concerned government departments could be satisfactorily resolved. However, the applicant had not submitted sufficient information to demonstrate that the potential I/R interface and the traffic noise problems at the applicant's site could be resolved, especially when the applicant's site was adjacent to two industrial buildings under active use. Also, the applicant was not able to prove that the measure to provide a 1.5m wide corridor as noise buffer was acceptable.

24. The Secretary explained that the current application to amend the Notes for all “OU(B)” sites covering the Tung Tau Industrial Area to allow application for social welfare use with residential component was not in line with the planning intention to exclude residential use in “OU(B)” zone. In the revised Master Schedule of Notes for “OU(B)” zone endorsed by the TPB in 2003, residential element was excluded from the user schedule so as to avoid potential I/R interface problem as well as fire risk. Members would have to consider the wide implication on sites under “OU(B)” zone in deciding whether the application should be approved. The Committee might wish to consider if the applicant could resolve the technical problems associated with his own site, whether a zoning amendment on the applicant’s site alone would be acceptable.

25. In response to a question raised by a Member, the Secretary said that the Tung Tau Industrial Area covered a large area and hence Members would need to consider whether the proposed amendment to all the “OU(B)” sites was appropriate or whether a zoning amendment limiting to the applicant’s site and its surrounding area was more appropriate. She said that even for the applicant’s site alone, the I/R interface problem and other technical concerns would need to be resolved.

26. A Member said that while the current application should be rejected, the applicant’s attempt to provide social welfare facilities at his site was appreciated. That Member said that the applicant should be encouraged to liaise with concerned government departments to resolve the technical problems and to consider an appropriate land use zoning for his site. The Secretary said that Members’ views would be clearly reflected in the minutes of the meeting, a copy of which would be passed to the applicant. In addition, the RNTPC Paper had already contained the comments of all relevant government departments. PlanD could be requested to liaise with the applicant to render assistance as far as possible.

27. In response to the Chairman’s question, Mr. C.W. Tse indicated that the traffic noise problem could likely be overcome through design.

28. The Chairman concluded that Members generally agreed that the application should not be supported as the applicant had failed to demonstrate that the I/R interface and traffic noise problems with the adjacent industrial development could be resolved. If the

applicant could find ways to resolve the technical and environmental problems, the applicant might consider a more appropriate way of rezoning and submit a fresh application to the TPB for consideration. Members also agreed to ask PlanD to discuss with the applicant on how to take the case forward.

29. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) approving the application for amendment to the Notes for “Other Specified Uses” annotated “Business” (“OU(B)”) zone would allow application for social welfare use with residential component in the whole “OU(B)” zone. This was not in line with the planning intention to exclude residential uses in the “OU(B)” zone to avoid potential industrial/residential (I/R) interface problem;
- (b) residential care home for the elderly (RCHE) development, being a sensitive use, was considered not compatible with the industrial uses which were still active at present in the vicinity of the applicant’s site. The applicant failed to demonstrate in the submission that the I/R interface problem with the adjacent industrial developments and traffic noise could be satisfactorily resolved and the requirement of providing natural lighting and ventilation under the Code of Practice for Residential Care Homes (Elderly Persons) and Building (Planning) Regulations could be fulfilled; and
- (c) there were still other non-industrial areas in Yuen Long town that could accommodate RCHE which was either a use always permitted or a use that might be permitted upon application to the Town Planning Board under various residential related zones as well as “Government, Institution or Community” zone. There was no strong planning justification to amend the Notes for “OU(B)” zone to enable application for RCHE development in Tung Tau Industrial Area.

Sai Kung and Islands District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-HC/188 Proposed Minor Relaxation of Plot Ratio, Site Coverage and Building Height Restrictions for Permitted House Development (New Territories Exempted House – Small House) in “Residential (Group C) 1” zone, Lot No. 722 S.E in D.D. 244, Nam Pin Wai, Sai Kung (RNTPC Paper No. A/SK-HC/188)

30. The Committee noted that the applicant’s representative requested on 14.2.2011 for a deferment of the consideration of the application for two months in order to allow sufficient time to respond to departmental comments on the application.

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

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/183 Proposed 2-Storey New Territories Exempted House
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)

Presentation and Question Sessions

32. Mr. C.F. Yum, STP/SKIs, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

(a) background to the application;

[Mr. B.W. Chan and Dr. W.K. Yau left the meeting temporarily at this point.]

(b) the proposed 2-storey New Territories Exempted House (NTEH);

(c) departmental comments – the District Lands Officer/Sai Kung did not support the application as the site for the proposed NTEH, falling both outside the village ‘environs’ (‘VE’) or the “Village Type Development” zone, would not be considered by his office under the prevailing land policy. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as there was no tree survey or landscape proposal to demonstrate that the proposed development would not impose adverse impact on the existing landscape resources of the area;

(d) one public comment was received from a member of the public during the statutory publication period. The commenter objected to the application on the grounds that the site was located on the lower part of Kap Pin Long Lower Lane which was the only vehicular access point to enter that part of

the village and the proposed development would pose threat to the lives and well-being of the villagers; and

[Mr. B.W. Chan returned to join the meeting and Mr. Ambrose S.Y. Cheong left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. As the site was currently vacant without any existing building, the proposed 2-storey NTEH could not be considered as an improvement and upgrading of existing temporary structures within the rural areas. The application was therefore not in line with the planning intention of the “Residential (Group D)” zone. DLO/SK did not support the application as the site fell outside the ‘VE’ or “V” zone. Should the proposed development be pursued as a house development subject to the approval of the Buildings Ordinance, there was insufficient information in the current submission to demonstrate that the house development would comply with the requirements of providing right of way and emergency vehicular access (EVA). CTP/UD&L of PlanD commented that there were a number of semi-mature trees just outside the site boundary, which were likely to be affected if a boundary wall was erected and the existing footpath was realigned. There was, however, no sufficient information submitted by the applicant to demonstrate that the proposed development would not impose adverse impact on the existing landscape resources of the area. Besides, the proposed re-aligned footpath was outside the site and fell on unleased and unallocated government land. The applicant had not demonstrated how these issues would be addressed. Regarding the public comment concerning the existing access which might be affected by the application, it was noted that although the applicant undertook to construct a new footpath to replace the existing one, there was insufficient information to demonstrate that such re-aligned footpath could be practically erected.

33. In response to the Chairman's enquiry, Mr. Charles C.F. Yum, by referring to Appendix 1b of the Paper, said that the applicant had clarified in his letter dated 4 January

2011 that the application was for a NTEH.

34. In response to an enquiry of a Member, Mr. Charles C.F. Yum said that based on the site conditions, it might not be feasible for the applicant to provide an EVA as required by the Buildings Department.

[Mr. Ambrose S.Y. Cheong returned to join the meeting at this point.]

Deliberation Session

35. 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 in not in line with the planning intention of the “Residential (Group D)” zone which was for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and the provision of low-rise and low-density residential developments subject to planning permission from the Town Planning Board. The current application development could not be processed as a New Territories Exempted House; and
- (b) the applicant failed to demonstrate that the proposed development and the realigned footpath would not have an adverse landscape impact on the surrounding areas.

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

Sha Tin, Tai Po and North District

Agenda Item 6

Section 16 Application

[Open Meeting]

A/NE-KTN/142 Proposed House in “Comprehensive Development Area” zone,
Lot 714 RP in D.D. 92, Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/142A)

36. The Committee noted that the applicant’s representative requested on 31.1.2011 for a deferment of the consideration of the application for one month as more time was required for the applicant to prepare some visual illustrations of the proposed development and its surrounding areas to address the comments from the Urban Design and Landscape Section of Planning Department.

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

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/64 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 326 S.A. ss1 S.B in D.D. 37, Man Uk Pin, Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/64)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not support the application as the agricultural life in the vicinity of the application site was active and the site was of high potential for agricultural rehabilitation;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application generally met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that the footprint of the proposed Small House fell entirely within the village ‘environs’ (‘VE’) of Man Uk Pin Village and there was insufficient land

within the “Village Type Development” (“V”) zone for Small House development. The District Lands Officer/North (DLO/N) had no objection to the application as the site was situated within the ‘VE’ of Man Uk Pin Village. Although the proposed development was not in line with the planning intention of the “Agriculture” zone and DAFC did not support the application, the application site was located to the southwest of the “V” zone of Man Uk Pin Village and the entire footprint and application site of the proposed Small House fell within the ‘VE’ of the same village. Besides, the proposed Small House development was not incompatible with other existing and proposed Small Houses in the vicinity. There was a similar application (No. A/NE-MUP/62) which had been rejected by the Committee on 30.7.2010 for reason that there was sufficient land within the “V” zone to meet the Small House demand. However, DLO/N had recently provided the latest 10-year Small House demand for Man Uk Pin Village (2011-2020) which indicated that there was insufficient land within the “V” zone of Man Uk Pin Village for Small House development. Concerned government departments and the locals had no adverse comment on or no objection to the application.

39. Members had no question on the application.

Deliberation Session

40. Mr. Ambrose S.Y. Cheong suggested amending advisory clause (c) to reflect Transport Department’s comments on the application, which should be read as “to note the comments of the Commissioner for Transport that the vehicular access leading to the application site was not managed by Transport Department. The applicant should check the land status with the lands authority.....”. Members agreed.

41. 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 18.2.2015, 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 a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

42. 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) that :
 - (i) the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection and to 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 site was located within flood pumping gathering ground;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development; and
- (c) to note the comments of the Commissioner for Transport that the vehicular access leading to the application site was not managed by Transport Department. The applicant should check the land status with the lands

authority. The management and maintenance responsibilities of the subject access should be clarified with the relevant lands and maintenance authorities accordingly.

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/NE-PK/27 Proposed Pond Filling and Religious Institution including
Columbarium Use in “Green Belt” zone,
Lot 2100 (Part) in D.D. 91, Tai Lung, Ping Kong, Sheung Shui
(RNTPC Paper No. A/NE-PK/27)

43. The Committee noted that the applicant’s representative requested on 10.2.2011 for a deferment of the consideration of the application for two months as more time was needed to revise the traffic impact assessment and to assess the requirements for more detailed transport facilities, to carry out detailed drainage and environmental impact assessments, and to undertake a tree survey with more detailed landscape and visual assessments.

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

45. Ms. Doris S.Y. Ting, STP/STN, reported that replacement page 9 of the Paper was tabled at the meeting for Members’ reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary private car park under Application No. A/NE-TKL/301 for a period of three years;

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

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the application as the application site had high potential for agricultural rehabilitation and active agricultural activities were found in its vicinity;
- (d) one public comment was received during the statutory publication period indicating 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 further period of three years based on the assessment made in paragraph 12 of the Paper.

The application generally complied with the TPB Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development in that the applicant had complied with all the approval conditions of the two previous planning applications No. A/NE-TKL/263 and 301. The current application was the same as the two previous applications in terms of the applied use, site area and boundary, development parameters and layout. There had been no material change in planning circumstances since the previous temporary planning approvals were granted. Although DAFC did not favour the application, it was noted that the application site had been paved and used as a private car park since 2005 and there was currently no intention to use the site for agricultural activities. Hence, approval of this temporary development should not jeopardize the long-term planning intentions of the “Agriculture” and “Village Type Development” zones. Besides, the temporary private car park was considered not incompatible with the surrounding rural character. It would unlikely cause adverse traffic, environmental, drainage and landscape impacts on the surrounding areas in view of its nature and small-scale of the development. Concerned government departments and the locals had no comment on or objection to the application.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 12.3.2011 until 11.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the car park should be restricted to parking of private cars only and should not be open to the public on a commercial basis;
- (b) the submission of drainage proposals 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 11.9.2011;

- (c) in relation to (b) above, the implementation of drainage proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.12.2011;
- (d) the submission of tree preservation and landscape proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 11.9.2011;
- (e) in relation to (d) above, the implementation of tree preservation and landscape proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 11.12.2011;
- (f) the submission of proposals on fire service installations 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 11.9.2011;
- (g) in relation to (f) above, the provision of fire service installations 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 11.12.2011;
- (h) 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;
- (i) if any of the above planning conditions (b), (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 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.

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

- (a) to resolve any land issue relating to the development with other concerned owner of the application site;
- (b) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) to note the comments of the District Lands Officer/North that the applicant should apply to his office for a Short Term Waiver (STW) for the regularization of the structures erected. There was no guarantee that the STW would be granted. If the STW 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 including the payment of STW fee;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available and Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (e) 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;
- (f) to note the comments of the Director of Fire Services that the applicant should provide and properly maintain portable hand operated approved appliances for the car parking space covered by canopy throughout the approval period. Upon completion of installation of fire service installations, it was advised to submit “Certificate of Fire Service Installations and Equipment (FS 251)” to his Department; and
- (g) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/736 Shop and Services (Retail Shop) in “Industrial” zone,
Unit K1, G/F, On Wah Industrial Building,
41-43 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/736)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the shop and services (retail shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessment made in paragraph 11 of the Paper. The planning intention of the “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the TPB based on individual merits and the planning assessment criteria set out in the TPB Guidelines No. 25D. The retail shop on the ground floor was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the ground floor of the subject industrial building and its vicinity. The application generally complied with the TPB Guidelines No. 25D and relevant government departments consulted had no objection to or adverse comments on the application. No public comment had been received against the application. Nevertheless, a temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.2.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within six months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.8.2011;
- (b) the implementation of the fire safety measures within nine months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2011; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) the applicant should apply to the District Lands Officer/Shia Tin for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) that the proposed

use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and floors having a fire resisting period of not less than two hours;

- (e) to note the comments of the Director of Fire Services that a means of escape completely separated from the industrial portion should be available and detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. Regarding matters in relation to fire resisting construction for the application premises, the applicant was advised to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the BD; and
- (f) refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 11

Section 16 Application

[Open Meeting]

A/DPA/NE-HH/4 Proposed House (New Territories Exempted House – Small House)
in “Unspecified Use” zone,
Government Land in D.D. 283, Hoi Ha Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/4)

53. The Secretary reported that on 30.9.2010, the draft Hoi Ha Development Permission Area (DPA) Plan No. DPA/NE-HH/1, in which all land was designated as “Unspecified Use”, was exhibited for public inspection under section 5 of the Town Planning Ordinance for two months. The subject application site was subject to the designation of

“Unspecified Use” on the Hoi Ha DPA Plan. During the exhibition period which ended on 30.11.2010, a total of 18 representations were received. Among them, one representation objected to the designation of “Unspecified Use” to cover the entire Hoi Ha DPA Plan and proposed to rezone an area as specified in his submission, which included the subject application site, from “Unspecified Use” to “Village Type Development”. There was another representation objecting to the “Unspecified Use” designation and suggesting that the whole area be designated as Country Park. The representations and comments were tentatively scheduled for consideration by the TPB in March 2011.

54. The Secretary also reported that according to the TPB Guidelines No. 33 on Deferment of Decisions on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance, a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representations yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representations was relevant to the subject application. As such, Planning Department recommended to defer making a decision on the subject application pending the CE in C’s final decision on the representations.

55. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department pending the Chief Executive in Council’s decision on the draft Hoi Ha Development Permission Area Plan No. DPA/NE-HH/1 and the adverse representations.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/409 Proposed House (New Territories Exempted House – Small House)
in “Village Type Development” and “Green Belt” zones,
Lot 324 S.A in D.D. 16 and Adjoining Government Land,
Hang Ha Po Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/409)

Presentation and Question Sessions

56. Ms. Lisa L.S. Cheng, STP/STN, said that replacement page 5 to Appendix VI of the Paper was tabled at the meeting for Members' reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (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 (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment made in paragraph 12 of the Paper. The application site partly falling within the “Green Belt” (“GB”) zone was not in line with the planning intention for “GB” zone. Nevertheless, the proposed development generally complied with the TPB Guidelines No. 10 as it was compatible with the existing village setting and would not have significant adverse landscape impact on the surrounding areas. Considering that the site was currently a piece of vacant land which was partly paved and partly grassed, both the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape of PlanD had no objection to the application. The proposed Small House development was generally in line with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that more than 50% of the Small House footprint fell within the “Village Type Development” (“V”) zone and the village ‘environs’ of Hang Ha Po Village; there was a general shortage of land in meeting the

demand for Small House development in the “V” zone; and the proposed Small House would be able to be connected to the planned sewage system in the area. Although the application site fell within the upper indirect water gathering ground, both the Director of Environmental Protection and Chief Engineer/Development (2) of Water Supplies Department had no objection to the application as public sewers were planned in the vicinity and the proposed sewerage connection point would be provided to the immediate northeast of the proposed house. Besides, the proposed Small House development had a previous planning permission (No. A/NE-LT/353) which lapsed on 3.3.2010. There were also a number of similar Small House developments in the vicinity approved by the Committee on the ground of their general compliance with the Interim Criteria and the approval of the current application was thus in line with the previous decisions of the Committee. Furthermore, relevant government departments consulted had no adverse comment and no local objection was received on the application.

57. Members had no question on the application.

Deliberation Session

58. Mr. Ambrose S.Y. Cheong suggested amending advisory clause (i) to reflect Transport Department’s comments on the application, which should be read as “to note the comments of the Commissioner for Transport that the existing village access nearby was not managed by Transport Department. The applicant should check with the Lands Authority on the land status of the village access and.....”. Members agreed.

59. 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 18.2.2015, 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 occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

60. 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) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that public stormwater drainage system and public sewerage system were not currently available for connection in the vicinity of the application site. For public stormwater drainage system,

the applicant was required to provide surface channels along the perimeter of the application site to collect all runoff generated within the site or passing through the site, and discharge the runoff collected to a proper discharge point. Any proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicant at his own expense. For public sewerage system, sewerage connection would likely be available for connection to the application site when the proposed sewerage works under the Project 4332 DS, 'Lam Tsuen Valley Sewerage' were completed in around 2016/17. The Director of Environmental Protection should be consulted on the requirements on sewage treatment and disposal;

- (e) to note the comments of the Chief Engineer/Project Management (CE/PM), DSD that the applicant should be vigilant on the latest situation of the proposed sewerage scheme, for which the village representatives would be kept informed by DSD;
- (f) to note the comments of CE/PM, DSD that the proposed Small House footprint should be avoided to encroach onto the works limit of Lam Tsuen Valley Sewerage Project in the vicinity;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid disturbing the mature tree, *Machilus pauhoi* (刨花潤楠), to the southeast of the application site;
- (i) to note the comments of the Commissioner for Transport that the existing village access nearby was not managed by Transport Department. The applicant should check with the Lands Authority on the land status of the village access and clarify with the relevant lands and maintenance authorities on the management and maintenance responsibilities of the

village access accordingly;

- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 4 of Appendix VI of the RNTPC Paper;
- (k) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. 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
- (l) to note the comments of DEMS that if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the 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.

[Mr. Rock C.N. left the meeting and Mr. B.W. Chan left the meeting temporarily at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-LT/410 Proposed House (New Territories Exempted House – Small House)
in “Village Type Development” and “Agriculture” zones,
Lots 231 S.G ss.1 and 231 S.G RP in D.D. 8, Tai Mong Che Village,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/410)

61. The Committee noted that the applicant’s representative requested on 11.2.2011 for a deferment of the consideration of the application for one month in order to allow time for preparation of further information and obtaining owner’s consent on proposed sewerage connection for the proposed Small House in support of the application.

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

Agenda Items 14 & 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/411 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 623 S.B in D.D. 8, Ma Po Mei Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/411 and 412)

A/NE-LT/412 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 623 S.A in D.D. 8, Ma Po Mei Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/411 and 412)

Presentation and Question Sessions

63. Members noted that the two applications were grouped together under one RNTPC Paper as they were similar in nature and the application sites were located next to each other and within the same “Agriculture” (“AGR”) zone.

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

- (a) background to the applications;
- (b) one proposed house (New Territories Exempted House (NTEH) - Small House) at each of the application site;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites had high potential for agricultural rehabilitation. Both the Director of Environmental Protection (DEP) and the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) objected to the applications as there was a substantial level difference of about 2 to 3m between the proposed developments and the nearest connection point rendering the connection with the public sewerage system technically infeasible. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications as they were very close to the foot of the densely vegetated knoll to the west and north of the sites and the site formation works for the proposed developments were expected to have some adverse impacts on the trees;

- (d) four public comments against the applications were received during the statutory publication period. A public comment from two individuals concerned that the proposed Small Houses were within the water gathering grounds (WGGs) and questioned whether the sewerage connection to the planned sewerage system would be technically feasible. The Hong Kong Bird Watching Society (HKBWS) and World Wide Fund for Nature Hong Kong (WWF Hong Kong) raised objection against the applications for its potential ecological impacts on the surrounding environment and the proposed developments were not in line with the planning intention of the “Agriculture” (“AGR”) zone. Besides, the Designing Hong Kong Ltd objected to the application as the sites fell within the “AGR” zone without a sustainable village layout plan and a rare species called *Popowia pisocarpai* (嘉陵花) was found on the site; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessment made in paragraph 11 of the Paper. The two proposed Small Houses were entirely within the village ‘environs’ of Ma Po Mei Village and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone. Notwithstanding, both the applications did not meet the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (the Interim Criteria) as the proposed Small Houses located within the upper indirect WGGs were not able to be connected to the planned public sewerage system in the area. The Chief Engineer/Project Management of Drainage Services Department commented that there was a substantial level difference of about 2 to 3m between the proposed developments and the nearest connection point. In this connection, both DEP and CE/Dev(2) of WSD objected to the applications as sewerage discharge from the proposed two Small Houses would have potential to cause water pollution to the WGGs. Considering that the sites had high potential for agricultural rehabilitation, DAFC did not support the applications. CTP/UD&L, PlanD had reservations on both applications as the site formation works required were expected to have adverse impacts on the trees of the vegetated knoll nearby. Since the

Interim Criteria was revised on 23.8.2002 by incorporating criterion (i) which required that the application site within the WGGs should be able to be connected to the existing or planned sewerage system in the area, all Small House applications that were not able to be connected to the planned sewerage system in the area had been rejected. The subject applications did not warrant an exceptional consideration.

65. Members had no question on the application.

Deliberation Session

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

- the proposed development did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories' in that the proposed Small Houses within the upper indirect water gathering ground (WGG) would not be able to be connected to the planned public sewers in the area. There was no information in the submissions to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area.

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

Tuen Mun and Yuen Long District

Agenda Item 16

Section 16 Application

[Open Meeting]

A/YL/176 Temporary Eating Place (Outdoor Barbequing Area)
for a Period of 3 Years in “Village Type Development” zone,
Lots 236 RP (Part), 237 RP (Part) and 238 RP (Part) in D.D. 115 and
Adjoining Government Land, Ying Lung Wai, Yuen Long Town
(RNTPC Paper No. A/YL/176)

67. The Committee noted that the applicant’s representative requested on 24.1.2011 for a deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the environmental, food licensing and building issues.

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

Agenda Item 17

Section 16 Application

[Open Meeting]

A/YL-PS/338

Proposed Site Formation Works including Filling and Excavation of Land for Development of New Territories Exempted Houses and Proposed Utility Installation for Private Project (Transformer Room) in “Village Type Development” zone,
Lots 1340 S.B ss.4 to ss.24, 1340 S.B RP, 1340 S.B ss.1 RP (Part) and 1340 S.B ss.2 RP (Part) in D.D. 121, Tong Fong Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/338)

69. The Committee noted that the applicant’s representative requested on 31.1.2011 for a deferment of the consideration of the application for two months in order to allow time for preparation of further information to respond to departmental comments.

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

Agenda Item 18

Section 16 Application

[Open Meeting]

A/YL-PS/339 Temporary Public Vehicle Park for Coaches and 24-seat Buses
for a Period of 3 Years in “Village Type Development” zone,
Lots 447 (Part), 448 (Part), 449 RP (Part), 450 (Part) and
452 RP (Part) in D.D. 122, Hang Mei Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/339)

71. The Committee noted that the applicant’s representative requested on 27.1.2011 for a deferment of the consideration of the application for two months in order to allow time for preparation of further information to respond to departmental comments.

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

[Mr. K.C. Kan and Mr. Kepler S.Y. Yuen, Senior Town Planners/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/70 Temporary Private Open Vehicle Park (Lorry-mounted crane and mobile hydraulic crane), Storage of Mechanical Spare Parts and Ancillary Office for a Period of 1 Year in “Village Type Development” zone, Lots 185 and 255 in D.D. 385, Tai Lam Chung, Tuen Mun (RNTPC Paper No. A/TM-SKW/70)

Presentation and Question Sessions

73. Mr. K.C. Kan, STP/TMYL, said that replacement page 10 for the Paper had been sent to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open vehicle park (for lorry-mounted crane and mobile hydraulic crane), storage of mechanical spare parts and ancillary office for a period of one year;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in its vicinity and environmental nuisances were expected. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that since the site was in an area where no direct public stormwater drainage connection was available, the applicant should arrange his own stormwater collection and discharge system to cater for runoff generated within his site as well as overland flow from areas in the vicinity. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that in view of the proximity of the site to the village nearby, it was necessary to provide effective screen

planting to enhance the visual greenery, to separate the proposed open storage site from the village and to ensure that the proposed development would not generate adverse landscape impacts on the village;

- (d) one public comment against the application was received during the statutory publication period. The Designing Hong Kong Ltd objected to the application on the grounds that the proposed development was not in line with the planning intention for the area, and it would lead to adverse environmental and traffic impacts. The commenter requested that, should the application be approved, conditions on landscaping and peripheral fencing should be imposed to mitigate the blight; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The temporary uses under application were not in line with the planning intention of “Village Type Development” (“V”) zone in that land within “V” zone was primarily intended for Small Houses development and no strong planning justification had been given in the submission for a departure from such planning intention, even on a temporary basis. The uses, which comprised parking of lorry-mounted cranes and mobile hydraulic cranes, were not considered compatible with the residential dwellings in its vicinity. Five Small House applications had been approved by the Lands Department in close proximity to the site. In this regard, DEP did not support the application. There was no information in the submission to demonstrate that the uses would not generate adverse drainage and landscape impacts on the surrounding areas. Besides, the site fell within Category 4 areas under the TPB Guidelines No. 13E where open storage and port back-up uses were encouraged to be phased out. No similar application for open vehicle park for lorry-mounted cranes and mobile hydraulic cranes had previously been approved in the same and nearby “V” zone. As for the two applications for temporary vehicle parks (i.e. Applications No. A/TM-SKW/24 and A/TM-SKW/40), they were approved with conditions for non-heavy vehicles and non-container vehicles. The approval of the current application would thus set an

undesirable precedent for similar applications within the “V” zone.

74. In response to the Chairman’s enquiry on whether the five Small Houses in the vicinity of the application site had been built, Mr. K.C. Kan said that Building Licences for the two Small Houses on the west and the three Small Houses on the east were issued in 2007 and 2010 respectively but the construction work of these Small Houses had not yet commenced.

Deliberation Session

75. 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 uses were not in line with the planning intention of “Village Type Development” (“V”) zone. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the uses were not compatible with the general rural character of the surrounding areas in particular the residential use to the south-west of the site; and would cause adverse environmental impacts on the local residents and surrounding environment. There was no information in the submission to demonstrate that the uses would not have adverse drainage impacts on the surrounding areas and nearby villagers; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-HT/710 Land Filling (by 1.2m) for Permitted Agricultural Use
in “Green Belt” zone,
Lots No. 1367, 1368, 1369, 1370 and 1372 in D.D. 125
and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/710)

76. The Committee noted that the applicant’s representative requested on 1.2.2011 for a deferment of the consideration of the application for two months in order to allow time for preparation of further supportive documents to substantiate the application.

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

Agenda Item 21

Section 16 Application

[Open Meeting]

A/YL-NSW/203 Proposed House with Ancillary Recreational Facilities (Private Residential) and Minor Relaxation in Building Height Restriction in “Residential (Group D)” zone,
Lots 3250 S.B ss.9 RP, 3250 S.B ss.13 and 4643 in D.D. 104,
Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/203)

78. The Committee noted that the applicant’s representative requested on 31.1.2011

for a deferment of the consideration of the application for two months in order to allow sufficient time for submission of further information to address the concern raised by the Environmental Protection Department.

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/523 Temporary Open Storage of Construction Materials (H-Shaped Iron) with Ancillary Workshop for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lots 1016 (Part), 1017 (Part), 1029 (Part), 1030 (Part), 1031 (Part), 1032 (Part), 1033, 1034 (Part) and 1035 (Part) in D.D. 113, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/523)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials (H-shaped iron) with ancillary workshop 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 and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the development was not compatible with the existing rural village and farm landscape in the vicinity and adverse impact on the landscape character of the area was expected. The landscape treatment in the submitted landscape proposal was also considered inadequate. The Director of Agriculture, Fisheries and Conservation did not support the application as the site had high potential for agricultural rehabilitation;

- (d) three public comments were received during the statutory publication period. A Yuen Long District Council (YLDC) member and the Designing Hong Kong Ltd objected to the application mainly on the grounds that the application was not in line with the planning intention, did not comply with the TPB Guidelines No. 13E, and might result in noise nuisance and overload the access road to the site. The Designing Hong Kong Ltd further suggested that, if the application was approved, conditions on the provision of landscaping and peripheral fencing should be imposed. The other public comment was submitted by another YLDC member who commented that the TPB should consider the application in a holistic manner taking into account the impacts of the development on the natural and residential environments and the local traffic; and

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Agriculture” and “Village Type Development” zones and no strong planning justification had been given in the submission to justify for a departure from the planning intentions, even on a temporary basis. DAFC

did not support the application as the site had high potential for agricultural rehabilitation. DEP did not support the application as residential dwellings/structures were located in the vicinity. The development was not compatible with the surrounding land uses which are predominantly rural in character and was close to a large woodland zoned "Conservation Area" with the Tai Lam Country Park to its further south. Although a similar Application No. A/YL-KTS/494 for temporary open storage of private vehicles located to the northeast was approved with conditions by the Committee on 25.6.2010, that application 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. The development under the subject application 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 comments on the application from relevant government departments and public objections against the application. The current application was not supported by CTP/UD&L of PlanD as the submitted landscape proposal was considered not satisfactory. Since the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas, it did not warrant sympathetic consideration. Regarding the applicant's claim that the site and the adjoining area had been used as works site for West Rail, it should be noted that the site had been temporarily allocated to the then Kowloon-Canton Railway Corporation for works area for construction of West Rail from February 1999 to December 2003. Based on the aerial photos taken between June 2003 and December 2006, the site and its adjoining area had been gradually reinstated upon completion of the project. However, as revealed by the aerial photo taken in November 2007, the site and its adjoining area had subsequently been cleared and paved. Site clearance/formation without planning permission, thus creating a fait accompli situation, could not be tolerated.

81. Members had no question on the application.

Deliberation Session

82. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 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. It was also not in line with the planning intention of the “Village Type Development” (“V”) zone which was to reflect the existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. No strong planning justification had been given in the submission for a departure from the planning intentions, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines No. 13E in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site and there were adverse departmental comments and public objections 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” and “V” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/524 Proposed Temporary Private Car Park
(Private Vehicle and Light Goods Vehicles) for a Period of 3 Years
in “Village Type Development” zone,
Lot 291 (Part) in D.D. 109, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/524)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary private car park (private vehicles and light goods vehicles) 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 Designing Hong Kong Ltd objected to the application as the proposed development was not in line with the planning intention, a blight on the environment, and not complied with the TPB Guidelines No. 13E. The commenter requested that, should the application be approved, conditions on landscaping and peripheral fencing should be imposed to mitigate the blight; 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 assessment made in paragraph 11 of the Paper. The

proposed development was for parking of private vehicles and light goods vehicles, which was considered not incompatible with the surrounding rural and residential land uses/developments. Given its temporary nature and there was no Small House application underway, the development would not frustrate the long-term planning intention of the “Village Type Development” (“V”) zone. Relevant government departments consulted had no adverse comment on or objection to the application. To avoid possible nuisance generated by the temporary use, approval conditions restricting the types of vehicles to be parked and activities on the site were recommended. While a previous Application No. A/YL-KTS/512 for temporary open storage of construction material was rejected by the Committee, the current application was of different use. Though a similar Application No. A/YL-KTS/508 for temporary open public car park (including private car, light goods vehicle and medium goods vehicle) located to the immediate east of the site was rejected by the Committee on 12.11.2010, that application involved the parking of vehicles of 7m to 11m long and exceeding 5.5 tonnes in weight and the Director of Environmental Protection did not support that application due to environmental concern. With respect to the objection received during the statutory publication period, it should be noted that the proposed development for parking of private and light goods vehicles was considered not incompatible with the surrounding development and would not frustrate the long-term planning intention of the “V” zone. There was also no adverse comment from the relevant departments and approval conditions restricting the types of vehicles to be parked and activities on the site and requiring submission and implementation of landscape proposal were recommended.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.2.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit 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 proposed development should not be operated on a commercial basis, as proposed by the applicant, at all times during the planning approval period;
- (e) the existing boundary fencing on the site should be maintained at all times during the planning approval period;
- (f) 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 18.8.2011;
- (g) in relation to (f) 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 18.11.2011;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.8.2011;
- (i) in relation to (h) 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 18.11.2011;

- (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 18.8.2011;
- (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 18.11.2011;
- (l) 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;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owners of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the land under application was Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for the specified structures as shelter over a

container-converted common room. The site was accessible to Kam Sheung Road via a short stretch of government land (GL). Lands Department (LandsD) did not provide the maintenance works for the GL or guarantee right-of-way. Should planning approval be granted, the lot owner would still need to apply to LandsD to permit structures 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 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 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 Sheung 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 Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed and all building works were subject to compliance with the

Buildings Ordinance (BO). The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. 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; and

- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the site, the applicant was advised that for other storages, open sheds or enclosed structure with a total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, 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, the applicant was required to provide justifications to his Department for consideration.

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-KTS/525 Temporary Open Storage of New Coaches and
New Vehicle Parts with Ancillary Workshop for a Period of 3 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 560 (Part), 563 (Part), 564 (Part), 565 (Part), 618 S.C (Part)
and 618 RP (Part) in D.D. 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/525)

87. The Committee noted that the applicant's representative requested on 10.2.2011 for a deferment of the consideration of the application for a period of two months in order to allow time for the applicant to prepare supplementary information and address the departmental comments for the application.

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/275 Temporary Warehouse for Storage of Furniture for a Period of 3 Years
in "Other Specified Uses" annotated "Rural Use" zone,
Lots 3591 S.A and 3591 S.B in D.D. 116, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/275)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of furniture for a period of three years;
- (c) departmental comments – the Director of Environmental Protection did not

support the application as there were sensitive receivers including residential dwellings immediately next to the site and in the vicinity, and environmental nuisances were expected;

- (d) one public comment against the application was received during the statutory publication period. The Designing Hong Kong Ltd objected to the application for reasons that the temporary use was not in line with the planning intention, a blight on the environment, and not complied with the TPB Guidelines No. 13E. The commenter suggested that, if the application was approved, conditions on the provision of landscaping and peripheral fencing should be imposed to mitigate the blight; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The temporary use under application was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was intended primarily for the preservation of the character of the rural area and no strong planning justifications had been given in the submission for a departure from the planning intention, even on a temporary basis. The development was considered not compatible with the surrounding rural land uses with residential dwellings located immediately next to the site. The applied use was not in line with the TPB Guidelines No. 38 in that DEP did not support the application as there were sensitive receivers in the vicinity and environmental nuisances were expected. The applied use for storage of old furniture could be accommodated in purpose-built industrial premises. There was no information submitted by the applicant to justify the need for allowing the warehouse development in the subject “OU(RU)” zone but not in industrial buildings. Besides, no previous approval had been granted at the site for warehouse use and there was also no similar application for temporary warehouse/storage uses granted within the subject “OU(RU)” zone on the OZP. Approval of the application would set an undesirable precedent for similar uses to proliferate into the zone. Moreover, there was a public comment received against the application during the public inspection

period.

90. Members had no question on the application.

Deliberation Session

91. 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 “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was intended primarily for the preservation of the character of the rural area. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was considered not compatible with the surrounding rural land uses with residential dwellings located immediately next to the site at the north, northeast, south and to the further east and southeast. No previous approval had been granted at the site for warehouse use and there were adverse departmental and public comments against the application;
- (c) the applied use was not in line with the Town Planning Board Guidelines No. 38 for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone’. The applicants failed to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/276 Temporary Retail Shop for Restaurant Groceries
for a Period of 3 Years in “Village Type Development” zone, Lot 1614
RP (Part) in D.D. 119, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/276)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary retail shop for restaurant groceries for a period of three years;
- (c) departmental comments – the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) raised a number of technical concerns on the proposed drainage plan submitted by the applicant. The District Lands Officer/Yuen Long (DLO/YL) commented that Small House applications were approved/received/being processed by his office at sites in the vicinity of the application site;
- (d) one public comment against the application was received during the statutory publication period from a group of Muk Kiu Tau Tsuen villagers. The commenter objected to the application on the grounds that there were currently/would be several Small Houses erected next to the site and the development would generate pollution and affect the traffic in the vicinity. Besides, the development was not in line with the planning intention for the

area. The District Officer (Yuen Long) advised that two similar objection letters from the same group of Muk Kiu Tau Tsuen villagers objecting to the application had been received; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The temporary use under application was akin to a warehouse for storage of household wares and bleach water with packaging activities. According to DLO/YL, there were several Small House applications approved/received/being processed by his office at sites in the vicinity of the application site. The development was considered not in line with the planning intention of the “Village Type Development” (“V”) zone in that land within the zone was primarily intended for Small Houses development and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis. The proposed development resembled a warehouse rather than simply a retail shop. There was no information in the submission to justify the scale of the proposed retail shop, nor to demonstrate how such massive structures could be considered compatible with the surrounding rural land uses. Besides, when the Small Houses in the vicinity of the site were erected, residential dwellings would be situated immediately next to the site and susceptible to the impacts from the applied use. There was also no information to explain why the applied use could not be located in other more appropriate zonings or within purpose-built industrial buildings. Moreover, the applicant failed to demonstrate that the development would not generate adverse drainage impact on the surrounding areas and CE/MN of DSD had raised a number of queries on the proposed drainage plan. There was no previous approval granted for the use on-site nor was there similar planning approval for the applied use/warehouse uses within the subject “V” zone in the vicinity of the site. Approval of the application would set an undesirable precedent for similar uses to proliferate into the zone. Besides, a public comment was received from a group of Muk Kiu Tau Tsuen villagers objecting to the application.

93. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development, which was more akin to a warehouse, was considered not compatible with the surrounding rural land uses with existing residential dwellings and approved Small Houses located in the vicinity of the site;
- (c) the applicant failed to demonstrate that the development would not cause adverse drainage impact on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate into the zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/513 Temporary Open Storage of Construction Machinery and Materials with Ancillary Office for a Period of 3 Years in “Undetermined” zone, Lots 2417 (Part), 2418 (Part), 2420 (Part) and 2421 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/513)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery and materials with ancillary office for a period of three years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers of residential uses in the vicinity of the site and environmental nuisances were expected;
- (d) one public comment against the application was received during the statutory publication period from a Yuen Long District Council member as the previous planning approvals had repeatedly been revoked; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary uses under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The application, falling within Category 1 areas, was generally in line with the TPB Guidelines No.13E in that the concerns of relevant government departments were technical in nature which could be addressed through the

stipulation of approval conditions and there were similar approved applications in this part of the “Undetermined” (“U”) zone. The area was generally intended for open storage use but was designated as “U” mainly due to concerns of the capacity of Kung Um Road. In this regard, Commissioner for Transport had no adverse comment on the application. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the area. The development was not incompatible with the surrounding areas which were mixed with open storage yards and vehicle repair workshops. Although DEP did not support the application, there had not been any environmental complaint in the past three years. The concerns of DEP could be addressed through approval conditions restricting the operation hours, and the use of heavy goods vehicles, and prohibiting workshop activities. Other government departments consulted generally had no adverse comment on the application. The last two planning approvals under Applications No. A/YL-TYST/390 and 465 which were revoked due to non-compliance with the approval conditions were submitted by two different applicants. The current application was submitted by another applicant who stated that he was not related to the former applicants and that he was willing to comply with any approval conditions imposed by the TPB. The applicant had also included a FSIs proposal in the current application. In this regard, the application might be tolerated for one more time. Regarding a public objection concerning mainly the applicant’s insincerity to comply with the approval conditions, it was noted that the current application was submitted by a different applicant and relevant government departments generally had no adverse comment on the application. The current application might be tolerated for one more time on sympathetic consideration.

96. In response to a Member’s enquiry on whether there was a change in ownership of the site, Mr. Kepler S.Y. Yuen said that he had no information on whether the ownership had been changed in recent years but the applicant was not the current land owner of the site. According to the applicant, as the applicants of the two previously revoked applications had not complied with the approval conditions, the owner decided to invite a new tenant, i.e. the current applicant.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.2.2014, 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. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (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 enter/exit the application site at any time during the planning approval period;
- (e) the existing trees on the application site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the submission of 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 18.8.2011;
- (h) in relation to (g) 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 18.11.2011;

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

98. 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) sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the lot owners 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 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. Besides, the site was accessible through an informal village track on government land/other private land extended from Kung Um Road. His office provided no maintenance works for this track nor guarantees right-of-way. Part of the government land had been granted with Government Land Allocation GLA-YTL1270 for the Drainage Services Department's Yuen Long South Branch Sewers project;

- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note 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 standard. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (i) 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 RNTPC 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;

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

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/518 Proposed Minor Relaxation of Plot Ratio Restriction from 0.4 to 1.027 for Permitted House Development in “Residential (Group C)” zone, Lot 1803 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/518)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio restriction from 0.4 to 1.027 for permitted house development;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) advised that the site was outside the village ‘environs’ (‘VE’) of Pak Sha Tsuen and the “Village Type Development” (“V”) zone, and Small House applications should not normally be considered;
- (d) three public comments against the application were received during the statutory publication period. While a Yuen Long District Council member objected to the application for reason that the proposed relaxation of plot ratio was not minor, the other two public commenters, from the village representatives of Pak Sha Tsuen and the Shap Pat Heung District Residents’ Association, also objected to the application mainly on the grounds that the proposed development would result in adverse traffic impacts to the locality, the proposed development was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone and approval of the application would set an undesirable precedent; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The “R(C)” zone was intended for low-rise and low-density residential developments. Although house use was permitted as of right in the “R(C)” zone, the applicant indicated that she intended to transfer the land to an indigenous villager of Pak Sha Tsuen for Small House development. However, DLO/YL advised that Small House application outside the ‘VE’ of any recognized village and the “V” zone should not normally be considered under the prevailing Small House Policy. There was also no strong planning justification to substantiate the relaxation sought. Given that there was sufficient land in the concerned “V” zone to meet the demand for Small Houses, it was undesirable to allow the proposed Small House development outside the “V” zone. Besides, there had not been any planning approval for minor relaxation of plot ratio restriction in the same “R(C)” zone before. Approval of the application for a substantial relaxation of the plot ratio restriction would set an undesirable precedent for other similar applications in the area. There were three local objections to the application raising concerns mainly on the large degree of relaxation of the plot ratio restriction sought, the possible sprawl of Small House developments onto the “R(C)” zone, and the undesirable precedent that could be set by the planning approval.

100. Members had no question on the application.

Deliberation Session

101. 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) under the prevailing Small House Policy, Small House application which was outside the ‘environs’ of any recognized village and the “Village Type Development” (“V”) zone would not normally be considered by the Lands

Department. There was no strong planning justification to substantiate the proposed relaxation of the plot ratio restriction from 0.4 to 1.027 to facilitate a Small House development at the site;

- (b) there was no information in the submission to demonstrate why suitable site within the “V” zones on the Tong Yan San Tsuen Outline Zoning Plan (OZP) and the Tai Tong OZP could not be made available for the proposed Small House development; and
- (c) the approval of the application would set an undesirable precedent for other similar applications for relaxation of plot ratio restriction in the area. The cumulative effect of approving such applications would adversely affect the low-density character planned for the subject residential area.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/519 Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop Activities for a Period of 3 Years in “Undetermined” zone, Lots 366 RP, 369 RP (Part), 370 RP (Part), 371 S.A (Part), 371 S.B (Part), 372 S.A, 372 S.B, 373, 374, 375 RP, 376, 377, 378, 379, 380, 381 RP (Part), 458 (Part), 459 (Part), 460, 461, 462, 463, 464, 465, 466 (Part), 469 (Part), 470 (Part), 471 (Part), 1323 (Part), 1324, 1325 (Part), 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345 (Part), 1346 (Part), 1347 (Part), 1349 (Part), 1350 (Part), 1351, 1353, 1354, 1355, 1356 S.A, 1356 S.B, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367 RP, 1368, 1369 S.A, 1369 S.B, 1369 S.D, 1523 (Part), 1524, 1525, 1531 S.B, 1532, 1533 S.A, 1533 S.B, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544 (Part), 1592 (Part), 1593, 1613 S.C (Part) and 1614 RP (Part) in D.D. 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/519)

Presentation and Question Sessions

102. Mr. Kepler S.Y. Yuen, STP/TMYL, said that replacement page 14 for the Paper had been sent to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction machinery and materials, recycling materials and used electrical appliances with ancillary workshop activities for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there was a cluster of dwellings in close vicinity and along the access road of the site. He, however, advised that no environmental complaint concerning the site was received in the past three years;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. According to the TPB Guidelines No. 13E, the application site fell within Category 1 areas where favourable consideration would normally be given to applications within these areas. The application was generally in line with the TPB Guidelines No.13E in that the concerns of relevant government departments were technical in nature which could be addressed through the stipulation of approval conditions and there were similar applications in this part of the “Undetermined” (“U”) zone that had been approved with conditions. The area was generally intended for open

storage use but was designated as “U” mainly due to concerns of the capacity of Kung Um Road. In this regard, the Commissioner for Transport had no objection to the application. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the area. Previous planning approvals had been granted for similar temporary open storage use on the site since 1998. Compared with the last application (No. A/YL-TYST/370) approved in 2007, there had been no material change in planning circumstances although the site boundary had been enlarged by about 9% to reflect the existing operation and fenced area and storage of used electrical appliances and carrying out of ancillary workshop activities were proposed in the current application. The approval conditions of the last application had also been complied with by the applicant. The development was not incompatible with the surrounding areas which were mainly mixed with open storage yards, warehouses and workshops. Although DEP did not support the application, there had not been any environmental complaint in the past three years. Nevertheless, to address DEP’s concerns, approval conditions restricting the operation hours and the use of heavy goods vehicles, prohibiting the storage and washing of plastic bottles, restricting the storage and handling of electrical appliances to be within the three proposed concrete-paved covered structures only and prohibiting the storage and handling of electronic and computer wastes (including cathode-ray tubes) were recommended. Other government departments consulted generally had no adverse comment on the application. There was also no local objection against the application.

103. Members had no question on the application.

Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.2.2014, 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. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application 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 enter/exit the application site at any time during the planning approval period;
- (d) no storage and washing of plastic bottles were allowed on the application site at any time during the planning approval period;
- (e) no storage and handling (including loading and unloading) of electrical appliances outside the three concrete-paved covered structures as proposed by the applicant were allowed on the application site at any time during the planning approval period;
- (f) no storage and handling (including loading and unloading) of electronic and computer wastes (including cathode-ray tubes) were allowed on the application site at any time during the planning approval period;
- (g) the existing landscape plantings on the application site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (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 18.8.2011;

- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2011;
- (k) 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;
- (l) if any of the above planning conditions (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the lot owners and the occupier of government land concerned would need to apply to his office to 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. Besides, the site was accessible to Kung Um Road via a short stretch of government land. His office provides no maintenance works for

the government land nor guarantees right-of-way;

- (d) to note the comments of the Commissioner for Transport that the ingress/egress of the site did not abut Kung Um Road direct. The land status of the strip of land between the site and Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same strip of land should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practice and necessary measure(s) to avoid causing potential disturbance to the watercourse and the riparian vegetation within and near the site should be adopted;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains within the site would be affected. The developer should bear the cost of any necessary diversion works affected by the development;
- (i) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly

marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;

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

- (k) to note the comments of 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 following measures. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established

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

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

Agenda Item 30

Any Other Business

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