

TOWN PLANNING BOARD

**Minutes of 436th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 4.3.2011**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. Y.K. Cheng

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Dr. W.K. Lo

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. Stephen M.W. Yip

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

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

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

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

Secretary

Absent with Apologies

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Professor Paul K.S. Lam

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

In Attendance

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 435th RNTPC Meeting held on 18.2.2011

[Open Meeting]

1. The draft minutes of the 435th RNTPC meeting held on 18.2.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/184 Proposed Five Houses
(New Territories Exempted Houses – Small Houses)
in “Green Belt” and “Village Type Development” zones,
Lots 1090 S.A (Part), 1090 S.B (Part), 1090 S.C (Part), 1090 S.D,
1090 S.E, 1090 S.F and 1090 RP (Part) in D.D.217 and
Adjoining Government Land, Kau Sai San Tsuen, Sai Kung
(RNTPC Paper No. A/SK-PK/184)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed five houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – the District Lands Officer/Sai Kung (DLO/SK) advised that Lots 1090S.D, 1090S.E, 1090S.F and 1090RP(Part) and adjoining government land could not meet the prevailing policy for in-situ land exchange. Each applicant should own his private land to apply for Small House grant by way of Free Building Licence (FBL) or in-situ exchange where appropriate. Should the application be approved by the Committee, the Small House applications might be considered by his office according to the prevailing Small House Policy by way of FBL/in-situ exchange/Private Treaty Grant where appropriate;
- (d) ten public comments were received during the statutory publication period. The comments were summarised below:

supporting comments

- (i) four comments from the Sai Kung Rural Committee, two members of Sai Kung District Council and one private individual were in support of the application on the grounds that the number of houses under application had been reduced from six to five to avoid encroaching onto the “Green Belt” (“GB”) zone; the subject lots were the only private lots belonged to the Cheung’s clan; the applicants had been applying for Small House development for many years and the application should be approved as fast as possible; and the applicants should have the right to erect their houses on their own land under the Small House Policy;

objecting comments

- (ii) two comments (one of them having five signatures from the villagers of Kau Sai San Tsuen) pointed out that the applicants, being one of the four clans of Kau Sai San Tsuen, should not occupy the government land before having discussion with the villagers of the other three clans;
- (iii) the Kadoorie Farm and Botanic Garden Corporation considered that the affected “GB” zone had extensive vegetation and was very near to the “Conservation Area” (“CA”) zone. Approval of the application would degrade the existing natural environment and landscape;
- (iv) the World Wild Fund Hong Kong considered that the proposed development was not in line with the planning intention of the “GB” zone and the TPB Guidelines. The application site should be conserved to maintain the natural features of the “GB” zone and to protect the “CA” zone from human disturbance and other development impacts. The proposed development might lead to substantial clearance of nearby vegetation;
- (v) the Designing Hong Kong Limited stated that failure to ensure a sustainable layout before approval of further development would deteriorate the living environment in the area, affect the well-being of current and future residents, create health and social problems and future costs to society such as illegal occupation of government land, and illegal and unsafe parking; and
- (vi) the Hong Kong Bird Watching Society Limited considered that the proposed development would have serious impact on the vegetation in the area. There was no evidence that the “CA” zone would not be disturbed during and after the construction stage; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper

which were summarised below :

- (i) the application complied with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ and the relevant TPB Guidelines as the site fell entirely within the village ‘environs’ of the village concerned and over 50% of the footprint for each of the five proposed Small House fell within the “Village Type Development” (“V”) zone. There was also a general shortage of land in meeting the future Small House demand in the village;
- (ii) as compared with the previous application (No. A/SK-PK/166), the configuration of two of the currently proposed NTEHs (i.e. Houses No. 1 and 2) had been revised so that the site occupied 10m² or 3% less land area within the “GB” zone. It therefore provided a wider buffer between the “CA” zone and the proposed development. The site was a grassed area on the slope at the western boundary of the “V” zone of Kau Sai San Tsuen extending onto the adjoining “GB” zone, and there was no significant tree within the application boundary. In response to the comments on the previous application (No. A/SK-PK/166), the current scheme had reduced the site area and the footprint of the proposed houses was located outside the existing woodland. With the revised layout of houses and reduced scale of site formation works, possible adverse impacts on the existing trees outside the application boundary had been minimized. Moreover, an arborist was appointed by the applicants to ensure that existing trees would be preserved in the course of development. Both the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape of PlanD had no strong view on/objection to the application. To mitigate possible impact on the nearby mature trees, an approval condition on landscaping condition and an advisory clause on tree preservation were recommended should the application be approved;
- (iii) the applicants had undertaken to carry out a Natural Terrain Hazard

Study (NTHS) and implement the mitigation measures if necessary. An approval condition on this aspect had been recommended should the application be approved;

- (iv) regarding DLO/SK's comment, as the issue was related to land matter, it could be dealt with at the land exchange stage. Relevant advisory clause had been recommended should the application be approved;
- (v) the proposed development would not have any adverse infrastructural impacts on the surrounding area. Relevant government departments including the Transport Department, Drainage Services Department and Environmental Protection Department had no adverse comment on the application; and
- (vi) the six public comments objecting to the application were mainly concerned about the occupation of government land and adverse impacts on the "GB" and "CA" zones. It should be noted that whether the government land could be granted to the applicants for NTEHs development was subject to the approval of the Lands Department. Moreover, no "CA" zone would be affected and only part of the site fell within the "GB" zone. The applicant had the intention to undertake prospective measures to preserve the mature trees and their root systems located at the fringe of the site.

4. Mr. Simon K.M. Yu of Lands Department informed the meeting that the subject lots were agricultural lots held under New Grant No. 3184, instead of Old Schedule Agricultural Lot held under Block Government Lease. The lease information of the subject lots on page 1 of the Paper should therefore be rectified accordingly.

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

Deliberation Session

5. After deliberation, the Committee decided to approve the application, on the

terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.3.2015, 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 with tree preservation plan to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a Natural Terrain Hazard Study with the mitigation measures and the implementation of the mitigation measures recommended therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB; and
- (c) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Sai Kung that Lots 1090 S.D, 1090 S.E, 1090 S.F and 1090 RP(part) and adjoining government land could not meet the prevailing policy for in-situ land exchange. Each applicant should own his private land to apply for Small House grant by way of Free Building Licence (FBL) or in-situ exchange where appropriate. The Small House applications might be considered by his office according to the prevailing Small House Policy by way of FBL/in-situ exchange/Private Treaty Grant where appropriate. Moreover, the applicants might be required to amend the layout and disposition of the proposed Small Houses at the processing stage. There was no guarantee that approval would be given by his office for the Small House applications;
- (b) to note the comments of the Chief Engineer/Development(2), Water

Supplies Department that for provision of water supply to the proposed development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to his satisfaction. Besides, water mains in the vicinity could not provide the standard pedestal hydrant;

- (c) to note the comments of the Commissioner for Transport that the land status of the vehicular access leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same vehicular access should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) 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 the Lands Department;
- (e) to note the comments of the Chief Buildings Surveyor/New Territories East 2 and Rail, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance. Authorized Person should be appointed for the site formation and communal drainage works; and
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that vertical greening on the boundary fence within the “Green Belt” zone was recommended. Adequate protective measures should be provided to protect existing trees outside the application boundary during the construction stage.

[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

[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 4

Section 12A Application

[Open Meeting]

Y/NE-TKL/3 Application for Amendment to the Approved Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/14 from “Agriculture” to “Comprehensive Development Area”, Lots 2034, 2052 S.A (Part), 2052 S.B, 2053 (Part), 2054 (Part), 2055 (Part), 2056, 2057, 2059 RP, 2060 RP, 2062, 2063 S.A RP, 2063 S.B RP, 2063 S.C RP, 2064 (Part) and 2065 RP (Part) in D.D. 76 and Adjoining Government Land, Ping Che, Fanling
(RNTPC Paper No. Y/NE-TKL/3A)

7. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with LLA Consultancy Limited, one of the consultants of the application. The Committee noted that Ms. Kwong had tendered apology for not attending the meeting.

8. The Committee noted that the applicant requested on 22.2.2011 for a deferment of the consideration of the application for two months in order to allow time for the applicant to revise the technical assessments in response to the comments of the Drainage Services Department.

9. 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 three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be

granted unless under very special circumstances.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/433 Proposed Petrol Filling Station with Liquefied Petroleum Gas Facilities and Ancillary Facilities including Sales Office and Lavatory in “Residential (Group C)” zone, Lot 1030 S.B ss.1 RP in D.D. 83, Sha Tau Kok, Fanling (New Lot to be known as Lot 2500 in D.D. 83) (RNTPC Paper No. A/NE-LYT/433)

10. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with LLA Consultancy Limited, one of the consultants of the application. The Committee noted that Ms. Kwong had tendered apology for not attending the meeting.

Presentation and Question Sessions

11. 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 – the application site was the subject of five previously approved planning applications (No. A/IDPA/NE-LYT/10, A/NE-LYT/144, 218, 328 and 415) for proposed petrol filling station (PFS) (without liquefied petroleum gas (LPG) facilities) submitted by the same applicant;
- (b) the proposed PFS with LPG facilities and ancillary facilities including sales office and lavatory – as compared with the latest approved application (No. A/NE-LYT/415), apart from the addition of LPG facilities (including one underground LPG tank, four LPG dispensing nozzles and four LPG serving

spaces), the current application also involved changes in the development parameters including reduction in the number of storeys and building height of the proposed sales office; increase in the total floor area and site coverage; increase in the number of underground tank, dispensing nozzles, serving spaces for petrol filling activities and number of waiting spaces as well as changes in the layout of the proposed PFS;

- (c) departmental comments were detailed in paragraph 8 of the Paper which were highlighted below:
 - (i) the District Lands Officer/North (DLO/N) had no objection to the application and advised that the proposed in-situ land exchange was approved by the District Lands Conference on 24.11.2009 for the development and use of the subject lot for a PFS and ancillary retail sale and storage, with a requirement for the provision of at least four nozzles of LPG filling facilities. The application was in line with the lease requirement for the provision of not less than four LPG dispensing nozzles on the proposed regrant lot; and
 - (ii) the Director of Electrical and Mechanical Services (DEMS) had no adverse comment on the application from the town gas safety point of view, and advised that a LPG filling station was classified as a Notifiable Gas Installation (NGI) as defined under the Gas Safety Ordinance (Cap. 51). Pursuant to the Regulation 3 of the Gas Safety (Gas Supply) Regulations (Cap. 51B), no person should carry out any construction work for a NGI unless such work had construction approval from the Gas Authority (i.e. DEMS). During the construction approval process, the applicant would be required to provide a Quantitative Risk Assessment (QRA) report to demonstrate that the risk levels associated with the LPG filling station were in compliance with the relevant Risk Guidelines in the Hong Kong Planning Standards and Guidelines (HKPSG);
- (d) during the statutory publication period of the application, one public comment was received from a North District Council member who had

reservation on the application and worried that the surrounding environment would be affected. During the statutory publication period of the further information on the application, one public comment was received from the same North District Council member who had reservation on the application without giving any reason;

- (e) the District Officer (North) advised that the concerned North District Council member cum Indigenous Inhabitant Representative (IIR) of Lung Yeuk Tau and the Resident Representative of Lung Yeuk Tau objected to the application on the grounds that the application site was in close proximity to residents and the proposed PFS would affect local residents, the surrounding environment and the river. The Chairman of Fanling District Rural Committee and other two IIRs of Lung Yeuk Tau had no comment on the application; and

[Mr. Rock C.N. Chen arrived to join the meeting at this point.]

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below :
 - (i) the proposed addition of LPG facilities and changes in the development parameters under the current application were considered acceptable as the proposed development would not cause adverse traffic, environmental, drainage, gas safety and fire safety impacts on the surrounding areas. Concerned government departments including the Transport Department (TD), Hong Kong Police Force (HKPF), Environmental Protection Department (EPD), Drainage Services Department (DSD), Electrical and Mechanical Services Department and Fire Services Department had no adverse comment on/objection to the application. Moreover, there had been no material change in the planning circumstances since the previous approval (Application No. A/NE-LYT/415) was granted on 19.3.2010 and no major change in the land uses of the surrounding areas;

- (ii) as the approved scheme under the previous application (No. A/NE-LYT/415) did not involve the provision of LPG facilities, a fresh s.16 application was submitted by the applicant applying for the provision of LPG filling facilities within the approved PFS so as to tally with the approved lease conditions of the proposed regrant lot (Lot 2500 in D.D. 83);
- (iii) the application site was located at the fringe of the “Residential (Group C)” (“R(C)”) zone and was separated from the major portion of the “R(C)” zone by an access road and a culvert. The proposed PFS was not incompatible with the existing land uses in the surrounding areas which were predominantly vacant land, open storage yards of construction materials, vehicle parks, warehouse and scattered temporary structures for domestic and storage uses. The nearest domestic structure was located at a distance of about 40m to the south of the application site, and the application site was surrounded by existing trees along the site boundary;
- (iv) the QRA submitted by the applicant concluded that the risk level posed by the proposed PFS with LPG filling facilities was acceptable in accordance with the relevant sections about the Risk Guidelines in the HKPSG. According to Chapter 12 of the HKPSG, while the suitability for incorporation of LPG filling facilities in PFS and the separation distances from land uses should be subject to QRA, the separation distance between the LPG filling facilities and industrial/ low-density residential/ incidental dwelling (sporadic dwellings dispersed over a large area) should be 15m as a general rule. The submitted QRA indicated that the separation distance between the centre point of the proposed LPG underground tank and the potential residential use within the same “R(C)” zone to its immediate east was about 16m, which generally complied with the separation distance of 15m as specified in the HKPSG;
- (v) the Traffic Impact Assessment (TIA) submitted by the applicant had demonstrated that the proposed PFS including LPG filling facilities

would not cause significant traffic impact. TD had no adverse comment on the TIA and no objection to the application. Moreover, the Divisional Commander (Sheung Shui Division) of HKPF had no adverse comment on the application as it was highly unlikely that there would be complete blockage at Sha Tau Kok Road due to the queuing up of vehicles within the proposed PFS. Besides, the Chief Superintendent (Traffic) of HKPF had no objection to the application, and advised that the applicant should liaise with TD to enhance the traffic measures for the proposed PFS;

- (vi) the proposed ingress/egress of the PFS, which were outside the application site boundary, would affect the existing trees in the roadside planting strip to the north. According to the tree survey submitted by the applicant, as three existing trees would be felled and one tree was proposed to be transplanted, the applicant submitted a compensatory planting plan to address such impacts on the existing trees. The Director of Leisure and Cultural Services had no objection to the application and advised that tree removal application including an updated tree survey plan, a tree assessment schedule and a compensatory planting proposal should be submitted to the DLO/N for approval in accordance with the Environment, Transport and Works Bureau Technical Circular (Works) No. 3/2006; and
- (vii) regarding the public comment and local objections to the application mainly on the grounds of adverse impacts on local residents, the surrounding environment and the river, it was noted that the QRA submitted by the applicant had concluded that the risk level posed by the proposed PFS with LPG filling facilities was acceptable in accordance with the Government Risk Guidelines and the separation distance between the LPG filling facilities and the existing/future residential dwellings had complied with the requirements as set out in HKPSG. Besides, it was anticipated that the proposed development would not cause adverse impacts on the environment, drainage and water quality of the surrounding area. Concerned government departments including EPD, DSD and Water Supplies Department

had no adverse comment on/objection to the application.

12. A Member noted that advisory clauses were recommended in paragraph 11 of the Paper requesting the applicant to liaise with various government departments, such as TD on traffic measures. This Member enquired whether there was any mechanism to ensure that the recommended advisory clauses would be taken up by the applicant before the proposed development was in use. Ms. Doris S.Y. Ting said that the advisory clauses served to remind the applicant to approach concerned government departments so that their respective requirements related to the proposed PFS would be met. Mr. T.K. Choi of TD supplemented that they would liaise closely with the applicant regarding the proposed development. In case there might be adverse traffic impacts arising from the operation of the proposed PFS, TD would formulate appropriate improvement measures in consultation with the concerned parties.

13. Another Member was concerned about the provision of LPG facilities which might lead to queuing up of taxis during peak hours. In response, Mr. T.K. Choi of TD said that the proposed layout and traffic arrangement of the PFS were found to be acceptable. It was anticipated that the chance of causing obstruction on public roads due to the queuing up of taxis would be minimal.

Deliberation Session

14. In response to a Member's question, Ms. Doris S.Y. Ting said that the planning intention of the "R(C)" zone was primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood might be permitted on application to the Town Planning Board (the Board). In this case, the proposed PFS might be permitted within the "R(C)" zone subject to the granting of planning permission by the Board.

15. Another Member pointed out that as the proposed PFS was defined as an undedicated LPG filling station, the LPG price of the subject station was not controlled by the Government. This Member worried that if the LPG price of the subject station was lower than that of the other stations, it would attract many taxis to queue up to enter the site. The tailing back of taxis on Sha Tau Kok Road would cause adverse traffic impacts on the

area. As in-situ land exchange was required for the proposed PFS, this Member suggested incorporating a clause in the lease stipulating that there should not be any blockage of public roads due to queuing up of vehicles at the proposed PFS. In response, Mr. Simon K.M. Yu of Lands Department said that lease conditions were to control the development within the subject lot. In considering the lease conditions for the proposed PFS, TD's comments would be sought on the number of vehicle waiting spaces that should be provided within the site. If there was queuing of vehicles on public roads, HKPF would carry out the necessary traffic control measures. Mr. T.K. Choi of TD also said that any traffic improvement measures (e.g. kerbside non-stopping restriction), if required, would be undertaken by his department.

16. A Member supported the application as there was a general shortage of LPG facilities for vehicles in the territory.

17. 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 4.3.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of proposals for water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Chief Superintendent (Traffic), Hong Kong Police Force that traffic measures should be enhanced for the proposed

petrol filling station (PFS), i.e. kerbside non-stopping restriction should be in place and solid-cum-broken line should be added to avoid vehicles on the second lane of Sha Tau Kok Road from turning into the PFS;

- (b) to liaise with the Commissioner for Transport regarding the enhancement of traffic measures for the proposed PFS, including kerbside non-stopping restriction and solid-cum-broken line;
- (c) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that:
 - (i) a liquefied petroleum gas (LPG) filling station was classified as a Notifiable Gas Installation (NGI) as defined under the Gas Safety Ordinance (Cap. 51). For PFSs with LPG filling facilities, NGI covered the LPG installations only and excluded petrol and diesel counterparts. Pursuant to Regulation 3 of the Gas Safety (Gas Supply) Regulations (Cap. 51B), no person should carry out any construction work for a NGI unless such work had construction approval from the Gas Authority (i.e. DEMS). Upon receiving the application for construction approval for a NGI, the Gas Authority would determine the application in accordance with Regulation 5 of the Gas Safety (Gas Supply) Regulations. Reference would also be made to relevant codes of practice on LPG safety when vetting the application. According to Section 3.3 of the Code of Practice for LPG Filling Stations in Hong Kong, the owner of the LPG filling station had to employ an independent risk assessment consultant to prepare a Quantitative Risk Assessment (QRA) report to demonstrate that the risk levels associated with the proposed LPG filling station were in compliance with the Risk Guidelines in the Hong Kong Planning Standards and Guidelines. In this regard, the Gas Authority would require the applicant to provide the QRA report during the construction approval process;
 - (ii) the applicant's clarification on Section 2.4 of the submitted QRA was subject to the risk consultant's final review against the latest

population data and actual station design to verify the validity before the construction of the PFS;

- (iii) there was a four-bar gas transmission pipeline running along Sha Tau Kok Road–Lung Yeuk Tau (i.e. north-western boundary of the application site where the ingress/egress of vehicular traffic might be located). The applicant/consultant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipelines during the design and construction stages of development. The applicant/consultant should also note the requirements of the Electrical and Mechanical Services Department’s Code of Practice on Avoiding Danger From Gas Pipes, which was available at the webpage ([http://www.emsd.gov.hk/emsd/e_download/pps/gas/cop_gas_pipes\(english\).pdf](http://www.emsd.gov.hk/emsd/e_download/pps/gas/cop_gas_pipes(english).pdf));
 - (iv) DEMS would consider the detailed design of LPG Installations upon receiving the application for construction approval of the proposed LPG filling station. The applicant should note the separation distance requirements as stipulated in Clause 4.5 of the Code of Practice for LPG Filling Station in Hong Kong, and design the position of the LPG filling facilities (including LPG storage tank with submersible pump, fill connection of LPG storage tank, road tanker unloading bay and LPG dispenser) to fulfil the separation distance requirements from the surrounding buildings. These requirements were in line with that in the Hong Kong Planning Standards and Guidelines (HKPSG); and
 - (v) Appendix E of the Code of Practice for LPG Filling Station in Hong Kong for a typical layout showing the measurements of separation distances from various LPG filling facilities should be referred to;
- (d) to note the comments of the Director of Environmental Protection that the environmental mitigation measures as stated in the HKPSG (Section 3.5 of

Chapter 12 – Environmental and Fire Safety Considerations for Petrol Filling Stations) should be observed;

- (e) to note the comments of the Director of Fire Services that:
 - (i) emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by the Buildings Department;
 - (ii) licensing requirements would be formulated upon formal application made to the Dangerous Goods Division of his department;
 - (iii) the safety distance pertaining to the ‘IP Code – Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations’ should be maintained;
 - (iv) approval should be sought from the Gas Authority (i.e. DEMS) regarding the installation of LPG facilities; and
 - (v) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans/licence application;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
 - (i) prior approval and consent from the Building Authority should be obtained. Authorized Person should be appointed to coordinate all new building works in accordance with the Buildings Ordinance;
 - (ii) access to the site from Sha Tau Kok Road (Brown Areas) as shown on the draft lease plan had to be completed prior to the issue of Occupation Permit; and
 - (iii) detailed comments would be given at the building plan submission stage;

- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that:
 - (i) all spoils arising from site formation works should be contained and

protected to prevent all nearby watercourses from being polluted or silting up;

- (ii) no discharge of effluent within the flood pumping gathering grounds should be allowed without his department's prior approval. Any effluent discharge should comply with the Technical Memorandum on Standards for Effluent Discharge into Drainage and Sewerage Systems, Inland and Coastal Waters;
 - (iii) all wastes, sludge and pollutants arising from the proposed PFS should be properly disposed of outside the gathering grounds;
 - (iv) the proposed PFS should be surrounded by kerbs and drains on all sides to avoid polluting the nearby watercourses during heavy rainfall;
 - (v) drainage traps such as grease traps and petrol interceptors should be installed at each of the drainage outlets and under proper maintenance. All such drainage traps should have sufficient capacity to ensure the proper collection and disposal of fuel, lubricants and chemicals; and
 - (vi) the application site was within flood pumping gathering ground and was less than 30m away from the nearest watercourse;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should preserve and avoid disturbing any trees, particularly native ones growing within and in the vicinity of the application site as far as possible. Should any trees be unavoidably affected, approval from relevant departments should be obtained before commencement of any tree removal works. Trees proposed to be retained should also be protected during the construction period of the development;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that as the proposed ingress and egress would affect some of the existing trees, which were located outside the application site boundary, prior approval should be obtained from relevant departments before the commencement of any tree removal works, and

those unaffected trees outside the northern site boundary should be protected during the construction period. In addition, the periphery of the site was dominated with weed trees, *Leucaena leucocephala* (銀合歡). Those weed trees should be removed and other tree species should be provided along the periphery of the site boundary; and

- (j) to note the comments of the Director of Leisure and Cultural Services that:
- (i) according to paragraph 26 of Environment, Transport and Works Bureau Technical Circular (Works) (ETWB TC(W)) No. 3/2006, the tree survey plan and the assessment schedule of tree removal application should be based on findings of tree surveys conducted within two years prior to submission. The applicant was therefore required to update the survey plan and the assessment schedule;
 - (ii) the tree removal application should be compiled in accordance with paragraphs 22-28 of ETWB TC(W) No. 3/2006. A set of photos (felled trees and transplanted trees only, excluding *Leucaena leucocephala* (銀合歡)) with the following information adjacent to the photos was required:
 - conditions of tree (e.g. poor form, poor health, twig die back, abnormal defoliation, etc.);
 - proposed treatment (being transplanted or felled);
 - name of tree (Chinese and Scientific Name); and
 - justification of the proposed treatment for each affected trees (e.g. low survival rate after transplant, main trunk leaning, multi-trunk, presence of termite); and
 - (iii) all photos should be at least in 4R size with sufficient resolution.

Agenda Items 6 to 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/348 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone, Lot 548 S.B in D.D. 77,
Ping Che Village, Ng Chow South Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/348 to 353)

A/NE-TKL/349 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone, Lot 548 S.D in D.D. 77,
Ping Che Village, Ng Chow South Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/348 to 353)

A/NE-TKL/350 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone, Lot 548 S.E in D.D. 77,
Ping Che Village, Ng Chow South Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/348 to 353)

A/NE-TKL/351 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone, Lot 548 S.F in D.D. 77,
Ping Che Village, Ng Chow South Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/348 to 353)

A/NE-TKL/352 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone, Lot 548 S.C in D.D. 77,
Ping Che Village, Ng Chow South Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/348 to 353)

A/NE-TKL/353 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone, Lot 548 S.G in D.D. 77,
Ping Che Village, Ng Chow South Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/348 to 353)

19. Members noted that the six applications were similar in nature and the application sites were close to each other and within the same “Agriculture” (“AGR”) zone.

Members agreed that the applications could be considered together.

20. The Secretary reported that Ms. Anna S.Y. Kwong had declared interests in these items as she had current business dealings with Ted Chan & Associates Limited, the consultant of the applications. The Committee noted that Ms. Kwong had tendered apology for not attending the meeting.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed 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 from an agricultural development point of view as agricultural life in the close vicinity of the application sites was active and the potential of the sites for agricultural rehabilitation was high;
- (d) two public comments were received during the statutory publication period. The comment from a member of the general public supported all the six applications without giving any reason. The other comment from Designing Hong Kong Limited objected to all the six applications on the grounds that the proposed houses were incompatible with the “Agriculture” (“AGR”) zoning intention of the application sites and the character of the area; the layout of existing and proposed infrastructure and development was haphazard and incompatible with the current and proposed land uses; and failure to provide a sustainable layout prior to the approval would have adverse impacts on the living environment and the well being of residents as well as create health and social problems and future costs to society;

- (e) the District Officer (North) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative and the Resident Representative of Ping Che had no comment on the applications; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. The six proposed Small Houses under the six applications generally met the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that all the footprints of the six proposed Small Houses fell entirely within the village 'environs' ('VE') of Ping Che Village and there was insufficient land in the "Village Type Development" ("V") zones of Ping Che Villages (including Ping Che Village, Ping Che Kak Tin Village and Ping Che Yuen Ha Village) to meet the Small House demand. Although the proposed developments were not in line with the planning intention of the "AGR" zone and DAFC did not support the applications, it was noted that the application sites were located to the west of the "V" zone of Ping Che Village and the footprints of the six proposed Small Houses fell entirely within the 'VE' of the same village. Besides, the proposed Small House developments were not incompatible with the adjacent rural land uses, comprising soccer pitch to the east, vacant land to the west and north, and village houses to the further east and south. In addition, a similar application (No. A/NE-TKL/297) for Small House development within the same "AGR" zone in the vicinity of the application sites had also been approved with conditions by the Committee in 2007. Regarding the public comment raising objection to all the six applications, it was considered that the proposed Small House developments were not incompatible with the adjacent rural environment and would not cause significant adverse traffic, environmental, drainage and landscape impacts on the surrounding area. Concerned government departments including the Transport Department, Environmental Protection Department, Drainage Services Department and Urban Design and Landscape Section of PlanD had no adverse comment on/ objection to the applications.

22. Members had no question on the applications.

Deliberation Session

23. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 4.3.2015, and after the said date, each permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of 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 tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application sites were in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal applications referred by the Lands Department;
- (c) to note the comments of the Chief Engineer/Development(2), Water

Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Besides, the application site was within the flood pumping gathering ground; and

- (d) the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/354 Temporary Open Storage of Construction Equipment and
Materials with Ancillary Office for a Period of 1 Year
in "Agriculture" zone,
Lot 1091 (Part) in D.D. 82, Ping Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/354)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary open storage of construction equipment and materials with ancillary office for a period of one year;
- (c) departmental comments were detailed in paragraph 10 of the Paper which were highlighted below:
 - (i) the Commissioner for Transport (C for T) did not support the application as loading/unloading activities should be conducted within the application site. However, the applicant indicated that he would conduct loading/unloading activities at 'two temporary village parking areas'. The applicant had not demonstrated that he was authorized to use the parking areas. He should also clarify whether there was any vehicular access or ingress/egress point leading to the 'temporary village parking areas';
 - (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected;
 - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view as agricultural life in the vicinity of the site was active and the potential of the site for agricultural rehabilitation was high; and
 - (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape perspective. The site was situated in a rural area mainly characterised by farmland, tree groups, village houses, vacant land and scattered open storage. In general, the area had a pleasant rural character which was green and tranquil. Most of the open storage sites in the area including the application site were unauthorized uses. Although significant adverse impact on the landscape resources arising from the proposed use was not anticipated, the applied use was considered incompatible with the surrounding rural landscape character. Approval of the application would set an undesirable precedent, thus encouraging spreading of

open storage uses in the area and deteriorating the existing rural landscape quality in the vicinity;

- (d) two public comments were received during the statutory publication period. The comment from a member of the general public supported the application and hoped that concerned government departments could follow up the application. The other comment submitted by Designing Hong Kong Limited objected to the application on the grounds that the open storage use was a blight on the environment; it was not in line with the planning intention and did not comply with the Town Planning Board (TPB) Guidelines No. 13E; and if the application was approved by the Committee, a condition should be imposed requiring a plan for quality landscaping and well-designed interface with public domain;
- (e) the District Officer (North) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee and the Indigenous Inhabitant Representative of Tong Fong raised objection to the application on the grounds that the villagers had not been consulted regarding the change in land use of agricultural land. The Resident Representative of Tong Fong had no specific comment; and
- (f) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Ping Che and Ta Kwu Ling area. There was no strong planning justification in the submission for a departure from such a planning intention, even on a temporary basis. In this regard, DAFC did not support the application from an agricultural development point of view;
 - (ii) the application did not comply with the TPB Guidelines No. 13E in that the applicant had failed to demonstrate genuine efforts in complying with the approval conditions under the previous

application (No. A/NE-TKL/307) resulting in revocation of the planning permission; no technical assessments/proposals were included in the current application to demonstrate that the proposed use would not generate adverse impacts on the surrounding areas; and there were adverse departmental comments and local objections against the application;

- (iii) the application site was involved in two previous applications for similar use submitted by the same applicant. Although Application No. A/NE-TKL/307 was approved on review by the TPB on 8.8.2008 on a temporary basis for one year on sympathetic grounds, the application was subsequently revoked on 8.11.2008 for non-compliance with approval conditions regarding the submission of proposal on car parking, loading/unloading and vehicle manoeuvring spaces; drainage proposals; landscaping proposals and proposals on fire-fighting access, water supplies for fire-fighting and fire service installations. The subsequent application (No. A/NE-TKL/332) for similar use was rejected by the TPB on review on 14.5.2010 on the grounds that the applied use was not in line with the planning intention of the “AGR” zone; it did not comply with the TPB Guidelines No. 13E; and there were adverse departmental comments against the application. There had been no material change in the planning circumstances since the rejection of the previous application (No. A/NE/TKL/332) which warranted a departure from the Committee’s previous decision;
- (iv) DEP did not support the application as there were sensitive uses in the vicinity of the site (domestic uses at a distance of 15m to the east and about 5m to the immediate north of the application site). The applicant had failed to demonstrate that the development would not generate adverse environmental impacts on the surrounding areas;
- (v) the application site was located in a rural area mainly characterized by active/fallow agricultural land, vacant area, intermixed with an open storage yard and a few domestic structures. It was also

surrounded by tree groups to the north, east, south and vacant land to the west. The applied use was not compatible with the rural character which was green and tranquil. In this regard, CTP/UD&L objected to the application as approval of the application would encourage the spreading of open storage uses in the area and deteriorate the existing rural landscape quality in the vicinity;

- (vi) C for T did not support the application as loading/unloading activities should be conducted within the application site; and the applicant should demonstrate that he was authorized to use the temporary village parking areas; and
- (vii) there was no other similar application in the same “AGR” zone to the east of Ping Che Road being approved by the TPB. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in adverse environmental, traffic and landscape impacts on the area.

26. Members had no question on the application.

Deliberation Session

27. 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 under application was not in line with the planning intention of the “Agriculture” zone in the Ping Che and Ta Kwu Ling area, which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the

submission for a departure from the planning intention, even on a temporary basis;

- (b) the development under application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) in that the applicant had failed to demonstrate genuine efforts in compliance with the approval conditions under the previous application (No. A/NE-TKL/307) resulting in revocation of the planning permission, and had failed to include in the current application relevant technical assessments/proposals to demonstrate that the proposed use would not generate adverse impacts on the surrounding areas; and there were adverse departmental comments and local objections against the application; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “Agriculture” zone. The cumulative effect of approving such application would result in adverse environmental, traffic and landscape impacts of the area.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/738 Temporary Shop and Services (Fast Food Shop) for a Period of 3 Years
in “Industrial” zone,
Workshop R2, LG/F, Valiant Industrial Centre,
2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/738)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (fast food shop) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received from the Incorporated Owners of Unison Industrial Centre. The commenter agreed to the application as, over the years, industrial activities had been moved to the Mainland and a lot of industrial buildings had been converted into warehouses or offices. There was also an increasing demand for fast food and snacks in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The fast food shop under application was located at lower ground floor of an existing industrial building and was accessible via a few steps from Au Pui Wan Street. It was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the lower ground floor of the subject industrial building abutting Au Pui Wan Street and its vicinity. According to the Town Planning Board (TPB) Guidelines No. 25D, the limit on aggregate commercial floor space on fire safety concerns did not apply to fast food counter which was sited at street level without seating accommodation and licensed as food factory. In this regard, the Fire Services Department had no objection to the application subject to approval conditions on fire safety measures and the fast food shop being licensed as 'food factory' or 'factory canteen'. The Food and Environmental Hygiene Department advised that the subject premises was covered by a valid food factory licence. Moreover, the fast food shop under application generally complied with the relevant considerations set out in the TPB Guidelines No.

25D including fire safety and traffic aspects. As the application premises had a floor area of about 30.3m² and there was space for the provision of waiting area in the shop for the queuing of customers so that the queue would not obstruct pedestrian flow on public footpath, the Transport Department had no objection to the application.

29. Members had no question on the application.

Deliberation Session

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2011;
- (b) in relation to (a) above, the implementation of fire safety measures within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.12.2011; 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.

31. 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) to apply to the District Lands Officer/Shu Tin for a temporary waiver to permit the applied use and to note the comments that the existing use of the fast food shop with seating accommodation at the subject premises would

not be allowed;

- (c) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from the adjoining workshops by compartment walls, floors and doors having a fire resisting period of not less than two hours. Moreover, independent exit to street should be provided. Building safety requirements would be formulated upon receipt of food premises licence application, where appropriate;
- (d) to note the comments of the Commissioner for Transport that adequate space should be provided inside the shop for queuing of customers and the queue should not obstruct the pedestrian flow on public footpath outside the shop;
- (e) to note the comments of the Director of Fire Services that the proposed 'fast food shop' should only be licensed and operated as 'food factory' or as 'factory canteen'. A fast food shop licensed and operated as a 'general restaurant' or 'light refreshment restaurant' would not be accepted. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority;
- (f) to note the comments of the Director of Food and Environmental Hygiene that under the current licensing regime, the operation of food business (including food factory) at premises in private buildings should be in compliance with the government lease conditions, statutory plan restrictions and free of unauthorized building works. The proposed food business should also comply with the provisions of Public Health and Municipal Services Ordinance (Cap. 132) and the regulations made under it, including Food Business Regulation, and any prevailing requirements or conditions as specified by his department or any requirement or condition imposed or might be imposed by the Building Authority, the Director of

Fire Services, the Director of Electrical and Mechanical Services, the Director of Environmental Protection or any other government departments; and

- (g) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 14

Section 16 Application

[Open Meeting]

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

32. The Committee noted that the applicant requested on 16.2.2011 for a deferment of the consideration of the application for two months because it was noted that there would be changes in the proposed public village sewerage system in the vicinity of the application site and the amendments in the sewerage project would be gazetted in early March. The applicant indicated that he needed to wait until the amendments in the public sewerage system were confirmed before he could prepare the relevant documents on the proposed sewerage connection for the proposed houses in support of the application.

33. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee

for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 15

Section 16 Application

[Open Meeting]

A/NE-KLH/427 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 973 S.A in D.D.7,
Wai Tau Tsuen, Kau Lung Hang, Tai Po

(RNTPC Paper No. A/NE-KLH/427)

34. The Committee noted that the applicant requested on 23.2.2011 for a deferment of the consideration of the application for one month in order to allow time for the applicant to prepare further information in response to departmental comments on the application.

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/344 Proposed House (New Territories Exempted House – Small House)
 in “Green Belt” zone,
 Lot 390 S.A in D.D. 28, Lung Mei, Tai Po
 (RNTPC Paper No. A/NE-TK/344)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. The site was located on the upper foothills of Pat Sin Leng, and was close to dense woodland and mature vegetation. As the proposed Small House would be situated on a raised platform of 1.35m high, soil would be backfilled and compacted which might have adverse impacts on the existing trees next to the application site. Moreover, clearance of vegetation in the vicinity of the site was found during the site visit conducted in 2009 for the previous application (No. A/NE-TK/279). Currently, the site remained bare with no significant vegetation. Approval of the application would likely lead to more uncontrolled site clearance activities on the village fringe and piecemeal development encroaching onto the green belt, jeopardizing the high landscape quality of the Pat Sin Leng hillsides. He was also concerned about the visual impact of the 1.35m high concrete retaining

wall supporting the building platform;

- (d) during the statutory publication period, three public comments were received raising objection to the application. One of the comments from the Hong Kong Bird Watching Society objected to the application as the proposed development would encourage destruction of existing vegetation and illegal fly-tipping activities, and cause adverse impacts on the existing vegetation and associated wildlife. The other comment from Designing Hong Kong Limited objected to the application on the grounds that the proposed development was incompatible with the intention of “Green Belt” (“GB”) zone, and a sustainable layout of infrastructure and development was not available for the area. The third comment submitted by Kadoorie Farm and Botanic Garden Corporation objected to the application for the reasons that Small Houses should be restricted within the “Village Type Development” (“V”) zone and the applicant had not provided sufficient information to justify deviation from the planning intention of “GB” zone. The subject “GB” zone could act as an ideal buffer separating the village and Pat Sin Leng Country Park. Approval of the application would further degrade the existing natural landscape and set an undesirable precedent for similar applications in the area; and

- (e) the PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the site was the subject of a previous application No. A/NE-TK/279 for the development of a NTEH (Small House) submitted by a different applicant. The application was rejected by the Committee on 8.5.2009. In response to the departmental concerns previously raised, the applicant had submitted a Landscape Impact Assessment Report, Geotechnical Planning Review Report and Natural Terrain Hazard Study Report under the current application to demonstrate that the potential of natural terrain hazards affecting the proposed development was negligible, and no slope stabilization works would

be required for the proposed development. As such, the proposed development would not cause adverse geotechnical or landscape impacts on the existing hillside slopes. The proposed Small House would be built on a raised platform to avoid cutting of slopes and slope stabilisation works. According to the applicant, while the proposed development would involve some clearance of vegetation at the edge of the foothill, no felling of trees on site or in the adjacent woodland would be involved. To compensate for the loss in vegetation, the applicant proposed to introduce additional landscape plantings to improve the site environment. While the Director of Agriculture, Fisheries and Conservation and the Head of Geotechnical Engineering Office of Civil Engineering and Development Department had no objection to the application, the CTP/UD&L maintained his previous view of objecting to the application from the landscape planning point of view;

- (ii) the proposed Small House under the current application was considered in compliance with the Town Planning Board Guidelines No. 10 and the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that over 50% of the footprint of the proposed Small House fell within the village 'environs' and there was a general shortage of land in meeting the Small House demand in the "V" zone of the concerned villages. To minimise potential adverse impacts caused by the proposed development and construction works on the edge of the woodland as well as the visual impact of the 1.35m high concrete wall for the platform, an approval condition requiring the submission and implementation of landscape proposal and an advisory clause reminding the applicant to adopt appropriate design measures to mitigate the potential visual impact of the concrete wall were recommended. Moreover, similar applications (No. A/NE-TK/327 and 328) to the east of the site with similar circumstances were recently approved by the Committee on 26.11.2010. There was no change in the planning circumstances to merit a departure from the

Committee's previous decision; and

- (iii) as regards the public comments expressing concerns on the loss of natural vegetation and the adverse impact on the "GB" zone, it was noted that there was no existing tree within the site and no felling of trees in the adjacent woodland would be required for the proposed Small House development.

37. Members had no question on the application.

Deliberation Session

38. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.3.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to adopt design measures to mitigate the visual impact of the proposed 1.35m high concrete wall;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant should maintain the drainage systems for the site properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. Besides, there was no existing public sewerage in the vicinity of the site. Nevertheless, sewerage connection might be available when the proposed sewerage works under the project 'Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C' was completed in around 2012/13. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that submission should be made to the District Lands Officer to verify if the site satisfied the criteria for the exemption of site formation works as stipulated in the Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) APP-56. If such exemption was not granted, the applicant should submit a site formation plan to the Buildings Department in accordance with the

provision of the Buildings Ordinance; and

- (e) the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/345 Temporary Rental and Parking of Bicycles for a Period of 5 Years
 in an area shown as 'Road',
 Government Land in D.D. 28,
 Tai Mei Tuk, Tai Po

 (RNTPC Paper No. A/NE-TK/345)

Presentation and Question Sessions

40. Ms. Lisa L.S. Cheng, STP/STN, said that the replacement page for Page 5 of the Paper had been sent to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary rental and parking of bicycles for a period of five years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period

and no local objection/view was received by the District Officer (Tai Po);
and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of five years based on the assessments set out in paragraph 10 of the Paper. There were a number of existing bicycle hiring stalls operating in the area since 1990s. The subject site formed an extension area of one of the bicycle hiring stalls operated by the applicant and covered under Short Term Tenancy No. 811. Approval of the application on a temporary basis would unlikely frustrate the long-term use of the site. While the area shown as 'Road' was a long-term reserve area for improvement works to Ting Kok Road, the Transport Department and Highways Department had no objection to the application. The temporary use under application was considered compatible with the surrounding uses with cycling tracks and village houses in the vicinity. It was also unlikely to cause adverse impacts on the surrounding areas. Relevant government departments had no objection to/ adverse comments on the application.

41. Members had no question on the application.

Deliberation Session

42. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 4.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations (FSIs) and water supplies for fire-fighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2011;
- (b) in relation to (a) above, the provision of FSIs and water supplies for fire-fighting within 9 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 4.12.2011;

- (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; and
- (d) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to apply to the District Lands Officer/Tai Po for short term tenancy to permit the applied use;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that routine maintenance should be carried out to ensure that the drainage facilities within the site were in good working condition. There was existing public sewerage available for connection in the vicinity of the site; and
- (d) to note the comments of the Director of Fire Services that if no building plan would be circulated to his department and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the site, relevant layout plans incorporated with the proposed FSIs should be submitted to his department for approval, and FSIs should be provided in accordance with the approved proposal. In preparing the submission, the applicant should note that the layout plans were drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed and the access for emergency vehicles were clearly indicated on the layout

plans.

[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

[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), were invited to the meeting at this point.]

Agenda Item 18

[Open Meeting]

Proposed Amendments to the
Approved Yuen Long Outline Zoning Plan No. S/YL/18
(RNTPC Paper No. 3/11)

44. With the aid of a Powerpoint presentation, Ms. S.H. Lam, STP/TMYL, presented the proposed amendments to the Yuen Long Outline Zoning Plan (OZP) as detailed in the Paper and covered the following main points :

- (a) on 17.9.2010, the Town Planning Board (the Board) endorsed in principle the findings and recommendations of the Area Assessments 2009 of Industrial Land in the Territory (Area Assessments 2009), including the proposed rezoning of a strip of land in Tung Tau industrial area for residential use. On this basis, a broad assessment of the rezoning proposal including the boundary and development parameters had been undertaken by the Planning Department;
- (b) the strip of land proposed for residential use was being occupied by seven industrial buildings, three of them were not yet developed to the

permissible plot ratio (PR) under the OZP. There were also two undeveloped government sites, currently being occupied by a temporary bus depot, a temporary workshop and a temporary car park. In terms of land status, only one site was under multiple ownership and the rest were either government land or under single ownership;

- (c) the Director of Environmental Protection advised that potential odour and noise problems arising from the pumping station to the north of the proposed rezoning area should be addressed at the planning stage, and redevelopment should be implemented only after relocation of the two existing temporary bus depots within the Tung Tau industrial area. Any environmental issues arising from nearby industrial operations and traffic noise impact should be addressed by the future developer during the planning application stage;
- (d) the proposed amendments to the OZP, as detailed in paragraph 5.1 and Attachment II of the Paper, were summarised as follows:
 - (i) Amendment Item A – the strip of land (about 3.87 ha) located to the east of the nullah, west of Wang Yip Street West and north of Tak Yip Street was proposed to be rezoned from “Other Specified Uses” annotated “Business” (“OU(B)”) and “OU(B)1” to “Residential (Group E)1” (“R(E)1”). The planning intention of the “R(E)” zone was primarily for the phasing out of existing industrial uses through redevelopment (or conversion) for residential use on application to the Board. Whilst existing industrial uses would be tolerated, new industrial developments were not permitted in order to avoid perpetuation of industrial/residential (I/R) interface problem. Furthermore, adequate information should be submitted by the applicant to demonstrate that the new residential development would be environmentally acceptable and suitable mitigation measures would be implemented to address the potential I/R interface problems; and
 - (ii) Amendment Item B – a strip of land (about 0.83 ha) to the south of

Chung Yip Road was proposed to be rezoned from “OU(B)” to an area shown as ‘Road’ to reflect the as-built situation;

- (e) the proposed amendments to the Notes of the Plan, as detailed in paragraph 5.2 and Attachment III of the Paper, were summarised as follows:
 - (i) amendments to the Notes for the “R(E)” zone to incorporate development restrictions for the new “R(E)1” sub-zone, i.e. a maximum plot ratio (PR) of 5 and a maximum building height (BH) of 85mPD;
 - (ii) within the “R(E)1” sub-zone, in-situ conversion of an existing building or part of an existing building to other industrial or business uses (except residential), its existing PR and BH would be respected, even if they exceeded the OZP restrictions. However, new development or redevelopment of existing buildings within the “R(E)1” sub-zone would be restricted to the proposed PR and BH restrictions for this sub-zone as it was the intention to encourage a more compatible built form within the “R(E)1” sub-zone as well as a stepped BH profile for Yuen Long Town as planned. The above development control also applied to the existing “R(E)” zone; and
 - (iii) revision to the PR/ gross floor area/ site coverage exemption clause to clarify the provision related to caretaker’s quarters in the Remarks of the Notes for various zones;
- (f) opportunity was taken to revise the Explanatory Statement of the OZP as detailed in Attachment IV of the Paper to take into account the proposed amendments and reflect the latest status and planning circumstances of the OZP; and
- (g) comments of relevant government bureaux/departments had been incorporated into the proposed amendments where appropriate. Depending on their meeting schedule, the Yuen Long District Council and Shap Pat Heung and Ping Shan Rural Committees would be consulted on

the amendments before or during the exhibition period of the draft Yuen Long OZP No. S/YL/18A (to be renumbered to S/YL/19 upon exhibition) for public inspection under section 5 of the Town Planning Ordinance.

45. A Member supported the proposed amendments to the OZP by rezoning suitable industrial sites for residential use, which could help address the shortage of land supply in the territory.

46. Another Member asked whether the landowners concerned had the obligation to redevelop their land for residential use in accordance with the new “R(E)1” zoning, and what the time frame for implementing the planned use was. The Chairman said that if the sites concerned were private land, redevelopment of the sites for residential use would be subject to the private landowners’ own programme and market demand. For government sites, they would be disposed for residential development as soon as possible in order to meet the market needs.

47. A Member enquired whether residential care home for the elderly (RCHE) was regarded as ‘Residential Institution’ use. Ms. Amy Y.M. Cheung said that a RCHE being operated by the Social Welfare Department or any other organisations as approved/recommended by the Director of Social Welfare would be regarded as ‘Social Welfare Facility’ use. Otherwise, it was classified as ‘Residential Institution’ use. In reply to this Member’s question on the conversion of an existing industrial building into a RCHE, Ms. Cheung said that various factors including traffic noise problems would need to be taken into consideration. It should be noted that RCHE was a kind of sensitive use involving the elderly and the infirmed who might have different degree of caring needs, hence more stringent standards would be required by concerned government departments.

48. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Yuen Long Outline Zoning Plan (OZP) No. S/YL/18 and that Amendment Plan No. S/YL/18A at Attachment II (to be renumbered as S/YL/19 upon exhibition) and its Notes at Attachment III of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;

- (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for the various land use zonings of the OZP and to be issued under the name of the Board; and
- (c) agree that the revised ES was suitable for exhibition together with the OZP and its Notes.

[The Chairperson thanked Ms. Amy Y.M. Cheung, DPO/TMYL, and Ms. S.H. Lam, STP/TMYL, for their attendance to answer Members' enquiries. Ms. Cheung and Ms. Lam left the meeting at this point.]

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/210 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years in "Village Type Development" zone,
Lots 3725 RP (Part), 3726 S.B (Part), 3726 RP (Part), 3727 RP (Part)
and 3736 S.A (Part) in D.D. 124 and Adjoining Government Land,
Shun Tat Street, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/210)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that the land was zoned “Village Type Development” (“V”) and should not be used for real estate agency. There was no safe structure provided for the office which was only made up of containers. The application should not be approved for its illegal structure. Moreover, clients of the real estate agency would park their cars in front of the shop and along the main road, thus creating potential danger to other drivers. There were some village houses along the road, the real estate agency could lease other ground floor units to provide services; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The temporary shop and services (real estate agency) use was not incompatible with the uses in the surrounding area, which comprised village type houses, car/lorry parks and some storages. The temporary use would provide real estate agency services to meet some of the needs for house sales and purchase in the vicinity. As the District Lands Officer/Tuen Mun advised that there was no Small House application at the site, a temporary approval of 3 years would not frustrate the long-term planning intention of the “V” zone for the site. Government departments concerned had no objection to or adverse comments on the application. Technical concerns on drainage, fire safety and landscape aspects could be addressed by imposing relevant approval conditions. It is envisaged that the temporary use would not generate adverse environmental impacts on the surrounding areas. To minimize the possible environmental nuisance from the temporary use, an

approval condition prohibiting night-time operation was recommended. Regarding the public comment objecting to the application on structure safety and traffic grounds, the Buildings Department had commented that containers used as offices were considered as temporary structures and subject to control under the Building (Planning) Regulations. The Transport Department (TD) commented that illegal parking on public road should be deterred by Police enforcement, and they would monitor the operation of public roads and implement suitable traffic management measures when necessary. As such, TD did not envisage that the potential problem raised by the commenter was insurmountable.

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 4.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 8:30 p.m. and 10:30 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2011;
- (c) in relation to (b) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.12.2011;
- (d) 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 4.9.2011;

- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.12.2011;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2011;
- (g) in relation to (f) 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 4.12.2011;
- (h) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (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.

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 site;
- (b) to note the comments of the District Lands Officer/Tuen Mun that the site involved several old schedule agricultural lots and a small piece of government land (GL). Recent inspection revealed that some container-converted structures were detected on the subject lots which had

constituted a breach of the said lease. GL had also been illegally fenced off and occupied. The relevant lot owners should apply for a Short Term Waiver (STW) and Short Term Tenancy (STT) for the erection of temporary structures on the subject lots and adjoining GL so as to regularize the present situation. However, the concerned STW and STT applications would not be necessarily be successful;

- (c) to note the comments of the Commissioner of Police that Shun Tat Street was a main access road in the area. Vehicle parking should not cause obstruction to the free flow of traffic or danger to any road users;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should be responsible for his own access arrangement. Any run in/out to and from the site approved by the Transport Department should be designed to meet the requirements of Transport Planning and Design Manual and constructed to the standards and satisfaction of HyD;
- (e) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on sites, which were liable to action under section 24 of the Buildings Ordinance (BO), should be removed. The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including temporary structure and shelter, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3)

at the building plan submission stage. Also, the applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the proposed temporary use. If containers were used as offices, they were considered as temporary buildings and were subject to control under B(P)R Part VII. Hence, appointment of Authorized Person for the submission and supervision of the concerned works was required under the provisions of the BO in order to safeguard the safety of the structures; and

- (g) to note the comments of the Director of Fire Services regarding the requirements of formulating the fire service installations proposal as detailed in Appendix IV of the Paper.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/211 Temporary Storage of Metal and Wood for a Period of 3 Years
in "Green Belt" zone,
Lot 2432 RP (Part) in D.D. 130 and Adjoining Government Land,
Shun Tat Street, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/211)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary storage of metal and wood for a period of three years – there was a set of double-decked container structure at the site for storage with a total floor area of 59.4m². The structure (including cover at top) was 5.4m high;

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. Although similar uses could be found in the neighbourhood, most of them were existing or unauthorized uses. The proposed use was not compatible with the nature of green belt or the planning intention of the “Green Belt” (“GB”) zone. Approval of the application would set an undesirable precedent to encourage more incompatible uses encroaching onto the “GB” zone, thus further deteriorating the landscape quality and intactness of the zone;
- (d) two public comments were received during the statutory publication period. One comment from an individual objected to the application on the grounds that the applied use would create additional pollution to the area and the road was crowded with a lot of lorries. The other comment from Designing Hong Kong Limited raised objection for the reasons that the use of the site for open storage was not in line with the planning intention of “GB” zone. It would cause environmental blight, and approval of the case would set a bad precedent and induce further degradation of the rural environment. If the application was approved, a condition should be imposed requiring quality landscaping and well-designed interface with the public domain, including the design of the perimeter with a set back of the fences and inclusion of a green buffer to mitigate the blight; and
- (e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the temporary use contravened the planning intention of the “GB” zone. The applicant had not provided strong planning justification for departing from the planning intention. The “GB” zone also served as a buffer between Yuen Long Highway and the adjoining uses;
 - (ii) the temporary use did not meet the criteria of the Town Planning

Board (TPB) Guidelines No. 10 in that there was a general presumption against development (other than redevelopment). The temporary use, being a new development instead of a redevelopment, should not be given favourable consideration. The applicant had not provided strong planning justification for the departure from the planning intention, even on a temporary basis. There were no exceptional planning circumstances that warranted the approval of the application. The temporary use was not compatible with the residential use to the immediate west of the site. It would generate visual and landscape impacts on the surrounding areas. The vehicle parks and storages in the vicinity and along Tak Fuk Road were suspected unauthorized developments within the same “GB” zone and should not be taken for assessment of land use compatibility in this application. There was no landscape proposal in the submission to address the landscape impacts. There was no storm-water drainage in the area. The applicant had not provided drainage proposal to demonstrate that the temporary use would not cause adverse drainage impacts on the surrounding areas. The temporary use might generate environmental impacts;

- (iii) while the proposed use was not open storage or port-back up uses, it should be noted that the site fell within Category 4 area under the TPB Guidelines No. 13E in which open storage and port back-up uses were encouraged to be phased out. The designation of the area as Category 4 area was consistent with the planning intention of “GB” zone and helped protect the area from encroachment of development. The same principles should also be applicable to the proposed temporary storage;
- (iv) the Committee had not approved any temporary storage of metal and wood in the “GB” zone. All similar applications within the same “GB” zone were rejected. Approval of the application was not in line with the previous decisions of the Committee; and
- (v) the approval of the application would set an undesirable precedent

for similar applications in the “GB” zone. The cumulative effect would result in degradation of the environment

54. In response to the Chairman’s question, Mr. K.C. Kan referred to Plan A-2 of the Paper and said that the north-eastern part of the site was government land whereas the south-western part was private lot.

Deliberation Session

55. In reply to the Chairman’s enquiry, Mr. K.C. Kan said that the nearest residential dwelling was at a distance of about 20m to the west of the application site. Mr. Sam W.H. Wong of Environmental Protection Department pointed out that as the application site was close to Yuen Long Highway, which was a heavy trafficked road, the road traffic would be the major source of noise pollution to the residential uses in the area.

56. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the applied use was not in line with the planning intention of “Green Belt” (“GB”) 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 applied use was not in line with the Town Planning Board Guidelines No. 10 on ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ as it was not compatible with the uses of the surrounding areas, in particular the residential use to the 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 applied use would not have adverse drainage and landscape impacts on the surrounding areas and nearby residents; and

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

Agenda Item 21

Section 16 Application

[Open Meeting]

A/TM-SKW/67 Temporary Barbecue Area for a Period of 3 Years
in “Village Type Development” zone,
Lots 263 S.B (Part) and 268 (Part) in D.D. 385 and
Adjoining Government Land, Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/67B)

57. The Committee noted that the applicant requested on 15.2.2011 for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further supplementary information to support the application and address various departmental comments.

58. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since this was the third deferment request, 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-MP/183 Proposed Land and Pond Filling for Permitted New Territories
Exempted House (Small House) Development
in “Village Type Development” zone,
Lots 2348 S.A to S.K, 2348 RP, 2349 S.A to S.N and 2349 RP in
D.D. 104, Chuk Yuen Tsuen, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/183B)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed land and pond filling for permitted New Territories Exempted House (NTEH) (Small House) development – the applicants intended to develop a total of 18 NTEHs on the site by filling of land and pond of 680m² and 2 430m² respectively to form a building platform at a level of 3.6mPD. A 4.5m-wide access road would be developed for the proposed NTEH development;

- (c) departmental comments were detailed in paragraph 9 of the Paper which were highlighted below:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support any filling of fishponds from the fisheries point of view. Except its eastern part which was adjacent to existing village houses, the subject lots were surrounded by ponds, grassland and agricultural land (abandoned or in use), which were confluent with the habitats in the vicinity for birds and other species. As such, the site was still rural in character and had some ecological value. Hence, the

application was not favoured from the nature conservation point of view. Alternative site within the “Village Type Development” (“V”) zone which did not require filling of pond was preferable to accommodate the Small House demand. Nonetheless, the site was within the “V” zone and under private ownership of villagers who were entitled to Small House development. A balance between the traditional rights, genuine Small House demand against other factors would have to be struck by the Town Planning Board (TPB);

- (ii) the Director of Environmental Protection (DEP) noted that, in considering a similar application (No. A/YL-MP/154) in the vicinity of the application site, the TPB had raised concern on the interface issues of having village development close to or on the fishponds, particularly the impacts of Small House development including effluent discharge to the nearby ponds, and whether mitigation measures could be undertaken at the implementation stage to address such concerns. He pointed out that the current application shared the same concerns of pond filling. The proposed pond filling might not be desirable from the environmental planning viewpoint; and
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning and urban design perspectives. The pond at the site was a valuable landscape resource at the regional level. The existing trees along the bund, including a mature *Melia azedarach*, also contributed as important landscape resources in the vicinity. However, landscape mitigation measures were not proposed in the submission to compensate for the loss of pond on-site. Besides, there was no information in the submission on the disposition of the 18 proposed houses, how the pond was filled and whether there were any mitigation measures after the pond filling;
- (d) during the statutory publication period, a total of 24 public comments were received from a Yuen Long District Council (YLDC) member, 22 individuals and Designing Hong Kong Limited. All the comments

objected to the application and they were summarised below:

- (i) the YLDC member raised objection on the grounds that any pre-emptive pond filling without planning would affect the surrounding environment and airborne dust would cause nuisance to the nearby residents;
- (ii) 18 comments from the nearby villagers were in standard letter format. The main reasons for objection included flooding risk and additional burden on the existing drainage facilities; wall effect due to excessive height of land and pond filling which would have adverse impacts on the air ventilation, visual and landscape aspects; environmental nuisance during the land and pond filling works; mosquito and environmental hygiene problems caused by the accumulation of stagnant water, weeds and waste during construction; and tree felling;
- (iii) three comments from the nearby villagers objected to the application on the grounds that the proposed filling level at 3.6mPD would have adverse visual impact and destroy the 'fung shui', as well as increase the flooding risk as the filling level of a site to its immediate west under the approved application No. A/YL-MP/172 was 3.5mPD; the proposed 4.5m-wide access road connecting the site to Ha Chuk Yuen Road would increase traffic burden on Ha Chuk Yuen Road, Fairview Park Boulevard, Kam Pok Road and Castle Peak Road; the occupation of government land for constructing the access road was not supported; and environmental assessment was not provided by the applicant;
- (iv) one comment from an occupant of a residential dwelling within the application site strongly opposed the application because she was unwilling and unable to relocate; and
- (v) Designing Hong Kong Limited objected to the application as there was no compensation for pond filling and no evidence was provided to establish an overriding need for the pond filling; and

- (e) the PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper, which were summarised below:
- (i) the proposed land and pond filling was to facilitate the development of NTEHs at the site which was always permitted within the “V” zone. To ensure that land and pond filling would not result in adverse drainage impact, planning permission was required for the filling works within the “V” zone. In this regard, the Drainage Services Department (DSD) had no objection to the application. The technical concerns of DSD could be addressed by imposing approval conditions on the submission and implementation of drainage proposal with flood relief mitigation measures, the submission of details of temporary drainage facilities to be implemented during the construction stage and prohibiting land or pond filling on-site until the flood relief mitigation measures were implemented to the satisfaction of DSD. To facilitate close monitoring, compliance periods for the submission and implementation of drainage works were also recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and that unauthorized development would be subject to planning enforcement;
 - (ii) although DAFC was not in favour of the application from the fisheries and nature conservation points of view, he noted that the site was zoned “V” and under the private ownership of villagers who were entitled to Small House development. He considered that a balance amongst the traditional rights, genuine Small House demand and other factors, needed to be struck by the TPB;
 - (iii) for DEP's concern on the general interface issues of having village development close to or on the fishponds, especially effluent discharge to nearby ponds when the houses were occupied, it was noted that the Small House applicants would need to indicate the

location of sewage disposal facilities (including septic tank and soak away pit) when submitting their Small House applications to the Lands Department. The effluent issue would therefore be taken into account in processing the Small House grants under the established land administrative practice;

- (iv) to address the concerns of CTP/UD&L, approval conditions on the submission and implementation of landscape and tree preservation proposal had been recommended; and
- (v) regarding the public comments, the major objection views were on the drainage aspect. Should the application be approved, relevant approval conditions would be imposed on the submission and implementation of drainage proposal including flood relief mitigation measures, and prohibition of land or pond filling on-site until the flood relief measures had been implemented. For the public concerns on wall effect, CTP/UD&L advised that the proposed filling level and the proposed 3-storey NTEH development would not induce significant visual or air ventilation blockage to the surroundings. As such, there would not be any adverse impact on visual or air ventilation aspects. Approval conditions would also be imposed requiring the submission and implementation of a landscape and tree preservation proposal. Moreover, the Commissioner for Transport had no adverse comment on the proposed 4.5m-wide access road connecting the site to Ha Chuk Yuen Road. He considered that the traffic induced by the house development was insignificant, hence the traffic impact on the public road network would be negligible. Regarding the public concerns on potential dust and noise impacts arising from the construction works, the applicants would be advised to observe and follow the relevant requirements of all environmental protection ordinances/regulations and the relevant mitigation measures/practices set out in the relevant guidance notes.

60. A Member referred to Appendix IIIg of the Paper and said that one of the public

comments raising objection to the application was submitted by an existing occupant of a residential dwelling within the application site. This Member enquired whether this commenter was one of the owners of the site. Mr. K.C. Kan said that the whole application site was owned by the applicants. In response to this Member's further question, Mr. Kan said that the existing level of the pond was 3.2mPD and the proposed level of pond filling was 3.6mPD.

61. Another Member noted that in view of the public concerns on potential noise and dust impacts arising from the construction works of the proposed land and pond filling, the applicants were required to observe and follow the requirements of environmental protection ordinances/regulations when carrying out the construction works. However, such requirement was imposed in the form of an advisory clause. This Member opined that it should be stipulated as an approval condition to ensure that such requirement would be complied with by the applicants, otherwise the planning permission granted would be revoked. Mr. K.C. Kan said that since there were relevant ordinances, such as the Noise Control Ordinance and Air Pollution Control Ordinance, to tackle environmental pollution problems, it was the TPB's established practice of reminding the applicants of the need to comply with the relevant ordinances via advisory clause, instead of stipulating conditions to the planning permission. Mr. Sam W.H. Wong of Environmental Protection Department shared the view and confirmed that it was not necessary to impose planning approval conditions in this respect.

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

62. A Member asked whether the application site had already been filled, and whether there was any justification for the proposed level of land and pond filling. Mr. K.C. Kan referred to the site photographs in Plan A-4 of the Paper and said that there was still a pond at the site which was not filled. The proposed level of land and pond filling at the application site was 3.6mPD, which was at a similar level to the adjoining sites, for example the existing level of the residential development Hang Fook Garden to its northeast was 4.1mPD to 4.3mPD.

Deliberation Session

63. In response to a Member's query, the Secretary said that the application site was zoned "V" on the Outline Zoning Plan, and NTEH/Small House development was an always permitted use in the "V" zone. However, land and pond filling at the site to facilitate the NTEH/Small House development needed planning permission from the Committee to primarily ensure that it would not result in adverse drainage impact. In this case, DSD had no objection to the application. The Secretary also informed Members that though it was the Board's practice that if the applicant was required to observe and abide by the statutory requirements of relevant ordinances, the Board would not stipulate approval conditions on the same aspects, there were circumstances that similar conditions would be imposed if the Board had grave concern on certain aspects which warranted special attention of the Board.

64. 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 4.3.2015, 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) no land or pond filling on site was allowed until the flood relief mitigation measures had been implemented to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission of a drainage proposal with adequate calculations and assessment, including flood relief mitigation measures, within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2011;
- (c) in relation to (b) above, the implementation of the drainage proposal, including flood relief mitigation measures, within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.12.2011;
- (d) the submission of details of temporary drainage facilities to be implemented during construction within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services

or of the TPB by 4.9.2011;

- (e) the submission of landscape and tree preservation proposal before the Lands Department issued any certificate of exemption for any of the proposed New Territories Exempted House (NTEH) (Small House) to the satisfaction of the Director of Planning or of the TPB;
- (f) in relation to (e) above, the implementation of landscape and tree preservation proposal before the Lands Department issued any certificate of compliance for any of the proposed NTEH (Small Houses) to the satisfaction of the Director of Planning or of the TPB;
- (g) the submission of emergency vehicular access, fire hydrant and fire services installations proposal to the satisfaction of the Director of Fire Services or of the TPB;
- (h) in relation to (g) above, the provision of emergency vehicular access, fire hydrant and fire services installations to the satisfaction of the Director of Fire Services or of the TPB;
- (i) if any of the above planning conditions (a), (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; and
- (j) if any of the above planning conditions (b), (c) or (d) 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.

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

- (a) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the lots within the site were agricultural lots held under Block Government Lease. No structures were allowed to be erected on the lots

without prior approval from his Office pursuant to the lease restriction. The proposed run-in/out was on government land. A piece of government land between Ha Chuk Yuen Road and Lot 4142 RP in D.D. 104 should be the location of the proposed run-in/out as shown on the emergency vehicular access (EVA) proposal. According to his site inspection on 16.8.2010, no occupation of the concerned land was found. The 18 Small House applications on the subject lots were still under processing, and approval for implementation of the EVA proposal had yet been granted;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that in the drainage proposal, the applicants should substantiate with adequate calculations that the proposed development would not cause hindrance to the existing overland flow and would not increase the flood susceptibility to the adjacent areas. Also, the proposed development should not obstruct overland flow nor adversely affect any existing natural streams, village drains, ditch and the adjacent land. The submission should also justify if the existing drainage facilities had adequate capacity to accommodate the drainage generated by the proposed development. Besides, the applicants were required to submit the drainage proposal to demonstrate that the proposed land filling works up to the approved level would not increase the flooding risk to the adjacent areas. The proposed flood mitigation measures could be implemented prior to any pond filling activities around the periphery of the site. In the drainage proposal, the flood mitigation measures should be clearly delineated from the internal drainage of the proposed development. The Director of Environmental Protection (DEP) should be consulted on the sewage treatment/disposal aspects of the development. Moreover, the applicants should refer to the 'Technical Note to Prepare Drainage Submission' and 'Advice Note No. 1 – Application of the Drainage Impact Assessment Process to Private Sector Projects' which were published by DSD;
- (c) to note the comments of the DEP that the proposed land and pond filling as well as NTEH development did not constitute Designated Project under the

Environmental Impact Assessment (EIA) Ordinance such that no statutory EIA process was required. No contaminated soil and waste, including construction and demolition materials, should be used to fill the site. In addition, the prevailing pollution control ordinances/regulations should be followed when conducting filling activities. Regarding the public concerns on potential dust and noise impacts arising from the construction works of the proposed land and pond filling, the relevant requirements of all environmental protection ordinances/regulations should be observed and followed when carrying out the construction works. To minimize the potential impacts during the construction phase, the applicants should observe the appropriate and relevant mitigation measures/practices set out in the relevant guidance notes;

- (d) to note the comments of the Commissioner for Transport that detailed design at the junctions of the run-in, including road markings between the vehicular access and the public road, should be submitted for his department's comments;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office was not/should not be responsible for the maintenance of any existing or proposed vehicular access or run-in/out connecting the application site and Ha Chuk Yuen Road;
- (f) to note the comments of the Director of Fire Services that EVA, fire hydrant and fire service installations would be required in accordance with the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by the Lands Department. Detailed fire safety requirements on EVA, fire hydrant and fire service installations would be formulated upon the receipt of formal application referred by the DLO/YL;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The

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

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that should there be any works that do not fulfill the exemption criteria as set out in the Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) APP-56, such works should be submitted through an Authorized Person to his department for approval; and
- (i) to note the comments of the Director of Food and Environmental Hygiene that the proposed land and pond filling works would not constitute sanitary nuisance or pest problem provided that appropriate precautionary measures were undertaken by the applicants.

Agenda Item 23

Section 16 Application

[Open Meeting]

A/TM/405

Proposed Columbarium in "Green Belt" zone,
G/F and 1/F, Lot 559 in D.D. 131 within Tsing Wan Kun, Tuen Mun
(RNTPC Paper No. A/TM/405)

66. The Committee noted that the applicant requested on 21.2.2011 for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information and responses to address the outstanding departmental comments on the application.

67. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee

for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 24

Section 16 Application

[Open Meeting]

A/TSW/49 Proposed Comprehensive Residential and Commercial Development (Known as “Integrated Elderly Community Project”) with Flat (Elderly Accommodation), Hotel, Shop and Services, Eating Place, Residential Institution, Public Clinic, Training Centre, Educational Institution, School, Private Club and Place of Recreation, Sports or Culture in “Comprehensive Development Area” zone and an area shown as ‘Road’, Government Land in Tin Shui Wai Area 115
(RNTPC Paper No. A/TSW/49)

68. The Secretary reported that the application was submitted by Hong Kong Housing Society (HKHS) and the following Members had declared interests on this item:

- | | |
|---|--|
| Mr. Jimmy C.F. Leung
as the Director of Planning | - being a member of the Supervisory Board of HKHS; |
| Mr. Simon K.M. Yu
as the Assistant Director of
Lands Department | - being an alternate member for the Director of Lands who was a member of the Supervisory Board of HKHS; |
| Mr. Walter K.L. Chan | - being a member of the Executive Committee of HKHS; |
| Mr. B.W. Chan | - being a member of the Supervisory Board of HKHS; and |
| Messrs. Y.K. Cheng and
Timothy K.W. Ma | - being members of HKHS. |

69. The Secretary also reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Environ Hong Kong Limited, one of the consultants of the application.

70. The Committee noted that Mr. B.W. Chan and Ms. Anna S.Y. Kwong had tendered apologies for not attending the meeting. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that the Chairman, the Vice-chairman, Messrs. Simon K.M. Yu, Y.K. Cheng and Timothy K.W. Ma could be allowed to stay at the meeting.

71. The Committee noted that the applicant's representative requested on 9.2.2011 for a deferment of the consideration of the application for a further period of two months since the applicant was still in active discussion with the Planning Department with regard to the revisions to the proposed development to address the 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 further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/712 Temporary Open Storage of Excavators with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 1941 S.B RP (Part), 1942 S.B RP (Part), 1943 (Part), 1944 S.B RP (Part), 1945 (Part), 1949 (Part), 1950 (Part), 1951 S.B ss.3 (Part), 1952 S.A RP (Part) and 1953 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/712)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of excavators with ancillary workshop for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the access road (Ping Ha Road) and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:

- (i) the applied use was not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone, which were predominantly open storage yards. There was no known development for the site. The applied use was also of a similar temporary nature to other adjoining temporary open storage uses within the same “U” zone, and would not frustrate any long-term permanent development within the zone;
- (ii) the application was in line with the Town Planning Board Guidelines No. 13E in that the concerns of Environmental Protection Department could be addressed by way of approval conditions, and there was no adverse comment from other concerned government departments. The technical concerns regarding the submission and implementation of run-in/out proposal, landscape and tree preservation proposal and fire service installations proposal could also be addressed by approval conditions;
- (iii) although DEP did not support the application, there was no environmental complaint received against the site in the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours were recommended;
- (iv) the Committee had approved five previous applications (No. A/YL-HT/7, 51, 251, 315 and 521) for similar temporary open storage uses since 1996. Since the granting of these approvals, there had been no material change in the planning circumstances. As compared to the last approved application No. A/YL-HT/521, the current application involved ancillary workshop. In this regard, the TPB/Committee had recently approved similar workshop uses under Applications No. A/YL-HT/608, 626, 662, 666, 679, 683, 703 and 706 within the same “U” zone. Noting that the site was at least 80m away from the residential dwellings in Ha Tsuen Shi, there was no environmental complaint against the site in the past three years, and the applicant clarified that the ancillary workshop was intended to provide simple inspection service before the excavators were

transported out of the site, the ancillary workshop use under application could be tolerated; and

- (v) due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications (No. A/YL-HT/608, 609, 626, 632, 662, 666, 679, 683, 700, 703 and 706) for various temporary open storage and port back-up uses within the same “U” zone. As the site was in close proximity to these similar applications, approval of the subject application was in line with the Committee’s previous decisions.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 8:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle/material was allowed to be parked/stored within 1m of any tree, as proposed by the applicant, during the planning approval period;
- (d) the existing drainage facilities implemented under the previous approved application No. A/YL-HT/521 should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities

within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2011;

- (f) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.9.2011;
- (g) in relation to (f) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.12.2011;
- (h) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2011;
- (i) in relation to (h) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.12.2011;
- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2011;
- (k) in relation to (j) above, the implementation of fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.12.2011;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should

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

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the site comprised Old Schedule agricultural lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the government. His office would take enforcement action against any irregularities in breach of Short Term Waivers (STWs) No. 3229 and 3231. The applicant should apply to his office for STW and/or modification of the said STWs to permit structures to be erected or regularize any irregularities on-site, as well as for Short Term Tenancy to regularize the unauthorized occupation of government land involved. Such applications would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including the payment of premium/fees, as might be imposed by LandsD. His office did not guarantee the right-of-way of the site's access via other private land to Ping Ha Road;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize the possible environmental impacts on the nearby sensitive receivers;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out at the access point at Ping Ha Road should be constructed in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114 or H5133, H5134 and H5135, whichever set was appropriate to match with the existing pavement. Adequate drainage measures should be provided to prevent surface runoff flowing from the site to the nearby public roads/drains;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the two existing trees which were affected by disease should be replaced; the proposed trees should be planted at 3m spacing; and the height of the proposed trees should be at least 2.75m;
- (g) to note the comments of the Director of Fire Services that portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on the plans for open storages, open sheds or enclosed structures with a total floor area of less than 230m² with access for emergency vehicles to reach 30m travelling distance to the structures. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) were to be installed should also be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as acceptance of the unauthorized structures on the site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require. Existing structures without approval under the BO should be removed.

The converted containers for storage and site office were considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including temporary structures. 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 was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-NTM/259 Temporary War Game Playground for a Period of 3 Years
in “Residential (Group C)” zone,
Lot 1500 in D.D. 105, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/259)

77. The Committee noted that the applicant requested on 17.2.2011 for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information for the detailed conceptual planning.

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/260 Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshops and Staff Canteen for a Period of 3 Years in “Open Storage” zone,
Lot 647 RP (Part) in D.D. 99, Lots 2971 RP (Part), 2972 (Part), 2975 (Part), 2976, 2977, 2978 RP, 2979, 2980, 2981 RP, 2982 RP, 2983 RP (Part), 2986 RP, 2987 RP (Part) and 2988 RP in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/260)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary lorry and container tractor/trailer park with ancillary workshops and staff canteen for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. The Chief Engineer/Railway Development 1-1, Railway Development Office, Highways Department advised that the site was directly located within the administrative protection boundary of Northern Link. Approval of the application should be subject to the condition that the applicant should vacate the site at the time of railway development upon request and at no cost to the Government;
- (d) during the statutory publication period, two public comments were received

raising objection to the application on the grounds that the application site was located near the entrance of Ki Lun Tsuen and the operation of the vehicle park had caused airborne dust, worsened the nearby air quality and affected the health of residents. Its mid-night operation also caused noise problem and affected the tranquil environment. Moreover, the parking site had induced large volume of vehicle flow and had caused traffic congestion at Kwu Tung Road and queuing of vehicles. It posed danger to villagers, particularly school children, when they crossed the road; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the temporary lorry and container tractor/trailer park with ancillary workshops and staff canteen were in line with the planning intention of the “Open Storage” (“OS”) zone which was intended primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. Also, the applied use was not incompatible with the surrounding uses which comprised vehicle repair workshops, open storage yards of containers, warehouses and vehicle parks;
 - (ii) the development was in line with the Town Planning Board Guidelines No. 13E in that the technical concerns of departments on landscape, drainage and fire safety aspects could be addressed by relevant approval conditions. To address DEP's concerns and to mitigate potential environmental impacts, approval conditions on restricting the operation hours and the types of activity on-site were recommended;
 - (iii) the Committee had recently approved similar applications (No. A/YL-NTM/248, 253, 257 and 258) for temporary public vehicle park and/or container tractor/trailer park within the same “OS” zone. Approval of the subject application was in line with the Committee's

previous decisions;

- (iv) although the previous application No. A/YL-NTM/247 was revoked due to non-compliance with the approval conditions related to fire service installations (FSIs), the applicant had demonstrated his willingness to comply with the conditions by including a FSIs proposal in the current application. However, in view of the previous revocation, shorter compliance periods were recommended to monitor the progress on compliance should the Committee decide to approve the application. It was also recommended to advise the applicant that should he fail to comply with approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application; and
- (v) regarding the public comments objecting to the application mainly on environmental, traffic and road safety grounds, relevant approval conditions had been recommended and the applicant would be advised to mitigate the potential environmental impacts in accordance with the Code of Practice issued by the DEP. In addition, the Transport Department had no objection to the application.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) vacation of the site at the time of the Northern Link railway development;
- (b) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) in addition to (b) above, no operation between 7:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 11:00 p.m. on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the existing trees on the site should be preserved and maintained at all times during the planning approval period;
- (e) the implementation of the compensatory planting within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2011;
- (f) the submission of an as-built drainage plan for reviewing within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2011;
- (g) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2011;
- (h) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2011;
- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2011;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were given to monitor the progress of compliance of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease, upon which no structures were allowed to be erected without his prior approval. About 520m² of government land (GL) had been included in the site for which no permission had been given for its occupation by his office. Enforcement action would be taken by his office against unauthorized occupation of GL. Moreover, the site was accessible to Kwu Tung Road via a short stretch of GL which fell within the resumption limit of PWP Item No. 777TH (Improvement to San Tin Interchange). His office did not provide maintenance works for this GL or guarantees the right-of-way. The lot owner should apply to his office to permit structure to be erected or to regularize any irregularities on site. The occupier should also apply to his office for the occupation of GL. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed

by the Lands Department;

- (e) to note the comments of the Commissioner for Transport that the site was connected to Kwu Tung Road via a short section of local access road, which was not managed by his department. The land status of this local access road should be checked with the lands authority, and the management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any vehicular access connecting the application site and Kwu Tung Road;
- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection (DEP) to minimize potential environmental impacts on the surrounding areas;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage maintained by his office was currently available for connection. For sewage disposal and treatment, DEP's agreement should be obtained. Moreover, the site was in an area where no stormwater drainage maintained by his office was currently available for connection. The area was probably served by some of the existing local village drains, which might be maintained by the District Office (Yuen Long). The applicant should approach the District Office if more information about these drains was required. If the proposed discharge point was to these drains, comments should be sought from the relevant departments on the proposal. In addition, the applicant was required to ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. Existing drainage outlets from adjacent existing buildings should not be disturbed and blocked. The

applicant should not block, disturb nor adversely affect all the existing drains, ditches, natural streams and the adjacent areas at all times. The applicant should also note other comments as detailed in Appendix V of the Paper;

- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that, as some of the existing landscape trees were damaged by the vehicles, the concrete barrier should be further set back to avoid further damage to the trees on site;
- (j) to note the comments of the Director of Fire Services that should the applicant wish to apply for exemption from the provision of certain fire service installations, justifications should be provided to his department for consideration;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that existing unauthorized building works/structures should be removed. Temporary buildings were subject to control under Building (Planning) Regulations (B(P)R) Part VII. The provision of emergency vehicular access was applicable under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3), and the accessibility of the site under B(P)R 5 should be considered at the building plan submission stage. Formal submission under the Buildings Ordinance (BO) was required for any proposed new works, including temporary structures. The granting of the planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect removal of all unauthorized works in the future;
- (l) to note the comments of the Director of Food and Environmental Hygiene that a proper food licence issued by his department was necessary or the staff canteen needed to be registered by his department if any food handling or any class of food business was to be conducted in the premises; and

- (m) 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:
- (i) for application site within the preferred working corridor of high voltage overhead lines at transmission 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;
 - (ii) prior to establishing any structure within the site, the applicant and/or the contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) 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 electrify supply lines.

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

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/353 Renewal of Planning Approval for Temporary ‘Open Storage of Motorcycles for Sale’ Use under Application No. A/YL-KTN/342 for a Period of 12 Months
in “Other Specified Uses” annotated “Railway Reserve” zone,
Lots 433 S.B (Part), 433 S.C (Part), 1736 S.C and 1738 (Part)
in D.D. 107 and Adjoining Government Land,
San Tam Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/353)

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 renewal of planning approval for temporary ‘open storage of motorcycles for sale’ use under Application No. A/YL-KTN/342, which would lapse on 5.3.2011, for a period of 12 months;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (residential structures) located to the north, east and south of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use under the application could be tolerated for a further period of 12 months based on the assessments set out in paragraph 12 of the Paper which were summarised below:

- (i) the renewal application was in line with the Town Planning Board Guidelines No. 13E and 34B in that similar previous approvals had been granted and the conditions in relation to drainage and fire safety aspects under the previous approval (Application No. A/YL-KTN/342) had been complied with. No adverse comment on the current application was received from relevant government departments except DEP. There had been no major change in the planning circumstances since the granting of the previous approval;
- (ii) the applied use was not incompatible with the surrounding land uses which comprised a mixture of open storage/ storage yards, a vehicle repair workshop, parking lots, a warehouse, scattered residential structures, a food processing factory, agricultural land and vacant/unused land. While the “Other Specified Uses” annotated “Railway Reserve” (“OU(Railway Reserve)”) zone was primarily intended for reservation of land for railway development, the Railway Development Office of Highways Department had no adverse comment on the application from the Northern Link (NOL) project view point. As the exact alignment and development programme of the NOL had yet to be finalized, temporary approval would not jeopardize the long-term planning intention of the “OU(Railway Reserve)” zone; and
- (iii) while DEP did not support the application because there were sensitive receivers (residential structures) in the vicinity of the site, it was noted that the residential structures were separated from the site by pieces of vacant/agricultural land, a parking lot and an open storage yard, of which the latter one was covered by planning permission under Application No. A/YL-KTN/327. Moreover, no local objection was received during the statutory publication period of the application and no environmental complaint had been

received by DEP in the past three years. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles as well as prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities 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 12 months from 6.3.2011 to 5.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container vehicles, as defined in the Road Traffic Ordinance were allowed to enter/exit the site at any time during the planning approval period;
- (e) the existing boundary fencing should be maintained at all times during the planning approval period;

- (f) the existing landscape plantings on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under Application No. A/YL-KTN/342 should be maintained at all times during the planning approval period;
- (h) the submission of the record of existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.6.2011;
- (i) the submission of fire service installations proposal within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.6.2011;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the shorter compliance periods corresponded to the 12-month approval period;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Schedule Agricultural Lots held under the Block Government Lease. No structures were allowed to be erected within the application site without the prior approval of his office. No approval had been given for the specified structures of two-storey converted containers for office and storage use as well as the occupation of government land (GL) within the site. The site was accessible to San Tam Road via a short distance of open GL and private land without maintenance works to be carried out thereon by LandsD. Should the application be approved, LandsD would proceed with the processing of the earlier submitted Short Term Waiver/Tenancy application from the lot owner and the occupier to regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by LandsD;
- (c) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any possible 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, and 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 San Tam Road;

- (f) 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 and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. 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;
- (g) 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. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. In formulating the FSIs proposal for the open storage site, the applicant should observe that for (i) open storage of non-combustibles; or (ii) enclosed structure (e.g. converted container used as office and storage) with total floor area less than 230m² without access for emergency vehicles to reach 30m travelling distance to the structure, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on the plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West,

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/354 Temporary Private Vehicle Park (Light Goods Vehicle)
for a Period of 3 Years in “Agriculture” zone,
Lots 381 RP (Part), 382 RP (Part) and 412 RP (Part) in D.D. 110,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/354)

Presentation and Question Sessions

87. 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 private vehicle park (light goods vehicle) for a period of three years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the potential of the site for agricultural rehabilitation was high. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application. The site had changed

from a grassy field during the first application to the current hard-paved open ground under the current application, and all vegetation on the site had been removed. The activities associated with the open storage uses had already adversely affected the rural character of the area abutting the “Open Storage” (“OS”) zone. If the application was approved, it would further encourage similar uses encroaching onto the predominantly rural area in the west and further deteriorate the landscape quality. Besides, the landscape tree planting (48 numbers of *Ficus microcarpa*) implemented under the previous approval were either dead or severely damaged;

- (d) during the statutory publication period, two public comments were received from the Hong Kong Bird Watching Society and Designing Hong Kong Limited raising objection to the application mainly on the grounds that the development was not in line with the planning intention and would cause further deterioration of the quality of agricultural land; it would cause adverse environmental, landscape, traffic and drainage impacts; the existing tree planting within the site was not satisfactory and the applicant had not suggested any measures to improve the current landscape scheme; there were adequate parking facilities and similar land uses had already existed in the area; a holistic approach was required regarding the availability of parking spaces; an over-provision of parking spaces would reduce the cost of using cars and promote car ownership, which was against the stated transport policy. If the application was approved, a condition should be imposed requiring quality landscaping and well-designed interface with the public domain including the setback of fences and green buffer to mitigate the blight; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the development was a private vehicle park for the parking of light goods vehicles for the operation of a transportation business. It

was considered not incompatible with the surrounding uses which were characterized by open storage/storage yards, vehicle repair workshops, parking lots, warehouses, a factory, scattered residential structures, a plant nursery, an orchard and vacant/unused land. Although the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application, it was considered that the temporary nature of the development would not jeopardize future rehabilitation of the site for agricultural purposes and the long-term planning intention. Besides, the site was situated away from the plant nursery and agriculture-related use located to the further west. There was also a large piece of land zoned “OS” and “Industrial (Group D)” abutting the eastern part of the “AGR” zone which was occupied by open storage/port back-up uses;

- (ii) regarding the concern on the adverse cumulative landscape impacts arising from the approval of similar developments in future, it was noted that the site and its adjoining area had been paved for various open storage or similar uses. A similar application (No. A/YL-KTN/340) for temporary private vehicle park for light goods vehicles located to the northeast of the site was recently approved with conditions by the Committee on 29.1.2010 for a period of three years. The landscape concern could be addressed by imposing relevant approval conditions. To minimize possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles as well as prohibiting vehicle dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities were also recommended;
- (iii) although the previous application (No. A/YL-KTN/339) was revoked due to non-compliance with approval conditions related to fencing, landscape, drainage and fire safety aspects, the current application was submitted by a different applicant for a different use. The applicant indicated that the landscape, drainage and FSIs works had been completed on the site; and

- (iv) regarding the two public comments raising objection to the application on the grounds of planning intention as well as adverse impacts on environmental, landscape, traffic and drainage aspects, it was noted that the temporary nature of the development would not jeopardize future rehabilitation of the site for agricultural purposes and the long-term planning intention; appropriate approval conditions had been recommended to address the environmental, drainage and landscape concerns; and the Transport Department had no adverse comment on the application.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays, 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 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;
- (d) 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;

- (e) 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;
- (f) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2011;
- (g) 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 4.9.2011;
- (h) in relation to (g) 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 4.12.2011;
- (i) the implementation of the accepted 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 4.9.2011;
- (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 4.9.2011;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.12.2011;
- (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) the permission was given to the use under application. It did not condone any other uses, including the parking of goods vehicles exceeding 5.5 tonnes/container vehicles, which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owners of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprised Old Schedule Agricultural Lots held under the Block Government Lease. No structures were allowed to be erected within the site without prior approval of his office, and no approval had been given for the security station, staff restrooms and shelters for toilets, parking spaces, offices and staff restrooms on site. The site was accessible to Kam Tai Road via a track on other private land, government land allocated to the Highways Department (HyD) (No. GLA-TYL 1296) and government land (GL). LandsD did not provide any maintenance work for the GL or guarantee right-of-way. Since part of the site fell within the Express Rail Link (XRL) protection boundary, the development should not affect the operation of the Mass

Transit Railway. Should the application be approved, the lot owner would still need to apply to LandsD to permit structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by LandsD;

- (e) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) 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, and the management and maintenance responsibility of the same road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, HyD that his department was not/should not be responsible for the maintenance of the section of Kam Tai Road on the northern side of Kam Tin River nor the existing vehicular access connecting the application site and Kam Tai Road. Since the site was located adjacent to the project limit of XRL, the applicant should liaise with the Railway Development Office (RDO) of HyD on the interface issue of the proposed works and the XRL project;
- (h) to note the comments of the Chief Engineer/Railway Development 2-3, RDO, HyD that the application site was located in close proximity to the gazettal scheme boundary of the XRL and would fall within the administration route protection boundary of XRL. The vertical and horizontal pressure change on any site activities of XRL due to the works conducted within the application site should not exceed 20kPa. Besides, a total movement in any XRL structures due to the works conducted within

the application site should not exceed 20mm;

- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that DLO/YL or relevant lot owners should be consulted as regards all the proposed drainage works to be carried out outside the lot boundary or the applicant's jurisdiction. Besides, the development should not obstruct the overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas;
- (j) 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. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating the FSIs proposal for the development, the applicant should note that for (i) carpark; or (ii) open storages, open sheds or enclosed structures with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to the structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on the plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration;
- (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 and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. 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;

- (l) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's satisfaction; and

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/526 Proposed Temporary Barbecue Spot for a Period of 3 Years
in "Agriculture" zone,
Lot 1159 RP in D.D. 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/526)

Presentation and Question Sessions

91. 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 barbecue spot for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) considered that it was environmentally undesirable for the proposed development to be placed at the application site as the use of barbecue stoves, human chatting, shouting and probably the use of audio amplification systems were very likely to cause environmental nuisance to the nearby sensitive receivers (residential dwellings) to the immediate south and southwest of the site. The Commissioner for Transport (C for T) advised that Kam Shui South Road was a single track access road. The operation of a barbecue spot along the road might attract illegal roadside parking, which was highly undesirable from the traffic point of view. The Commissioner of Police (C of P) did not support the application as the site was located too close to human inhabitants. The noise generated during the operation hours of the proposed barbecue spot would appear as nuisance to the local residents. Besides, since there was no provision of parking facility nearby, illegal parking arising from the proposed development would certainly cause obstruction to Kam Shui South Road which would affect emergency services;
- (d) during the statutory publication period, a total of 74 public comments were received from three Yuen Long District Council members, 63 residents of Seasons Palace, the Incorporated Owners of Seasons Palace, the representative of the indigenous villagers of Shui Tsan Tin Tsuen, the Hong Kong Bird Watching Society, Hong Kong Organic Resource Centre, Designing Hong Kong Limited and three members of the public. All the commenters raised objection to the application, except Hong Kong Organic Resource Centre who expressed concerns on the application. The reasons

of objection/concerns were summarised below:

- (i) the proposed development was not in line with the planning intention. It was incompatible with the surrounding land uses and would deteriorate the land quality for agricultural use for conservation of birds and the nearby organic farm. It was not a temporary establishment and would convert the site into a large-scale commercial cooked food operation. Approval of the application would circumvent the strict and comprehensive fire, safety and health regulations of the Government, and would set a bad precedent;
- (ii) the proposed development was not necessary as there were already a barbecue site and a barbecue restaurant at Kam Sheung Road near Seasons Palace. These barbecue facilities had already caused illegal parking problem in the area. The residents of Seasons Palace could also carry out barbecue activities at the roofs or gardens of their own houses;
- (iii) the proposed development was located very close to residential dwellings/development and would affect the tranquil environment of the area. It would generate noise, smoke/air pollution, dust and bad smell, as well as adverse drainage, landscape and traffic impacts (or traffic accidents/congestion). It would also cause fire risk, hygiene, health or cancer risk (due to burning of charcoal), water quality, security and safety problems and affect the property value of Seasons Palace. The site could be used for open space for children or the elderly or library for the community; and
- (iv) two previous applications had been rejected due to concerns on road access, mitigation tree planting and potential disturbance to the nearby residents. These problems were not addressed in the current application; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper

which were summarised below:

- (i) the proposed privately owned and/or commercially operated barbecue spot was not in line with the planning intention of the “Agriculture” (“AGR”) zone. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (ii) the proposed development, which would attract visitors and group activities, was considered incompatible with the tranquil character of the adjacent low-rise residential development, namely Seasons Palace, which would be susceptible to potential adverse environmental nuisances generated by the proposed development. In this regard, DEP considered the proposed development environmentally undesirable. C of P also did not support the application as it would generate nuisance on the local residents nearby;
- (iii) according to the applicant, visitors could access the proposed development via the adjoining Lots 1160 RP and 1161 RP in D.D. 106 which were owned by the applicant, and the existing footpath connecting the southern boundary of the site to Kam Sheung Road. No proper vehicular access would be available for the proposed development, and no parking space or loading/unloading bay would be provided within the site. As the proposed development was located in a rural area, it was reasonable to expect that many users of the facility would come by private car or coach. The proposed development would therefore likely generate adverse traffic impact on the nearby roads in the absence of proper vehicular access, parking spaces and loading/unloading arrangement. Since Kam Shui South Road was a single track access road, C for T considered the proposed development highly undesirable from the traffic point of view. C of P also raised concern about the potential illegal parking which would obstruct Kam Shui South Road thereby affecting emergency services. In this regard, the applicant failed to

demonstrate that the proposed development would not generate adverse environmental and traffic impacts on the surrounding areas; and

- (iv) no similar application had been approved in the same “AGR” zone. Approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

92. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development, which would attract visitors and group activities, was incompatible with the tranquil character of the adjacent low-rise residential development;
- (c) the applicant failed to demonstrate in the submission that the development would not generate adverse environmental and traffic impacts on the surrounding areas and there were adverse departmental comments; and

- (d) approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/527 Temporary Open Storage of Forklifts for a Period of 3 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 606 RP (Part), 609 RP (Part) and 610 (Part) in D.D. 106 and
Adjoining Government Land, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/527)

Presentation and Question Sessions

94. 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 forklifts for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (residential structures) located to the immediate north, northwest and southwest and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
- (i) the proposed development was considered not incompatible with the surrounding land uses which were mixed with open storage yards, workshops, warehouses and scattered residential structures. Similar applications (No. A/YL-KTS/493, 501 and 503) located to the immediate west and the south of the site within the same “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone had recently been approved by the Committee. As there was no known development programme for the “OU(RU)” site, a temporary planning permission would not frustrate the long-term planning intention of the subject “OU” zone;
 - (ii) the application was in line with the Town Planning Board Guidelines No. 13E in that the site was the subject of previous planning approvals for the same use since 1996, and no adverse comment on the current application were received from relevant government departments except DEP. There was no major change in the planning circumstances since the granting of the previous planning approval;
 - (iii) while DEP did not support the application, no local objection was received during the statutory publication period of the application and no environmental complaint was received by DEP in the past three years. Besides, the workshop within the development, which could be a potential source of nuisance, was of a minor scale and had been in operation since the granting of the previous approvals. To address DEP's concern on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours were recommended; and
 - (iv) although the last application (No. A/YL-KTS/418) was revoked due

to non-compliance with approval condition related to the provision of emergency vehicular access (EVA), water supply for fire-fighting and FSIs, the applicant had made efforts and complied with the other approval condition on the submission of proposals for EVA, water supply for fire-fighting and FSIs. In view of the revocation of the last planning approval, shorter compliance periods were recommended to monitor the progress of compliance. It was also recommended to advise the applicant that should he fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

95. Members had no question on the application.

Deliberation Session

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) all landscape plantings within the application site should be maintained at all times during the planning approval period;
- (d) the drainage facilities within the application site should be maintained at all times during the planning approval period;

- (e) the submission of the record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2011;
- (f) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2011;
- (g) in relation to (f) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2011;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (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.

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

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

Committee to any further application;

- (c) to resolve any land issues relating to the development with the concerned owners of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Schedule Agricultural Lots held under Block Government Lease. No structure was allowed to be erected without his prior approval, and no approval had been given for the parking spaces, storage area, warehouses, workshops, offices and toilet as well as the occupation of government land (GL) within the site. The site was accessible to Kam Sheung Road via private land. LandsD did not guarantee the right-of-way. Should the application be approved, the lot owner would still need to apply to LandsD to permit any structure to be erected or regularize any irregularities on the site. The occupier was also required to apply to LandsD for the occupation of GL. 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 the payment of premium or fee, as might be imposed by LandsD;
- (e) to adopt environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Commissioner for Transport that the land status of the road leading to the main entrance of the site should be checked with the lands authority, and the management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be

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

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the drainage facilities should be maintained in good condition. Besides, the development should not generate adverse drainage impact on the adjacent areas;
- (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. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; 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:
 - (i) for the 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;

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/278 Proposed Religious Institution (Taoism Retreat House)
in “Agriculture” zone,
Lot 2138 in D.D. 116, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/278)

Presentation and Question Sessions

98. 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 religious institution (Taoism retreat house) – a structure with a total floor area of about 107.22m² (plot ratio of about 0.67 and site

coverage of about 67.4%) and one-storey in height (about 6m) would be erected on the site. The structure would provide an office and library (about 26.22m²) as well as a classroom and prayer room (about 81m²), which was anticipated to be completed by mid-June 2013. The operation hours of the retreat house were between 9:00 a.m. and 6:00 p.m. daily. Gatherings would be held on the first day and the fifteenth day of each lunar month, with about 20 attendees;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site was considered suitable for agricultural rehabilitation in terms of green house cultivation and nursery;
- (d) during the statutory publication period, 24 public comments were received. A total of 23 public comments from the general public supported the application as the proposed taoism retreat house would provide a place for gathering and spreading the Chinese Taoist learning and culture. The remaining public comment from Designing Hong Kong Limited objected to the application on the grounds that the proposed development was not in line with the planning intention of the area. However, it was noted that the commenter had mistaken the zoning of the site, which should be “Agriculture” (“AGR”) zone instead of “Green Belt” zone; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed religious institution (taoism retreat house) could be tolerated for a period of five years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the proposed taoism retreat house was located in an area intermixed with residential dwellings, vacant and fallow agricultural land, storage yards and workshop. Scattered residential dwellings/ temporary structures were found to its north, west and south with a mixture of storage yards. Although the proposed use was considered not incompatible with the surrounding land uses, DAFC

did not support the application from the agricultural point of view. Besides, approval of the application might set a precedent for other similar developments in the area causing further loss of agricultural land. To address these concerns, a temporary instead of permanent approval was recommended to monitor the situations of the site and the surrounding areas, and this would not frustrate the long-term planning intention of the “AGR” zone;

- (ii) the proposed taoism retreat house with a total floor area of only 107.22m² and one storey in height was considered minor in scale and form. The scale of the proposed development was considered compatible with the surrounding rural environment. In this regard, significant adverse landscape impact arising from the proposed use was not anticipated. The Director of Environmental Protection (DEP) was of the view that for a properly managed religious institution, there was limited potential for adverse environmental impacts on the surroundings. Other concerned departments including the Transport Department, Highways Department, Drainage Services Department and Fire Services Department had no comment on/objection to the application. To avoid affecting the existing trees along the site boundary, approval conditions requiring the submission and implementation of tree preservation and landscape proposals were recommended. As regards technical concerns on the drainage and water supplies for fire-fighting and fire service installations aspects, relevant conditions would be imposed; and
- (iii) since the applicant indicated that it would take more than two years to complete the proposed development, it was therefore recommended that temporary approval for a period of five years would be more appropriate and reasonable should the Committee approve the application.

99. In reply to a Member’s question, Mr. Kepler S.Y. Yuen said that according to the layout plan submitted by the applicant, there was no columbarium use in the proposed

development. As the application did not include such a use, the provision of columbarium in the proposed development would constitute a deviation from the permitted uses if the current application was approved by the Committee, and appropriate enforcement action would be taken by the Planning Authority.

100. Two Members had reservation on the application as there were no details on the nature of activities to be carried out at the proposed development. They were concerned about the possible noise nuisance from the Taoism activities related to worshipping and festivals. In response to a Member's enquiry, Mr. Kepler S.Y. Yuen said that the applicant had not submitted detailed information on the built form and building materials of the proposed Taoism retreat house. He said that DEP had no objection to the application as a properly managed religious institution would not generate adverse environmental impacts on the surroundings. In response to a Member's query on whether the applicant applied for a temporary approval, Mr. Kepler S.Y. Yuen clarified that the applicant had applied for a permanent retreat house. However, in view of the "AGR" zoning for the site and DAFC's objection to the application, PlanD recommended a temporary approval for five years so as to monitor the situation of the site and the surrounding area.

101. A Member asked for the reason of imposing an approval condition on the operation hours for the proposed Taoism retreat house, which was expected to be a quiet and resting place for religious purpose. Mr. Kepler S.Y. Yuen explained that the operation hours were proposed by the applicant.

Deliberation Session

102. Members had some discussions on the application and were generally of the view that the information submitted by the applicant was too sketchy. There were no details on the kind of operation/activities to be carried out at the proposed Taoism retreat house. A Member opined that if traditional Taoism worshipping activities would be held, the applicant should demonstrate that the proposed development would not generate environmental nuisances, particularly noise nuisance, on the surrounding areas. Another three Members pointed out that, to facilitate the Committee's consideration of the application, detailed information should also be provided on the built form and building materials to be used for the proposed development. In view of the above, Members agreed that the application

should be deferred pending the submission of further information from the applicant.

103. After further deliberation, the Committee decided to defer a decision on the application pending the submission of further information on the kind of operation/activities to be carried out at the proposed Taoism retreat house, the possible environmental impacts generated from such activities and the proposed mitigation measures, if any, and details on the built form and building materials to be used for the proposed development to be erected on the application site.

[Mr. Walter K.L. Chan left the meeting at this point.]

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/279 Temporary Ancillary Parking Spaces and Loading/Unloading Bays to Adjoining Warehouse for a Period of 3 Years in “Agriculture” zone, Lots 1349 RP, 1350 RP (Part) and 1351 (Part) in D.D. 118, Tai Shu Ha Road West, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/279)

Presentation and Question Sessions

104. 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 ancillary parking spaces and loading/unloading bays to adjoining warehouse for a period of three years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from

the landscape planning point of view. Although there were rural industrial developments in the vicinity of the site, most of them were located within the “Open Storage” (“OS”) zone while some were suspected unauthorized uses subject to enforcement action. Approval of the current application would set an undesirable precedent to similar uses encroaching onto the rural area that would further deteriorate the landscape quality;

- (d) two public comments were received during the statutory publication period. One comment from the Hong Kong Bird Watching Society (HKBWS) objected to the application because the proposed use was not consistent with the planning intention of the “Agriculture” (“AGR”) zoning. Approval of the application would set a bad precedent and encouraged future developments on agricultural land, hence ruined the rural environment. There were similar applications on the same site and in the vicinity (Applications No. A/YL-TT/95, 133 and 146) which had been rejected upon review by the Town Planning Board (the Board). The Board had stated a need to protect agricultural land in the area. The other comment from Designing Hong Kong Limited also objected to the application on the grounds that the applied use at the site was a blight to the environment; it was not in line with the planning intention of the area; and approval of the case would set a bad precedent and induce further degradation of the rural environment. If the application was approved, a condition should be imposed requiring quality landscaping and well-designed interface with the public domain, including the design of the perimeter with a set back of the fences and inclusion of a green buffer, to mitigate the blight; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the development was not in line with the planning intention of the “AGR” zone. Although DAFC had no strong view on the application because the site was concretely paved, it was noted from

the aerial photograph taken on 3.5.2010 that the site was a vegetated land previously and should have been paved only recently. Such an act of paving the site first and then applying for permission from the Board should not be tolerated. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (ii) the site was located amid a large “AGR” zone. Other than the open storage yards and warehouses located within the “OS” zoning to the north of the site, the area to its south was generally rural in character with fallow agricultural and vacant land. The development was incompatible with the surrounding areas in the “AGR” zone which was rural in character. There was reservation on the application from the landscape perspective. The approval of the current application would set an undesirable precedent to similar uses encroaching onto the rural area that would further deteriorate the landscape quality;
- (iii) general open storage/warehouse uses could be accommodated in areas zoned “OS”. There were two areas zoned “OS” on the Tai Tong Outline Zoning Plan to meet the demand for land for open storage/warehouse uses. There was no information in the submission as to why land on the other side of the existing warehouse within the “OS” zone was not available for the proposed ancillary parking spaces and loading/unloading bays; and
- (iv) no planning approval had so far been granted for similar applications for various temporary open storage/warehouse/workshop and the ancillary uses in the subject “AGR” zone. Approval of the application would set an undesirable precedent for other similar uses to proliferate into this zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

105. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” zone on the Outline Zoning Plan which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicants failed to demonstrate in the submission that the development would not cause adverse landscape impact on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate into the zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/520 Temporary Warehouse and Open Storage of Exhibition Materials
for a Period of 3 Years in “Undetermined” zone,
Lot 1263 (Part) in D.D. 119 and Adjoining Government Land,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/520)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse and open storage of exhibition materials for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate south and in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the development was not in conflict with the planning intention of the “Undetermined” zone which was intended to cater for the continuing demand for open storage which could not be accommodated in conventional godown premises. Besides, it was not incompatible with the surrounding areas which were mixed with warehouses, open storage yards and vehicle repair workshop. Since there was no known programme for permanent development, approval of the application on a temporary basis would not frustrate the long-term use of the area;
 - (ii) although DEP did not support the application, no environmental

complaint had been received in the past three years. Moreover, most of the exhibition materials were to be stored within an enclosed warehouse structure. The applicant proposed not to operate the site during night time between 11:00 p.m. and 7:00 a.m. and on Sundays and public holidays, and not to carry out repairing, dismantling, spraying, cleaning and workshop activities on the site. It was expected that the development would not generate significant environmental impact on the surrounding areas. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting workshop activities and restricting the use of medium and heavy goods vehicles were recommended. In particular, prohibition on night-time operation between 7:00 p.m. and 9:00 a.m. (which was the same as that imposed under Application No. A/YL-TYST/409 for the nearby site to the northwest), instead of between 11:00 p.m. and 7:00 a.m. as proposed by the applicant, was recommended in consideration of the close proximity of the site to the nearby residential structures and the "Village Type Development" and "Residential (Group C)" zones on the Outline Zoning Plan; and

- (iii) no adverse comment on the application were received from government departments consulted except DEP. Approval conditions had been recommended to address the technical concerns on landscape, drainage and fire safety aspects.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2014, 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 9:00 a.m. from Mondays to

Saturdays 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, dismantling, spraying, cleaning 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to enter/exit the application site at any time during the planning approval period;
- (e) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2011;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2011;
- (g) in relation to (f) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.12.2011;
- (h) the submission of water supplies for fire-fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2011;
- (i) in relation to (h) above, the implementation of water supplies for fire-fighting and fire service installations proposals within 9 months from

the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.12.2011;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the occupier of government land concerned still needed to apply to his office to regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on government land and other private land extended from Kung Um Road. His office did

not provide any maintenance works for this track nor guarantee right-of-way;

- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (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 practices should be adopted and necessary measures should be implemented to avoid causing disturbance to the nearby stream course;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that U-channels at the western side of the site should be provided to intercept runoff falling onto and passing through the site. The size of the proposed catchpits and the details of connection with the existing surface drain should be shown on the drainage plan. The applicant should check and demonstrate that the hydraulic capacity of the existing surface drains would not be adversely affected by the development. Catchpits should be provided at location where the surface channel changed direction. The location and details of the proposed peripheral fencing should be shown on the drainage plan. The flow paths of the surface

runoff from the adjacent areas should also be indicated on the drainage plan. Moreover, DLO/YL and relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or the applicant's jurisdiction;

- (i) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon the receipt of formal submission of general building plans and the referral from relevant licensing authority. The provision of emergency vehicular access in the site should comply with the standards as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under Building (Planning) Regulations 41D;
- (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 should be appointed to coordinate all building works. The granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/521 Proposed House (New Territories Exempted House – Small House)
in “Undetermined” zone,
Lot 1660 S.A in D.D. 121, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/521)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed 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 (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:

- (i) the application did not meet the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that the footprint of the proposed Small House fell entirely outside both the village ‘environs’ and the “Village Type Development” (“V”) zone of Shan Ha Tsuen. Although two existing Small Houses (viz. No. 617 and 618, Shan Ha Tsuen) had been built to the immediate west and east of the site, the Building Licences for these Small Houses were issued in 1975 and 1978 respectively long before the first publication in the Gazette of the notice of the draft Tong Yan San Tsuen Development Permission Area Plan No. DPA/YL-TYST/1 on 18.6.1993. There was no strong planning justification for allowing the proposed Small House to be built outside the “V” zone boundary, which contradicted the intention to concentrate Small House developments within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services;
- (ii) although there was a shortage of land in meeting the demand of Small House development in the subject “V” zone, there was still about 21.22 ha of land within the subject “V” zone, which was adequate to accommodate about 848 Small Houses. This could be used for meeting the outstanding 105 Small House applications and other Small House developments in the near future. There was no information in the submission to demonstrate why suitable sites within the “V” zone could not be made available for the proposed development; and
- (iii) there had not been any planning approval for the development of Small House in the same “Undetermined” (“U”) zone before. Approval of the application would set an undesirable precedent for other similar developments to proliferate into the “U” zone, thereby posing adverse impact on the infrastructure provision of the area.

112. Members had no question on the application.

Deliberation Session

113. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the footprint of the proposed Small House fell wholly outside both the village ‘environs’ of a recognized village and the “Village Type Development” (“V”) zone. Village house development should be sited close to the village proper to ensure orderly development and provision of facilities;
- (b) there was no information in the submission to demonstrate why suitable sites within areas zoned “V” 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 developments to proliferate into the “Undetermined” zone. The cumulative effect of approving such applications would have adverse impact on the infrastructure provision of the area.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/522 Proposed Temporary Florist Shop for a Period of 3 Years
in “Residential (Group B) 1” zone,
Lots 2508 RP (Part) and 2509 S.A (Part) in D.D. 124,
Hung Shun Road, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/522)

Presentation and Question Sessions

114. 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 florist shop for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the proposed temporary florist shop on a site of about 202m² by the side of a public road with only a converted-container structure to serve its business operation was of a relatively small scale. It was not incompatible with the surrounding environment which was predominantly a residential neighbourhood mixed with local shops, temporary structures, vehicle parks, workshops and warehouses, and would provide a convenient service to the local residents for purchasing flowers and gardening accessories. There were a number of similar local shops and service trades, such as restaurants, estate agencies and accessory stores, operating along Hung Shun Road and Tan Kwai Tsuen Road to its west. As there was no current programme for residential development at the site, the proposed florist shop on a temporary basis for three years would not

frustrate the planning intention of the subject “Residential (Group B) 1” zone;

- (ii) it was anticipated that the proposed florist shop would not generate adverse environmental impact on the surrounding areas. Relevant government departments had no adverse comment on the application including the Environmental Protection Department. The technical concerns of departments on tree preservation and landscape, drainage and fire service installations aspects could be addressed by relevant approval conditions; and
- (iii) although the previous approved application (No. A/YL-TYST/435) submitted by the same applicant was revoked due to non-compliance with approval conditions, the applicant explained that there was land dispute between himself and the occupier on Lot 2508 RP of the site and he was unable to carry out any activity within the site. The dispute had now been resolved. Nevertheless, it was recommended to impose shorter compliance periods for the current application to monitor the progress of compliance with the approval conditions. It was also recommended to advise the applicant that sympathetic consideration might not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (b) no vehicles, as proposed by the applicant, were allowed to enter/exit the application site at any time during the planning approval period;
- (c) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2011;
- (d) in relation to (c) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.9.2011;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2011;
- (f) in relation to (e) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.9.2011;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2011;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2011;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not

complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) shorter compliance periods were granted to monitor the progress on compliance with approval conditions;
- (b) sympathetic consideration might 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 other concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that a Modification of Tenancy (MOT) No. M18688 was granted to allow the erection of a car port on Lot 2509 S.A in D.D. 124. Change of the use of the site would cause a breach of the terms of the MOT. The lot owner should apply to his office to permit any structure to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by LandsD;
- (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, and 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 the applicant should be responsible for his own access arrangement. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains;
- (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 Town Planner/Urban Design and Landscape, Planning Department that the mature tree, *Macaranga tanarius* (血桐), on-site should be preserved in-situ and details of the tree preservation proposal should be provided for review. Besides, landscape planting along the perimeter of the site should be proposed for enhancing the greening and screening effect;
- (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. In formulating FSIs proposal for the proposed structure, the applicant should make reference to the requirements that, for open storage, open shed or enclosed structure with a total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to the structure, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on the plans. 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. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his

department for consideration;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including temporary structure, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. The use of container as office and store was considered as temporary structure and subject to control under B(P)R Part VII. The applicant should also note the requirements on provision of emergency vehicular access to all buildings under B(P)R 41D; 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/523 Proposed Temporary Public Vehicle Park for Private Cars
and Light Goods Vehicles for a Period of 3 Years
in “Residential (Group B) 1” zone,
Lot 2661 (Part) in D.D. 124 and Adjoining Government Land,
Tan Kwai Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/523)

Presentation and Question Sessions

118. 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 public vehicle park for private cars 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) during the statutory publication period, seven public comments were received from two Yuen Long District Council members, the Incorporated Owners of Meadowlands, the Hung Shui Kiu Community Concern Group, Designing Hong Kong Limited and two local residents. All the commenters objected to the application mainly on the grounds of environmental nuisance, increase of traffic flow, public security, fire hazard, and landscape and drainage impacts. They considered that there were already adequate parking spaces provided in the nearby residential developments and the problem of illegal on-street parking was not common; the proposed vehicle park would increase the number of vehicles using the

local access road which was poorly maintained and affect pedestrian safety; it would cause noise and air pollution, thereby affecting the health of the nearby residents; and burglars might make use of the height of the vehicles to step over the fence walls of the adjoining developments posing security threats; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The “Residential (Group B) 1” (“R(B)1”) zone was intended primarily for sub-urban medium-density residential developments in rural areas. Uses serving the residential neighbourhood might be permitted on application to the Town Planning Board. Although the applicant alleged that the proposed vehicle park was to serve the surrounding residential developments, no detailed information had been provided to substantiate whether there was a lack of parking spaces in the residential developments nearby. The locals indicated that there were adequate parking spaces provided in the locality and the problem of illegal on-street parking was not common. In this regard, it was questionable whether the proposed development would be required for meeting the local parking demand. The development, especially involving goods vehicles, was considered not in line with the planning intention of the “R(B)1” zone. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. Moreover, the site was located within an established medium-density residential area and amidst the residential blocks of Meadowlands. It was enclosed by the fence walls of Meadowlands on its northern and western sides. Being so close to the residential blocks (with the nearest one immediately adjoining the fence wall and the others at about 5m from the site), it was expected that the development would generate direct environmental nuisance on the nearby residents. Besides, the site was far from the public road of Tan Kwai Tsuen Road. As access from Tan Kwai Tsuen Road to the site had to pass by a number of houses and residential blocks along the unnamed linking road of about 270m in length, the development could generate environmental nuisance on the residents along

the access road. The proposed parking of light goods vehicles at the site would also attract outside vehicles to the residential area and the potential environmental and traffic impacts could be greater. The proposed public vehicle park at the site was therefore considered not compatible with the surrounding residential developments.

119. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group B) 1” zone which was primarily for sub-urban medium-density residential developments in rural areas. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the proposed development would generate environmental nuisance on the residential developments located in the immediate vicinity of the application site.

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

Agenda Item 38

Any Other Business

121. There being no other business, the meeting was closed at 5:00 p.m..