

TOWN PLANNING BOARD

**Minutes of 450th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 7.10.2011**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Dr. W.K. Lo

Ms. Anita W.T. Ma

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

Principal Environmental Protection Officer (Strategic Assessment)
Environmental Protection Department
Mr. Lawrence K. K. Ngo

Assistant Director/New Territories
Lands Department
Ms. Anita K.F. Lam

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

Secretary

Absent with Apologies

Dr. James C. W. Lau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Assistant Director (2), Home Affairs Department
Mr. Frankie W.P. Chou

In Attendance

Chief Town Planner/Town Planning Board
Miss Chu Hing Yin

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

Agenda Item 1

Confirmation of the Draft Minutes of the 449th RNTPC Meeting held on 23.9.2011

[Open Meeting]

1. The draft minutes of the 449th RNTPC meeting held on 23.9.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there was a typographical error in the confirmed minutes of the 448th RNTPC meeting held on 2.9.2011 regarding Application No. Y/TM-LTYYY/3 recorded in paragraph 97 on page 106 of the confirmed minutes. To rectify the error, the Secretary proposed to delete “unless under very special circumstances” from the last sentence in paragraph 97 of the confirmed minutes. The proposed amendment to paragraph 97 had been sent to Members before the meeting. Members had no objection to the proposed amendment and noted that the applicant and concerned government departments would be informed of the amendment accordingly.

Sai Kung and Islands District

[Mr. Ivan M. K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs) and Miss Erica S.M. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs) were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/SK-CWBN/6 Application for Amendment to the Approved Clear Water Bay Peninsula North Outline Zoning Plan No. S/SK-CWBN/4 from “Conservation Area” to “Green Belt”, Lots 921 RP, 923 RP, 926, 927, 933-940, 944 RP in D.D. 243 and Adjoining Government Land, Mang Kung Uk, Sai Kung (RNTPC Paper No. Y/SK-CWBN/6)

Presentation and Question Sessions

3. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Mr. Ivan M. K. Chung - District Planning Officer/ Sai Kung and Islands (DPO/SKIs)
Miss Erica Wong - Senior Town Planner/ Sai Kung and Islands (STP/SKIs)

4. The following applicant’s representatives were also invited to the meeting at this point :

Mr. Raymond Leung
Miss Edith Fung
Mr. Lam Tim Kit

5. The Chairman extended a welcome and explained the procedures of the hearing. Miss Erica Wong was then invited to brief Members on the background to the application. With the aid of some plans, Miss Wong did so as detailed in the Paper and made the following main points :

Background

- (a) the applicant submitted an application to rezone the application site (about 2,514m²) from "Conservation Area" ("CA") to "Green Belt" ("GB") on Clear Water Bay Peninsula North Outline Zoning Plan (OZP) No. S/SK-CWBN/4. It was proposed by the applicant that under the "GB" zoning, 'House' would be a Column 2 use. Should the rezoning application be accepted by the Committee and the site be rezoned to "GB" on the OZP, a planning application under s.16 of the Town Planning Ordinance would be submitted by the applicant for a proposed residential development within the "GB". About 24% of the application site was government land and the remaining 76 % of the site involved old schedule agricultural lots not carrying any building entitlement under the lease;
- (b) the current application for proposed rezoning from "CA" to "GB" aimed primarily to facilitate the applicant to submit a s.16 application for a 2-storey residential development with maximum plot ratio of 0.1, site coverage of 4.4% (110m²) of the application site in according to a notional proposal which was submitted by the applicant in support of the rezoning application;
- (c) the site was the subject of three previous applications (Applications No. Z/DPA/SK-CWBN/2, Y/SK-CWBN/1 and Y/SK-CWBN/4) for rezoning the subject site from "CA" to "Residential (Group C)7" ("R(C)7"). All the rezoning applications were not agreed by the Committee mainly on the grounds of "CA" zoning being appropriate to protect and retain the existing natural landscape, ecological and topographical features of the rezoning site; adverse impacts on the green environment and landscape character; incompatibility with surrounding land uses; safety hazard on main road user/adverse impact on the road network nearby and setting of undesirable precedent;

Departmental Comments

- (d) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning

point of view. As advised by CTP/UD&L, PlanD, the site and its surrounding areas were covered by secondary woodland comprising semi-mature native and exotic species. The proposed development on the northern side of this section of Clearwater Bay Road could have significant impacts on the existing landscape character of the area zoned as "CA". The site, though small, formed an integral part of the "CA" zoning. As the submitted tree survey was conducted in 2006 and was outdated, the landscape impact could not be fully ascertained. Approval of the application would set an undesirable precedent and attract similar request for residential development within the "CA" zone, resulting in cumulative impacts on the landscape of the area;

- (e) the Director of Environmental Protection (DEP) advised that there seemed to be no strong justification or planning gain for changing the "CA" zoning. Should the application be approved, the applicant should be advised to observe the Environmental Impact Assessment Ordinance (EIAO) requirements. The EIAO stipulated that all projects partly or wholly in a conservation area, apart from some exceptions, constituted a designated project. An environmental permit was required prior to construction of designated projects;
- (f) the Commissioner for Transport (C for T) had reservation on the application. He advised that such type of development should be confined within the residential zones as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, this development, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. However, as the subject application only involved construction of one 2-storey house without the provision of parking space or vehicular access within the site, the application could be tolerated unless it was rejected on other grounds;
- (g) the other concerned government departments had no objection to or no adverse comments on the application;

Public Comments

- (h) four public comments from the Hong Kong Bird Watching Society, the World Wide Fund for Nature Hong Kong, the Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited were received during the statutory publication period. All of them objected to the application on the grounds of posing development threats to the natural landscape and ecological value of the environmentally sensitive area, incompatibility with the planning intention of the “CA” zone, causing water pollution to the nearby seasonal stream and setting an undesirable precedent for other developments within the “CA” zone leading to adverse cumulative landscape and ecological impacts. They also pointed out that the current “CA” zoning was appropriate for the site and its surroundings, and the applicant had not provided any ecological assessment;

Planning Department’s views

- (i) PlanD did not support the application based on the assessments made in paragraph 12 of the Paper which were summarised below:
 - (i) the planning intention of the “CA” zone was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes, and to separate sensitive natural environment from the adverse effects of development. There was a general presumption against development in this zone. As the site was entirely covered by trees and shrubs and surrounded by woodlands with some native and exotic species, the “CA” zoning was considered appropriate to protect and retain the existing natural landscape, ecological and topographical features of the site and the surrounding area. There was no sufficient planning information or justification in the submission to support the proposal of rezoning the site from “CA” to “GB”;

- (ii) according to the ‘Master Schedule of Uses for Various Statutory Plans’ and TPB-PG No. 10 for ‘Application for Development within “Green Belt”’, the planning intention of the “GB” zone was primarily to promote the conservation of the natural environment and to safeguard it from encroachment by urban-type developments. There was a presumption against development in a “GB” zone. The current application for rezoning the site from “CA” to “GB” aimed primarily to facilitate the applicant to submit s.16 application for a 2-storey residential development. The intended use of the site was not in line with the planning intention of “GB” zone;

- (iii) as the proposed residential development would necessitate tree felling and clearance of vegetation for site formation, the natural character and intrinsic landscape quality of the site and the surrounding “CA” zone would be adversely affected. The proposed development was considered incompatible with the surrounding environment and would cause significant impacts on the existing landscape character of the area. There was insufficient information to demonstrate that the proposed development would not have adverse impacts on the existing landscape character and conservation need of the area;

- (iv) the rezoning application would set an undesirable precedent for other similar applications in the “CA” zone. In this regard, the C for T advised that the adverse cumulative traffic impact could be substantial if the application was approved. The CTP/UD&L, PlanD also raised concern on the resultant cumulative impacts on the landscape of the area.

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

6. The Chairman then invited the applicant’s representative to elaborate on the application. Mr. Raymond Leung made the following main points:

- (a) the applicant purchased the site in 1960s with an intention to build a house

on it. Subsequently, the applicant had surrendered a strip of land in the southern part of the site to the Government for providing a bus stop along Clear Water Bay Road. Given the above background and the close proximity of the site to the main road, the applicant should have an unrestricted right-of-way to the main road;

- (b) unlike the previous applications for rezoning the site from “CA” to “R(C)7”, the current application was for rezoning the application site to “GB”. Under the “GB” zoning, ‘House’ was a Column 2 use which required planning permission from the Board. In considering the planning application, the Board would take into account its individual merits and stipulate appropriate approval conditions. Hence, the Board would maintain a mechanism to control future development of the site;
- (c) the Board should respect development right of private land. If the Government intended to conserve the natural vegetation on private land, it should resume the land for such purpose. Otherwise, it should allow some reasonable landuses on the site;
- (d) the applicant intended to build a two-storey house on the site for his own use. The proposed house would only occupy 4.4 % of the site and the existing vegetation on the remaining parts of the site would be retained and maintained by the applicant. Hence, the rezoning of the site from “CA” to “GB” to facilitate ‘House’ use would help to meet the applicant’s housing need as well as to facilitate the retaining and better maintenance of the existing vegetation on site. This would be a win-win situation;
- (e) the proposed house to be built on the site would be very small in scale and would be compatible with the existing surrounding rural landuses. It was also similar to an on-farm domestic structure, which was an always permitted use under the “CA” zone;
- (f) the proposed rezoning application was considered acceptable by most of the relevant government departments. Although C for T had reservation on the

application, he considered that the subject application only involved construction of one 2-storey house without the provision of parking space or vehicular access and could be tolerated. The Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view against the development from the nature conservation point of view as the site was on the fringes of a woodland and the vegetation on site were common species that did not have any particular conservation value. The DEP advised that the applicant should observe the EIAO requirements and an environmental permit was required prior to construction of designated projects. The applicant would follow the relevant requirements under the EIAO. The CTP/UD&L, PlanD objected to the application on the grounds that the application site and its surrounding areas were covered by secondary woodland comprising semi-mature native and exotic species; the submitted tree survey was conducted in 2006 and was outdated; and the approval of the application would set undesirable precedent. In this regard, DAFC advised that the site was on the fringes of a woodland. All the trees at the site were common species and no rare trees were found. Moreover, an updated tree survey could be conducted later on;

- (g) it was noted that during the statutory publication period, four public comments raising objection to the rezoning application were received. However, there was no objection from the local villagers;
- (h) 'Agriculture Use' and 'Picnic Area' were Column 1 uses under the "CA" zone covering the site. As compared to these two uses, the applicant's proposed 2-storey house covering only 4.4% of the site would have less adverse environmental and landscape impacts on the site;
- (i) should the Committee approve the rezoning application, the applicant would submit the required technical assessments to support the s.16 application for 'House' use under the "GB" zone;

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

- (j) the existing trees within the site were imported species and planted under the Government's afforestation programme. As neither ecological nor topographical significant features /species or habitat were found on the site, the planning intention of the existing "CA" zoning i.e. to separate sensitive natural environment from adverse effects of development was not applicable to the site;
- (k) two sites, which were located to the northwest of the application site and with some distant away from Clear Water Bay Road, were zoned "R(C)3" on the OZP. When compared to these two sites, the application site was considered more suitable for residential use as it was in close proximity to Clear Water Bay Road and just opposite to the village of Mang Kung Uk. Besides, rezoning the subject site from "CA" to "GB" would not set a precedent as another site along the Clear Water Bay Road had already zoned "GB" on the OZP; and
- (l) in the vicinity of the application site, there was only one private lot along Clear Water Bay Road. This private lot, however, had already been developed for residential purpose. Hence, the approval of the subject rezoning request would not set an undesirable precedent effect for similar request.

7. A Member noted that the applicant had submitted schematic drawings and detailed development parameters of the proposed residential development in his rezoning application. This Member asked about the main purpose of the current application, whether the Committee should only consider the application for rezoning the site from "CA" to "GB" or should it also consider the proposed residential development indicated in the submission of the application. Mr. Raymond Leung said that the house development did not form part of the application. The subject application was for rezoning the site from "CA" to "GB" on the OZP, with 'House' as a Column 2 use under the "GB" zone. Should the rezoning application be approved by the Committee, a separate s.16 application for a proposed residential development on the site would be submitted to the Committee for consideration. Mr. Raymond Leung continued to point out that the schematic drawings included in the application were for illustrative purpose only. The built form of the proposed development

would vary based on the detailed design of the development to be worked out at a later stage. Mr. Ivan Chung supplemented that the subject s.12A application was for rezoning the application site from “CA” to “GB” on the approved Clear Water Bay Peninsula North OZP. Should the Committee agree to the rezoning application and the site be rezoned from “CA” to “GB”, the applicant would submit a s.16 planning application for house development in according to the provision of the “GB” zone.

8. As the applicant’s representatives had no further points to add and Members had no further questions to raise, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee’s decision in due course. The Chairman thanked the applicant’s and PlanD’s representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

9. A Member pointed out that although the applicant’s representative stated at the meeting that the proposed residential development was not part of the current application, the applicant had stated in the submission of his application that he would intend to build a house on the site after obtaining the approval of the rezoning application. The applicant had also submitted schematic drawings and development parameters for his proposed residential development. This Member also opined that the proposed ‘House’ use, which would necessitate tree felling and clearance of vegetation, would result in adverse environmental impacts and setting undesirable precedent.

10. In response, the Chairman said that the subject s.12A application was for rezoning the application site from “CA” to “GB” on the OZP. The schematic drawings in the applicant’s submission were for illustrative purpose. In considering the subject application, the Committee should focus on the applicant’s rezoning application. Should the Committee agree to the rezoning application and the site be rezoned to “GB” with ‘House’ use as a Column 2 use, the applicant could submit a s.16 application for the proposed house development, which would then be considered by the Committee.

11. The Secretary said that as clearly stated in the applicant’s submission, it was the

applicant's intention to build a house on the application site after obtaining the rezoning approval from the Committee. Similar to the three previous rezoning applications submitted by the applicant, the subject application was to pave the way to build a house on the site. Therefore, the Committee in considering the subject rezoning application should also take note the applicant's intention for erecting a residential development on the site and its impacts on the site and its surroundings.

12. A Member asked whether the Board had approved any s.12A application for rezoning sites from "CA" to "GB" on OZP. In response, the Secretary said that as far as she recalled, the Board had rarely agreed to such s.12A application. However there were instances that the Board considered the appropriateness of "CA" and "GB" zonings during the course of representation hearing.

13. A Member enquired whether the applicant's intention to build a house on the site was a relevant factor to be taken into account in considering the rezoning request. The Chairman said that the intention of the applicant to build a house on the site had all along been very clear. This was evident in the three previous s.12A applications submitted by the applicant for rezoning the site from "CA" to "R(C)7" on the OZP. In the current rezoning application, the applicant had proposed to rezone the site from "CA" to "GB" with 'House' use under Column 2. This again could facilitate house development on the site via s.16 application should the Committee agree to the rezoning application. The Chairman, however, pointed out that the current s.12A application was for rezoning the site from "CA" to "GB". Should the Committee approve the current s.12A application, it would only approve the proposed rezoning of the site, not the proposed residential development on the site as mentioned in the rezoning application.

14. Noting that the applicant would still need to submit another s.16 application for Members' consideration even if the Committee decided to approve the current rezoning application, a Member indicated no objection to the current rezoning application. However, another Member held different view and raised strong objection to the application. This Member opined that the site and its surrounding woodlands to the north of Clear Water Bay Road were covered by dense vegetation without any building structure. Besides, the applicant had not submitted any justifications to support the proposed rezoning of the site from "CA" to "GB", with the intention of erecting a house on the site. The approval of the

rezoning application would also set a precedent for similar requests within the “CA” zone, resulting in extensive clearance of vegetation and adverse impacts on the landscape quality of the surrounding woodlands.

15. Another Member also considered that there was no justification provided in the submission to support the rezoning application. There was also no planning gain of rezoning the site from “CA” to “GB”. In addition, two concerned government departments i.e. EPD and CTP/UD&L, PlanD raised adverse comments/objection to the rezoning application. This Member considered that the rezoning application could not be supported.

16. A Member echoed the above views and said that site formation works for ‘House’ use on the site would necessitate tree felling and clearance of vegetation on the site. This would have adverse landscape impacts on the surrounding area. In addition, the site formation works might also have adverse impacts on the slopes adjacent to the site and would cause soil erosion problem. This Member also considered that there was no planning gain on rezoning the site from “CA” to “GB” on the OZP. In view of the above, this Member did not support the rezoning application.

17. Members noted that agriculture use was permitted as of right under the Notes attached to the OZP. The Chairman concluded that the site formed part of the well-established natural woodlands located to the north of Clear Water Bay Road. In considering the subject rezoning request, the Committee had to consider its consequences and implication on the site and its surrounding woodlands as a whole. He noted that Members in general did not support the rezoning application, and the ‘House’ use on site would have adverse impacts on the landscape character and conservation need of the area. The “CA” zoning of the site was considered appropriate to protect and retain the existing natural landscape, ecological and topographical features of the site and the surrounding area.

18. After further deliberation, the Committee decided not to agree to the application for the following reasons:

- (a) the site was entirely covered by trees and shrubs, and surrounded by woodlands with some native and exotic species which formed a continuous stretch of well-established vegetation with the neighbouring

areas within the “Conservation Area” (“CA”) zone. It formed part of the natural woodland to the north of Clear Water Bay Road extended from Silverstrand to Ng Fai Tin. The “CA” zoning of the site was considered appropriate to protect and retain the existing natural landscape, ecological and topographical features of the site and the surrounding area. There was insufficient information or justification to support the rezoning of the site from “CA” to “GB”;

- (b) the ‘House’ use under the proposed ‘GB’ zone in the rezoning application would necessitate tree felling and clearance of vegetation for site formation and would have adverse impact on the natural character and intrinsic landscape quality of the site and the surrounding “CA” zone. There was insufficient information to demonstrate that the ‘House’ use would not have adverse impacts on the existing landscape character and conservation need of the area; and
- (c) approval of the application would set an undesirable precedent for similar applications in the “CA” zone, causing adverse cumulative impacts on the landscape of the area and resulting in gradual degradation of the environment in the area.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/19 Proposed Holiday Camp, Education Centre and Filling of Land
(i.e. Levelling of Maximum 0.5m) in “Green Belt” zone,
Lot Nos. 72RP, 73, 75, 76, 77S.A, 77S.B, 77RP, 78, 79(Part),
80S.A, 80S.B, 80RP, 81, 82, 83RP, 84RP, 96RP, 97RP, 98, 99RP,
100, 101, 102, 103, 104, 105, 106, 107, 121, 122, 123, 124, 126, 127,
129S.A (Part), 129S.B (Part), 129RP (Part), 130, 132, 133 and
Adjoining Government Land in D.D. 229, Sai Kung
(RNTPC Paper No. A/SK-CWBN/19)

Presentation and Question Sessions

19. Miss Erica S.M. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed holiday camp, education centre and filling of land (i.e. levelling of maximum 0.5m);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application on the following grounds:
 - (i) the application site was located within the “Green Belt” (“GB”) zone along Clear Water Bay Road near the TV City (Shaw Studio) and the Clear Water Bay School. Compared with the rejected application No. A/SK-CWBN/13, the current scheme was claimed to be an improvement in terms of plot ratio and site coverage. However, the total site area under the current scheme was substantially increased by the inclusion of the proposed ‘Green Belt Restoration Plan’ (GBRP) to the north of the proposed holiday camp;
 - (ii) the proposed development was excessive which was not in line with the planning intention of “GB” zone, as there was a general presumption against development. 19 trees were proposed to be felled along the access road on government land. Due to limited space, there was, however, little landscape screening to the said access road;
 - (iii) some existing trees to be retained were located along the site boundary. Although the applicant claimed that no boundary wall would be erected along the site boundary, no information was provided to demonstrate that there was no adverse impact on the trees.

Therefore, the landscape impact could not be fully ascertained;

- (iv) the proposed holiday camp development was excessive with access road at the southern part of the site. Adverse landscape impact on the existing environment was expected. The proposed mitigation measures such as roof greenery of the holiday camp building complex, 126 seedling trees to be planted at the proposed GB Restoration Area at the north eastern part of the site might not be able to fully compensate the adverse landscape impact arising from the proposed development;
 - (v) approval of the application would set an undesirable precedent, attract similar developments within the “GB” and the cumulative effect would adversely affect the integrity of the “GB” as an effective green buffer;
 - (vi) the proposed site formation at the southern portion of the application site for the proposed holiday camp complex, drop-off area and the carriageway was about 1,732m². The valley between the access road and Clear Water Bay Road would be filled up for the proposed development; and
 - (vii) the footprint of the proposed structure with paved road surface occupying most of the southern portion of the application site was considered to be excessive, defeating the primary function of a “GB” as a green buffer.
- (d) three public comments were received during the statutory publication period. Two (submitted by the Designing Hong Kong Ltd. and the operator of the nursery at the site (Bluet Garden Limited)) objected to the application mainly on the grounds of not in line with planning intention of “GB” zone, increase of flooding risk, accountability and status of the current landowner and proposed education program, and destruction of the current nursery. The third public comment was submitted by a resident of

nearby house expressing regret for the loss of long-established business of the nursery; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper which were summarised below:
 - (i) the proposed development of holiday camp for private use was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone. No strong planning justifications had been provided in the submission for a departure from this planning intention;
 - (ii) in comparison with the previous application No. A/SK-CWBN/13 rejected by RNTPC on 10.9.2010, the applicant in this application had proposed an addition of nearly 7,000 m² of area zoned “GB” to the north of the proposed holiday camp for a GBRP to enhance the ecological value of the area. However, as stated in the applicant's further information on 26.9.2011, all plant species recorded in the site were common and widespread in Hong Kong. No rare or protected plant species or plant species of conservation importance had been recorded during the applicant's survey. According to DAFC, the subject site of the GBRP was disturbed and if left alone would return to a natural state in time. The proposed GBRP including tree preservation, planting of native seedling, modification of concrete ponds would speed up ecological succession processes. The CTP/UD&L objected to the application and considered that the proposed GBRP might not be able to compensate the excessive development of the proposed holiday camp with access road at the southern part of the site. Having regard to the overall development proposal, it was considered that there were no strong planning justifications or merits in support of the approval of the

application;

- (iii) according to the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone (TPB PG-No. 10), development within the “GB” zone would only be considered in exceptional circumstances and had to be justified with very strong planning grounds. The applicant maintained that the proposed holiday camp would also be used as a venue for charitable events and guided tours to school groups and the general public would be provided at the proposed environmental education centre. Nevertheless, these offers should not be regarded as planning gains to justify departure from the planning intention of "GB" zone;
- (iv) the proposed development did not comply with the TPB PG-No.10 in that it would cause adverse landscape impact on the surrounding area. The proposed holiday camp with vehicular access and loading/unloading facilities would significantly affect the landscape resources of the site. No information/details were provided in the submission to demonstrate that there would be no adverse impact to the trees along the site boundary; and
- (v) approval of the application would set an undesirable precedent for attracting similar applications within the “GB” zone. The cumulative effect of approving such proposals would bring about adverse landscape impact on the area, adversely affect the integrity of the “GB” as an effective green buffer, and result in a general degradation of the environment.

20. Members had no question on the application.

Deliberation Session

21. The Chairman noted that Bluet Garden Limited, a plant nursery adjacent to the site, was one of the commenters raising objection to the application during the statutory

publication period. The Chairman then enquired about the exact location of Bluet Garden Limited and whether the approval of the application would affect its operation. In response, Miss Erica S.M. Wong referred to Plan A-2 of the Paper and advised that Bluet Garden Limited occupied the whole application site as well as the adjoining areas zoned “Green Belt” and “Government, Institution or Community (2)” on the Outline Zoning Plan on rental basis. It had been operating in the area for several decades on a rental basis. Upon the approval of the application and the excision of the application site, the area to be occupied by Bluet Garden Limited would be reduced considerably. Nevertheless, the remaining area would still be served by an access road leading from Clear Water Bay Road and this would enable its future operation.

22. The Chairman said that according to the lease of the site, it was for agricultural purpose. Under the “GB” zone covering the site, ‘Agricultural Use’ was a Column 1 use, which was always permitted. Hence, the rejection of the application for the proposed holiday camp and education centre would not deprive the development right of the landowner. The Chairman noted that, as proposed by the applicant, the environmental education centre would provide interactive educational exhibits and facilities for school/public workshop, and guided tours with 40 people per day would be provided for students and the general public. In this regard, the Chairman opined that the provision of the environmental education centre for public use should be regarded as a planning gain and the main issue was whether such planning gain would justify the approval of the application.

23. A Member, however, pointed out that the proposed holiday camp on the site was only intended to serve the staff of the Shaw Group and to organise charitable functions for the Sir Run Run Shaw Charitable Trust. As the proposed holiday camp would not be open for public use, it could not be regarded as a planning gain of the proposed use. In this regard, Miss Erica Wong informed Members that on 26.9.2011, the applicant submitted a supplementary information in the form of Response to Comment as enclosed in Appendix Ic of the Paper to clarify that when there were night-time education programmes such as nocturnal observation of wildlife, the applicant agreed to open the dormitory of the holiday camp for students.

24. In response to a Member’s enquiry, the Chairman said that according to the planning intention of the “GB” zone which covered the site, there was a general presumption

against development. Nevertheless, in considering planning applications within the “GB” zone, the Committee should also take into account the individual merits of the applications such as characteristics of the site and its surroundings.

25. A Member said that even if the proposed holiday camp would only be open to the staff of Shaw Group, this could also be regarded as a planning gain as the staff of Shaw Group was also part of the general public. This Member considered that sympathetic consideration might be given to the application.

26. Another Member said that according to the applicant’s supplementary information, the proposed holiday camp would also be open to the students who visited the proposed environmental education centre. Hence, this could be regarded as another planning gain of the application. It was also noted that most concerned government departments, including the Environmental Protection Department, had no objection to/adverse comments on the application. The existing trees on the site were only common species. In view of the planning gains of the proposed uses, this Member considered that sympathetic consideration should be given to the planning application.

27. The Secretary said that although the applicant had stated in his supplementary information that the proposed holiday camp would also provide accommodation to the students who visited the environmental education centre during the night time, there was no concrete proposals on how often the holiday camp would be open for public use, the public opening hours and how many students/public would be catered for each time. More concrete proposals from the applicant would be required to determine the extent of planning gain and whether it could be sufficient to justify the rezoning. If Members considered that whether the proposed development would have sufficient planning gains was an important planning consideration, it would be prudent for the Committee to defer the decision pending the submission of further information on this aspect from the applicant.

28. Noting that the site was used as a plant nursery, a Member considered that the Green Belt Restoration Plan as proposed by the applicant to restore and manage the vegetation on site was an improvement to the environment. This Member also enquired about the mechanism to effect the requirement on the opening hours to the public, should the application be approved by the Committee. In response, the Chairman said that such

requirement could be stipulated as an approval condition of a planning permission and a condition under the lease. The Secretary supplemented that Jessville in Pokfulam was a similar case. In approving the residential development which involved Jessville, a grade III historic building, the Committee had stipulated an approval condition requiring that Jessville should be open to the public for at least one day a week. The requirement on the opening hours to the public could also be stipulated in the lease during the lease modification stage.

29. Ms Anita Lam stated that while opening hours of a development for public use could be stipulated in the lease, the LandsD did not have the resources to regularly monitor the fulfilment of the requirement. It was only upon receipt of public complaints that the LandsD would check whether the requirement on the opening hours to the public had been met. Hence, it would be more effective to identify a concerned department to take up the regular monitoring and enforcement of the requirement on the opening hours to the public. The Chairman remarked that the public and the media would also play a monitoring role if the proposed arrangement for the environmental education centre and holiday camp were widely made known to the public.

30. In response to a Member's enquiry, Ms. Anita Lam said that if the requirement on the opening hours to the public as stipulated in the lease had not been fulfilled, this would constitute a breach of lease conditions. The LandsD would then take lease enforcement action, including issuing warning letter to the concerned party and re-entering the site, as appropriate.

31. To conclude, the Chairman said that there were 3 options for Members' consideration. Firstly, if Members considered that there were sufficient justifications and planning gains to support the application, Members could approve the application with conditions imposed on the opening of the proposed environmental education centre and holiday camp for public use. Secondly, if Members considered that the opening of the proposed development particularly the holiday camp for public use was crucial in determining the application, it would be appropriate to defer the consideration of the application and request the applicant to provide further information to substantiate its proposals of opening the proposed holiday camp for public use. Thirdly, if Members considered that there were insufficient justifications to support the application, Members could reject the application.

32. After further deliberation, Members agreed to defer the consideration of the application and request the applicant to provide further information to substantiate its proposals of opening the proposed holiday camp for public use.

[Mr. B. W. Chan, Mr. Rock Chan and Dr. C. P. Lau left the meeting at this point.]

[Ms. Anna Kwong left the meeting temporarily at this point.]

[The Chairman thanked Miss Erica S.M. Wong, STP/SKIs, for her attendance to answer Members' enquires. Miss Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/ST/12 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/25 from "Village Type Development" to "Government, Institution or Community (1)", Yan Hau Ancestral Hall, Lots 35, 36 S.A, 36 RP, 38 S.A ss.1, 38 S.A RP, 624, 676, 699 and 832 in D.D. 176 and Adjoining Government Land, Wo Liu Hang, Fo Tan, Sha Tin
(RNTPC Paper No. Y/ST/12)

33. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with the consultants of the application, namely Toco Planning Consultants Limited and LLA Consultancy Limited. As the applicant had requested for a deferment of consideration of the application, Members agreed that Ms. Kwong could be allowed to stay at the meeting.

34. The Secretary informed Members that on 7.10.2011, the Secretariat of Town Planning Board received four letters from The Incorporated Owners of The Grandville, The Owners' Committee of Kin Ho Industrial (Block 1&2), The Owners' Committee of Ficus Garden and The Owners' Committee of Rosary Villas, which raised objection to the rezoning application. The said letters had been tabled at the meeting for Members' information.

35. The Secretary reported that on 30.9.2011, the applicant's representative requested the Board to defer making a decision on the application for two months in order to allow more time for the applicant to address the comments of the Transport Department.

36. 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 for its 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 the further information, and no further deferment would be granted unless under very special circumstances.

[Ms. Jessica K.T. Lee, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/419 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Government Land in D.D. 19, She Shan Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/419B)

Presentation and Question Sessions

37. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po);
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the site fell entirely within the “Agriculture” (“AGR”) zone, which was primarily intended to retain and safeguard good quality agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. However, the Director of Agriculture, Fisheries and Conservation had no strong view against the application from the agricultural point of view as the site was unlikely to have high potential of rehabilitation for agricultural activities;
 - (ii) the proposed Small House under the application generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that the footprint of the proposed Small House was entirely within the village ‘environs’ of She Shan Tsuen; there was a general shortage of land in meeting the demand for Small House development in the concerned “V” zone and the proposed Small House would be able to be connected to the

planned sewerage system in the vicinity;

- (iii) the application site fell within the water gathering ground (WGG). According to the Chief Engineer/Project Management, Drainage Services Department, the planned public sewer was in the vicinity of the site, and it was technically feasible for the applicant to extend his sewer via adjoining government land to the nearest connection point of the proposed sewerage system by himself;
- (iv) noting the area was predominately rural in character and the proposed Small House was directly next to the newly built village houses, the Chief Town Planner/Urban Design and Landscape, PlanD considered the proposed house compatible with the surrounding character and he had no objection to the application from the landscape planning point of view. As the sewer connection for the proposed house would be feasible, both DEP and CE/PM, DSD had no objection to the application; and
- (v) other concerned government departments had no adverse comment on the application and no public comment had been received during the statutory publication period.

38. Members had no question on the application.

Deliberation Session

39. 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 7.10.2015, 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 proposal to the satisfaction of the Director of Drainage Services or of the TPB;

- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual occupation of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (d) the applicant should obtain prior written consent and agreement from the District Lands Officer/Tai Po before commencing work as the proposed sewerage connection to the future public sewerage system might affect government land;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no existing public drain and public sewerage in the vicinity of the site. For stormwater drainage system, the applicant was required to submit and implement drainage proposal for the site to ensure that it would not cause adverse drainage impact on the adjacent area. The applicant was also required to maintain such system

properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising from damage or nuisance caused by failure of the system. For public sewerage system, the Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) should be consulted on availability of sewerage connection and the Director of Environmental Protection should be consulted on the requirements on sewage treatment and disposal aspects of the proposed Small House;

- (f) to note the comments of the CE/PM, DSD to be vigilant on the latest situation of the sewerage project works, for which the Village Representatives would be kept informed by DSD;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 4 of Appendix V of the Paper;
- (h) to note the comments of the Commissioner for Transport that the existing nearby village access was not under his management. The applicant should check with the Lands Authority on the land status of the existing village access and clarify with the relevant lands and maintenance authorities on the management and maintenance responsibilities of the village access accordingly;
- (i) 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;
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the

applicant should carry out the following measures:

- (i) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (ii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and/or his contractors when carrying out works in the vicinity of electricity supply lines; and
- (k) to note that the permission was only given to the development under the 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 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/506 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 167 SD RP in D.D. 23, Wai Ha Village, Tai Po
(RNTPC Paper No. A/TP/506)

Presentation and Question Sessions

41. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

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

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

- (c) the departmental comments were detailed in Appendix IV of the Paper and highlighted below:
 - (i) the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the proposed Small House development was located below steep natural hillside with records of instabilities. This met the alert criteria requiring a Natural Terrain Hazard Study (NTHS). He would tender in-principle objection to the proposed development unless the applicant was prepared to undertake a NTHS and to provide suitable mitigation measures as necessary;
 - (ii) noting that the site was bounded by existing stream and woodland and no application for Small House had been approved within this part of the “GB” zone to the west of Tung Tsz Road, 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. He was concerned that as the approval of the application would set an undesirable precedent and encourage similar Small House developments encroaching onto the “Green Belt” (“GB”) zone and deteriorate the existing rural landscape quality. If the proposed development was approved, it would introduce a more prominent access to the site and there was no information to demonstrate that such access would not cause adverse impact on the existing trees along the stream;

- (iii) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the application from the flood control and prevention point of view as the application site was located within the flood fringe which was subject to overland flow and inundation during heavy rainfall; and
 - (iv) although the Director of Agriculture, Fisheries and Conservation had no strong view on the proposed Small House from the nature conservation point of view, he raised concern that the proposed Small House during construction and operational stages might cause disturbance and water pollution to the nearby stream.
- (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 did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
- (i) although there was a slight shortage of land in the “Village Type Development” zone of Wai Ha Village in meeting the demand for Small House development and the subject site was within the village environs of Wai Ha Village, the proposed Small House was not in line with the planning intention of the “GB” zoning for the area. There was a general presumption against development within this zone. There was no strong justification in the submission to justify a departure from this planning intention;
 - (ii) although across Tung Tsz Road to the east was the village proper of Wai Ha, the immediate area surrounding the application site was predominantly rural in character comprising fallow agricultural land covered with dense overgrowth of grass and shrubs. It was also in close proximity to dense vegetation and trees along its south western boundary.

There was a stream of about 5m in width with trees growing on the banks along the site's north eastern boundary separating the site from Tung Tsz Road. The CTP/UD&L, PlanD objected to the application from the landscape point of view. As there had been no approved application for Small House development within the part of "GB" to west of Tung Tsz Road, he considered that approval of the application would set an undesirable precedent for similar developments within the "GB" zone and the cumulative effect of approving such applications would deteriorate the existing rural landscape quality of the area ;

- (iii) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House Development in the New Territories (the Interim Criteria) in that the proposed development would cause landscape, geotechnical and drainage impacts on the surrounding areas. There was also a lack of information to demonstrate that there would not be natural terrain hazard and adverse impact on the natural landscape of the surrounding area;
- (iv) the proposed development also did not comply with the TPB PG-No. 10 for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' in that the proposed development and the likely requirement for access during and after construction of the Small House would affect the existing natural landscape;
- (v) the application site was the subject of a previous application No. A/TP/291 for a proposed Small House, which was rejected by the Board on review on 4.10.2002 on the grounds that the proposed development was not in line with the planning intention for the "GB" zone, and the approval of the application would set an undesirable precedent for similar developments within the "GB" zone to the west of Tung Tsz Road. There were also four requests for rezoning in the surrounding areas of the subject site from "GB" to "V" and they were all rejected by the Board during the period between August 1998 and October 2004. There was no strong reason to warrant a departure from the Board's previous decision

to reject the application; and

- (vi) regarding the approved Small House planning applications in the “GB” zone near Tung Tsz Village on the western side of Tung Tsz Road as quoted by the applicant, it should be noted that the proposed Small House under application No. A/TP/417 was approved by the Board on review as the Board gave sympathetic consideration to the special circumstance of the case which involved the redevelopment of an existing house permitted under the lease. Subsequent to the case, the Board agreed to the recommendations of the landuse review submitted by PlanD to retain the “GB” zoning for the area to the west of Tung Tsz Road and that Small House development might be permitted within a confined portion of the “GB” zone which was shown as Area A in Plan A-1 of the Paper, subject to the compliance with the TPB-PG No.10 and the Interim Criteria. The other applications No. A/TP/482, A/TP/491 and A/TP/505 were approved by the Board as all the proposed developments were located within the subject portion of the “GB” zone and complied with the TPB-PG No.10 and the Interim Criteria. Unlike Area A which was accessible by Tung Tsz Road and locate away from dense woodland, steep slope and stream, the current application site was separated from Tung Tsz Road by a wide tree-lined stream, covered with dense vegetation, close to a steep natural slope and subject to flooding and slope safety risks. In addition, the access to the site and possible slope stabilization works would likely involve more clearance of natural vegetation. The subject application therefore did not meet the TPB PG-No.10 and the Interim Criteria and should not warrant the same sympathetic consideration given to the approved planning applications.

42. Members had no question on the application.

Deliberation Session

43. 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 house (New Territories Exempted House (NTEH) - Small House) was not in line with the planning intention of the “Green Belt” (“GB”) zoning, which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission to justify a departure from this planning intention;
- (b) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that the proposed development would cause adverse landscape, geotechnical and drainage impacts on the surrounding areas;
- (c) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect existing natural landscape in the area; and
- (d) the approval of the application would set an undesirable precedent for similar developments within the “GB” zone to the west of Tung Tsz Road. The cumulative effect of approving such applications would result in a general degradation of the natural environment and landscape quality of the area.

[The Chairman thanked Ms. Jessica K.T. Lee, STP/STN, for her attendance to answer Members’ enquires. Ms. Lee left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 8

Section 16 Application

[Open Meeting]

A/TM/415 Proposed Columbarium Use
in “Government, Institution or Community” zone,
Lot No. 667 in D.D. 131, Yeung Tsing Road, Tuen Mun
(RNTPC Paper No. A/TM/415B)

44. The Secretary reported that Ms. Anna S. Y. Kwong and Mr. Stephen M. W. Yip had declared interests in this item as they had current business dealings with Environ Hong Kong Limited, who was one of the consultants of the subject application. The Committee noted that Mr. Yip had tendered an apology for being unable to attend the meeting. As the applicant had requested for a deferment of consideration of the application, Members agreed that Ms. Kwong could be allowed to stay at the meeting.

45. The Secretary reported that on 21.9.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the departmental and public comments. As stated in the letter, the applicant was preparing supplementary information for the Environmental Protection Department’s consideration and arranging a meeting with the Urban Design and Landscape Section of the Planning Department. Besides, the applicant needed more time to study and respond to the latest comments from the Commissioner of Police and to the public comments which were available after 27.9.2011.

46. 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 for its 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 the further information, and since this was the third deferment request and a total of four months had been allowed, no further deferment would be granted.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/TM/421 Proposed Two Houses
 (New Territories Exempted Houses – Small Houses)
 in “Green Belt” zone,
 Lots 320 S.A and 320 RP in D.D. 131, Yeung Siu Hang Tsuen, Tuen Mun
 (RNTPC Paper No. A/TM/421A)

47. The Secretary reported that on 21.9.2011, the applicants’ representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicants to address the deptmental comments on the landscape aspect and to employ a land surveyor to locate the trees concerned. Besides, a tree preservation proposal was required to remedy the landcape impact. As advised by the applicant’s representative, the applicants had obtained a fee proposal for the land surveying and needed more time to finish the tree preservation proposal. The applicants also indicated that they had already made effort to address the drainage issue.

48. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicants. The Committee also agreed to advise the applicants that a further period of two months were allowed for preparation of the submission of the further information, and since this was the second deferment request and a total of three months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/TM/423 Proposed Minor Relaxation of Maximum Gross Floor Area from 2,308 m² to 2,382.72 m² for Permitted Restaurant Use in “Other Specified Uses” annotated “Restaurant/Commercial Complex” zone,
5 Sam Shing Street, Castle Peak Bay, Tuen Mun
(RNTPC Paper No. A/TM/423)

49. The Secretary reported that on 26.9.2011, the applicant’s representative requested for a deferment of the consideration of the application for one month in order to allow time for the applicant to prepare additional drawings and architectural perspective.

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

Agenda Item 11

Section 16 Application

[Open Meeting]

A/TM-LTY Y/221 Proposed Flat Development in “Residential (Group E)” zone,
Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and
472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/221)

51. The Secretary reported that Ms. Anna S. Y. Kwong and Mr. Stephen M. W. Yip

had declared interests in this item as they had current business dealings with Environ Hong Kong Limited, who was one of the consultants of the subject application. The Committee noted that Mr. Yip had tendered apology for being unable to attend the meeting. As the applicant had requested for a deferment of consideration of the application, Members agreed that Ms. Kwong could be allowed to stay at the meeting.

52. The Secretary reported that on 20.9.2011, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to respond to departmental comments.

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

[Mr. K.C. Kan, Mr. Vincent T.K. Lai, 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 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/222 Temporary Private Vehicle Park (Private Cars Only)
for a Period of 1 Year in "Village Type Development" zone,
Lots 647 S.A, 647 S.B, 647 S.C, 647 S.D, 647 S.E, 647 S.F, 647 S.G,
647 S.H, 647 RP, 648 S.A, 648 S.B, 648 S.C and 648 RP in D.D. 130,
Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/222)

Presentation and Question Sessions

54. 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 private vehicle park (private cars only) for a period of one year;
- (c) departmental comments – the Commissioner for Transport (C for T) mainly advised that the operation of the vehicle park should not create disturbances/nuisance to the road users on the footpath and cycle track at Castle Peak Road. The applicant was requested to provide further information on the road width/layout, U-tuning movements, and internal layout of the temporary vehicle park. He also commented that as there was a lack of separation of pedestrian and vehicular use, the expected increase in vehicular traffic would create additional hazard to pedestrians. Having considered the width of the road, the nature of the applied use and the geographic area, the Commissioner of Police (C of P) objected to the application as it would cause traffic and safety problem. The Director of Environmental Protection (DEP) advised that in view of the public concerns on the potential noise and air quality impacts of the applied use, the applicant should liaise with the relevant commenters to address their concerns and it was prudent to consider selecting another location for the applied use to avoid environmental nuisances to the public;
- (d) the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD) noted that most objections raised by the public comments were related to the traffic impact caused by the vehicle park. The Transport Department's views should be sought on the concerns of the objectors;
- (e) 23 public comments were received during the statutory publication period.

They were summarised below:

- (i) a Village Representative of Tuen Mun San Tsuen stated that as the site was located at the heart of the village, vehicles passing through a single-lane two-way road would endanger both the pedestrians and drivers. He hoped the Board should carefully handle the application;
- (ii) the Sherwood Owners' Committee objected to the application on the grounds that the vehicle park would create problem to the nearby environment and the Lam Tei area had adequate vehicle parks and parking spaces;
- (iii) the Incorporation Owners of Chik Yuen Garden strongly objected to the application mainly on the grounds that the single-lane road was too narrow and would easily cause traffic accident; a number of accidents involving bicycles crashing with vehicles had happened in the past; vehicles running over the metal plates at the exit of Chik Yuen Garden created noise nuisance; the increase of vehicles passing by would create air pollution; the street lightings were inadequate; and the road was also a necessary access to the pedestrians; and
- (iv) 20 individuals strongly objected/objected to the application mainly on the grounds that:
 - the road was too narrow with many pedestrians and there were insufficient facilities separating the pedestrians and vehicles; the lighting along the access road at night was inadequate;
 - the increase in vehicles would create air pollution to the village;
 - vehicles running over metal plates along the road would create noise nuisance, especially at midnight; and people gathering at the site would also generate noise nuisance.
- (f) the Planning Department (PlanD)'s views – PlanD did not support the

application based on the assessments set out in paragraph 11 of the Paper which were summarised below:

- (i) the site fell within a “Village Type Development” (“V”) zone and land within this zone was primarily intended for development of Small Houses by indigenous villagers. Although there was no impending Small House application within the site, there were numerous residential dwellings located adjacent to the site and along the access road to the site. While the temporary vehicle park might serve some of the parking needs of the local villagers, the applicant had to demonstrate that such temporary development was compatible with the surroundings and that any possible negative impacts could be adequately addressed;
- (ii) regarding the environmental aspect, it was noted that the site was located at the heart of a dense village cluster and vehicles would pass through the village cluster via a long village road of about 150 m to reach the site. As the vehicle park was to operate on a 24-hour daily basis, given its relatively large scale (50 spaces) and proximity to village houses, adverse environmental impacts would still be expected. In this regard, the applicant had not provided any details in the submission on any measures to mitigate potential environmental impacts. The DEP commented that it was prudent to consider selecting another location for the temporary vehicle park to avoid environmental nuisances to the public;
- (iii) the access road leading to the site was narrow, with the width of about 2.5m to 4.5m. There was no footway along the access road for pedestrians. Road safety was a concern. There was no information in the application to demonstrate that sufficient space could be made available within the site for the maneuvering of cars. In this regard, both C for T and the C of P had adverse comments on the application;
- (iv) although there were two similar Applications No. A/TM-LTYT/154

and 184 (both on the same site) within the same “V” zone approved by the Committee in 2007 and 2009 respectively, they were not the same as the current application. The site of the two similar applications was at the fringe of the village cluster and the vehicular access was next to fewer residential dwellings. There was no objection or adverse comments from government departments concerned on the two applications. There would be no night-time operation as proposed by the applicants of the two applications; and

- (v) the eastern part of the site involved two previous Applications No. A/TM-LTYYY/68 and 74 for temporary car park use for a period of two years. A major section of the proposed vehicular access to the previous application sites was the same as the current application. Even though the number of parking spaces of the previous applications (about 30 spaces) were fewer than that of the current application (50 spaces), the Committee still rejected the two previous applications on the grounds that there was no proper vehicular access, the proposed vehicular access was too narrow and there would be noise nuisance to the residents adjacent to the proposed vehicular access and the previous application site. Rejecting the current application was therefore in line with the decisions of the Committee.

55. Members had no question on the application.

Deliberation Session

56. 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 site was located within a densely developed village cluster. The applicant failed to demonstrate that the temporary development would not have adverse environmental impacts on the adjacent residential dwellings; and

- (b) the access road leading to the site was narrow. There was no information in the application to address the traffic flow/maneuvering and road safety concerns.

[Mr. Walter Chan and Timothy Ma left the meeting temporarily at this point.]

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/32 Temporary Place of Recreation, Sports or Culture (Fishing Ground)
for a Period of 3 Years in "Agriculture" zone,
Lots 80 (Part) and 81 (Part) in D.D. 135 and
Adjoining Government Land, Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/32)

Presentation and Question Sessions

57. Mr. Vincent T.K. Lai, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary place of recreation, sports or culture (fishing ground) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or no 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 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 subject site fell within “Agriculture” (“AGR”) zone and the application mainly involved the use of an existing fish pond as recreational fishing ground. The previous planning permission (under Application No. A/YL-PN/20) for the same use recently lapsed on 15.8.2011. All conditions under that approval, including those related to landscaping, drainage and fire service installations, had been complied with. No pond filling or excavation was proposed under the current application. The DAFC had no objection to the application and advised that with appropriate measures to prevent any disturbance and environmental hygiene problem, the fishponds and fish culture activities nearby would not be affected. The CTP/UD&L did not anticipate any significant impacts on the existing landscape resources and visual characteristic. As such, approving the application on a temporary basis would not undermine the long-term planning intention of the “AGR” zoning;
 - (ii) the development would unlikely cause significant adverse traffic, environmental and drainage impacts on the area. According to the applicant, there were about 4-8 visitors per day during weekdays and the average patronage during weekends and public holidays was about 15-25 visitors, and they usually travel by public transport. Relevant government departments had no objection to the planning application; and
 - (iii) the site was the subject of two previous applications (No. A/YL-PN/8 and 20). Application No. A/YL-PN/8 for recreational fishing ground

and barbecue spot was approved by the Board on review in 2004 for three years on sympathetic grounds that the applicant had made genuine effort to improve the conditions of the site and the applied use would unlikely cause significant adverse traffic or environmental impacts on the area. Application No. A/YL-PN/20 for recreational fishing ground was approved by the Committee in 2008 for three years until 15.8.2011 mainly on the grounds that conversion of an existing fish pond would not undermine the long-term planning intention of the “AGR” zone; and it would unlikely cause significant adverse environmental and drainage impacts on the area. The current application did not include a barbecue spot and there was no material change in planning circumstance since the last approval. Moreover, six similar applications within “Coastal Protection Area” zone in the Pak Nai area, were approved by the Committee/Board on review since 2004. Approving the current application for recreational fishing ground was in line with the previous decisions of the Board/Committee on similar cases in the area.

58. Members had no question on the application.

Deliberation Session

59. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.10.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the existing drainage facilities on the site should be maintained at all times during the approval period;
- (c) the submission of the condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the

satisfaction of the Director of Drainage Services or of the TPB by 7.4.2012;

- (d) 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 7.4.2012;
- (e) in relation to (d) 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 7.7.2012;
- (f) 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 7.4.2012;
- (g) in relation to (f) above, the implementation of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.7.2012;
- (h) if any of the above planning conditions (a) and (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (c), (d), (e), (f) and (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.

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

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

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the site was accessible to Nim Wan Road via a local van track on government land (GL). His office provided no maintenance works for the GL and did not guarantee right-of-way. Should planning approval be granted, his office would resume processing of the applicant's Short Term Tenancy/Short Term Waiver applications on Lot 81 to regularize the irregularities. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided at the site entrance to prevent surface water running from the application site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the application site and Nim Wan Road;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that tree planting opportunity was available at the eastern site boundary and six trees were found dead and some trees were in fair health condition;
- (g) to note the comments of the Director of Agriculture, Fisheries and

Conservation that appropriate measures should be taken to prevent any disturbance and environmental hygiene problems that might affect the fishponds and fish culture activities nearby during the operation of the applied use;

- (h) to note the comments of the Director of Fire Services to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the building plans.

Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications for his consideration;

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the application site could not provide the standard pedestal hydrant;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD, they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works were to be carried out on the site, prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they were unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works

in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. If the proposed use was subject to issue of a licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority; and

- (k) to note the comments of the Director of Food and Environmental Hygiene that waste generated by the applied use was regarded as trade waste and no waste, including trade waste and construction and demolition (C & D) waste should be deposited into any refuse collection facilities managed by Food and Environmental Hygiene Department; the operation of the land should not cause any environmental nuisance to the surroundings; and appropriate licence should be applied if food business was intended.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/350 Temporary Open Storage and Workshop (Dismantling and Storage of Reusable/Disused Computers) for a Period of 3 Years in "Green Belt" and "Undetermined" zones, Lots 3246 (Part), 3247 (Part), 3248 (Part), 3249 (Part), 3251 (Part), 3252 (Part), 3335 (Part), 3336 (Part), 3337 (Part), 3338 (Part) and 3339 (Part) in D.D. 124, Tin Sam, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-PS/350)

Presentation and Question Sessions

61. Mr. Vincent T.K. Lai, 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 and workshop (dismantling and storage of reusable/disused computers) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and/or access road and environmental nuisance was expected. However, no environmental complaint regarding the site was received in the past three years. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. About half of the site (52%) was located within “Green Belt” (“GB”) and the remainder of the site was within “Undetermined” (“U”) zone. The site was currently used as open storage without any planning approval. The planning intention of “GB” zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within the “GB” zone. The nature of the use under application was in conflict with the planning intention of “GB” zone. The approval of the application would set an undesirable precedent to similar applications in the area resulting in adverse impact on the integrity of the “GB” zone and further degrade the landscape quality;
- (d) one public comment from a Member of the Yuen Long District Council (YLDC) was received during the publication period. The YLDC Member objected to the application mainly on environmental grounds; 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) half of the site fell within a large “GB” zone which was designated since the first exhibition of the Ping Shan OZP No. S/YL-PS/1 on 14.6.1996 to delimit the Hung Shui Kiu township from the green hillslopes to the west. The applied use even on a temporary basis was not in line with the planning intention of the “GB” zone. The CTP/UD&L had reservation on the application from landscape planning point of view as approximately half of the site within “GB” zone was not compatible with the planned landscape environment. He was concerned that the approval of the application would set an undesirable precedent which would attract incompatible developments to the “GB” zone;
- (ii) to the west and north of the site within the same “GB” zone were mainly vacant land with residential dwellings and cultivation area. The applied use was not compatible with the area which was still rural in character;
- (iii) according to the Town Planning Board (TPB) Guidelines No. 10 for ‘Application for Development within “GB” zone’, there was a general presumption against development within the “GB” zone, and new developments would only be considered in exceptional circumstances and had to be justified with very strong planning grounds. In this respect, the applicant had mainly stated the merits of the recycling operation but no strong planning justification had been provided in the submission for the applied use to be located within the “GB” zone;
- (iv) the area zoned “GB” within the site fell within Category 4 areas under the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’. Applications for open storage uses within Category 4 areas would normally be rejected except under exceptional circumstances. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. No previous approval had been given to that part of

the site within Category 4 areas. Besides, there were adverse departmental comments on the application; and

- (v) although the site was involved in five previous applications, except the three applications which were within the “U” zone and not involving any “GB” area were approved, the other two applications were rejected. There were six similar applications for open storage uses within the same “GB” zone and they were all rejected by the Committee/Board on review. Approval of the current application would set an undesirable precedent for other similar applications in the “GB”. The cumulative effects of approving such applications would result in a general degradation of the environment of the area.

62. Members had no question on the application.

Deliberation Session

63. The Chairman asked whether the open storage and the applied for dismantling and storage of reusable/disused computers workshop could be accommodated in the EcoPark in Tuen Mun. Mr. Lawrence Ngo answered in affirmative. He further advised that there was a high demand for the recycling business to operate in the EcoPark.

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

- (a) the development was not in line with the planning intention of the “Green Belt” (“GB”) zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. It was also not in line with Town Planning Board (TPB) Guidelines No. 10 for ‘Application for Development within “GB” zone’ in that no strong planning justification had been provided in the submission to justify a departure from the planning intention, even on a temporary basis;

- (b) the application was not in line with the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous approval for similar use had been granted on the part of the site under “GB” zone; there were no exceptional circumstances to merit an approval; and there were adverse departmental comments on the environmental and landscape impacts of the development; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate in the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Ms. Walter Chan returned to join the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/354 Proposed Temporary Vehicle Park for Private Cars and Light Goods Vehicles (with Ancillary Site office) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 2371 RP (Part), 2413 (Part), 2414 RP (Part), 2416 RP (Part) and 2417 RP (Part) in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-PS/354)

Presentation and Question Sessions

65. Mr. Vincent T.K. Lai, STP/TMYL, informed Members that the date for compliance with the approval condition in paragraph 12.2 (l) of the Paper should read 7.4.2012. Then he presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary vehicle park for private cars and light goods vehicles (with ancillary site office) for a period of 3 years;
- (c) departmental comments – concerned government departments had no objection to or no adverse comments on the application;
- (d) a public comment from a resident of Shek Po Tsuen was received during the statutory publication period. The resident objected to the application as there was no run-in for the site; the applied use was too close to residential dwellings and government land should not be used for private development; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary vehicle park 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) although the site was within a large area zoned “Comprehensive Development Area” (“CDA”) for comprehensive development/ redevelopment of the area for residential use, there was no known development proposed for the “CDA” zone. The proposed temporary vehicle park would not frustrate the implementation of the planned use in the long term. It was also considered not incompatible with the surrounding land uses which comprised mainly vacant sites, isolated residential dwellings and open storage yards;
 - (ii) it was unlikely that the proposed development, with its nature and scale, would create significant adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. Director of Environmental Protection had no objection to the application. Furthermore, approval conditions in restricting the operation hours, workshop activities and types of vehicles were recommended to

reduce the potential impact on the surrounding environment; and

(iii) regarding the public comment, it was noted that Shek Po Tsuen was located about 400m to the north of the site. The applicant had proposed to use Hung Shui Kiu Tin Sam Road for access to the site. Besides, the proposed vehicle park which provided only 10 parking spaces for private cars, three parking spaces for light goods vehicles and 28.8m² of space for ancillary storage use, would unlikely generate significant traffic or environmental impacts on the surrounding areas.

66. Members had no question on the application.

Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.10.2014, 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 10:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no dismantling, repairing or other workshop activities were allowed on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, or coach was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors, as defined in the Road Traffic Ordinance, or coach was allowed to be parked/stored on the site at any

time during the planning approval period;

- (e) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (f) the existing drainage facilities implemented under Application No. A/YL-PS/331 on the site should be maintained during the planning approval period;
- (g) the submission of the condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.4.2012;
- (h) the existing trees within the site should be maintained during the planning approval period;
- (i) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.4.2012;
- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.7.2012;
- (k) the provision of periphery fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.4.2012;
- (l) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.4.2012;

- (m) in relation to (l) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.7.2012;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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;
- (o) if any of the above planning conditions (g), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon 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.

68. 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) the permission was given to the use/development under application. It did not condone any other use/development (including open storage of construction materials) which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long that the site was accessible from Hung Shui Kiu Tin Sam Road via a local track on other private land and government land (GL). His office provided no

maintenance works for the GL and did not guarantee right-of-way. The lot owner would need to apply to his office to permit structure to be erected or regularize any irregularities on site. The occupier would also need to apply to his office for occupation of the GL involved. Such applications would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (d) to 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 Environmental Protection Department to minimise any possible environmental nuisances;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided at the site entrance to prevent surface runoff flowing from the site onto the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the site and Hung Shui Kiu Tin Sam Road;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs for his approval. In addition, the applicant should be advised on the following points:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
- (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans.

Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed, the applicant was required to provide justifications for his consideration; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Appropriate actions under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new work, including any temporary structure for approval under the BO, was required. Use of container as office and storage was considered as temporary buildings and was subject to control under the Building (Planning) Regulations (B(P)R) Part VII. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) during plan submission stage. Attention should also be drawn to the requirements on provision of emergency vehicular access under B(P)R 41D.

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/YL-HT/723 Land Filling (by 2.2m) for Permitted Agricultural Use
in “Green Belt” zone,
Lot No. 1372 in D.D. 125 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/723)

69. The Secretary said that on 22.9.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to appoint a landscape contractor for detailed technical advice as per the suggestion of the Agriculture, Fisheries and Conservation Department (AFCD), and to seek expert advice from the relevant horticulture/landscape contractor to improve the site for agricultural use, make the site compatible with the environment, prepare a site improvement proposal for the excavation of a few ponds for storage of water for irrigation purposes, and meet with the objectors on the acceptability of the site improvement proposal. The applicant also advised that a proposal to improve the soil condition was submitted to AFCD on 23.8.2011, and that about 600 trees had been planted on the site. Furthermore, two water ponds had been created on Lots No. 1367 and 1368 to test the effectiveness of the site improvement proposal.

70. The Secretary also pointed out that the site, together with its adjoining area to the north (under application No. A/YL-HT/724) was subject to enforcement action under the Town Planning Ordinance involving unauthorized filling and excavation of land.

71. 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 for its 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 the further information, and since this was the third deferment request and a total of six months had been allowed, no further deferment would be granted.

Agenda Item 17

Section 16 Application

[Open Meeting]

A/YL-HT/724 Land Filling (by 1.9m) for Permitted Agricultural Use
in “Green Belt” zone,
Lots No. 1367, 1368, 1369 and 1370 in D.D. 125 and
Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/724)

72. The Secretary said that on 22.9.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to appoint a landscape contractor for detailed technical advice as per the suggestion of the Agriculture, Fisheries and Conservation Department (AFCD), and to seek expert advice from the relevant horticulture/landscape contractor to improve the site for agricultural use, make the site compatible with the environment, prepare a site improvement proposal for the excavation of a few ponds for storage of water for irrigation purposes, and meet with the objectors on the acceptability of the site improvement proposal. The applicant also advised that a proposal to improve the soil condition was submitted to AFCD on 23.8.2011, and that about 600 trees had been planted on the site. Furthermore, two water ponds had been created on Lots No. 1367 and 1368 to test the effectiveness of the site improvement proposal.

73. The Secretary also pointed out that the site, together with its adjoining area to the south (under Application No. A/YL-HT/723) was subject to enforcement action under the Town Planning Ordinance involving unauthorized excavation and/or filling of land.

74. 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 for its 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 the further information, and since

this was the third deferment request and a total of six months had been allowed, no further deferment would be granted.

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

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/749 Temporary Sales of Vehicles and Parking of Lorries with
Vehicle Repair Workshop for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots No. 3255 (Part), 3256 RP (Part) and 3257 RP (Part) in D.D. 129
and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/749)

Presentation and Question Sessions

75. Mr. Ernest C.M. Fung STP/TMYL, informed Members that the hostel for the mentally disabled to the immediate east of the application site would cease operation by the end of this month and its residents had already moved out from the hostel recently. To incorporate the above updated information, the related paragraphs of the Paper had been revised and replacement pages (Pages 6, and 9 to 13) were tabled for Members’ consideration. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary sales of vehicles and parking of lorries with vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the

vicinity of the site (about 65m away) and along the access road (Ping Ha Road) and environmental nuisance was expected. However, there was no pollution complaint against the site over the past 3 years;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the applied use was not incompatible with most of the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone, which were predominantly open storage yards and similar vehicle repair workshops. Besides, it was considered that approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “CDA” zone on the outline zoning plan (OZP) since there was not yet any programme/known intention to implement the planned use on the OZP;
 - (ii) regarding DEP's comments, there was no environmental complaint pertaining to the site over the past three years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours had been recommended. Other government departments had no adverse comment on the application;
 - (iii) the Committee had approved six previous applications for various temporary open storage uses on the majority portion of the site since 1998. Since granting the previous approvals, there had been no material change in the planning circumstances. 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/731 and 737 within the same “CDA” zone for similar temporary workshop and vehicle parking uses. 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; and

- (iv) oil tanker trucks were observed being parked/repared at the site. The applicant advised that oil tanker trucks repaired at the site were not in operation and did not carry dangerous goods (DG), and were no different from other business vehicles that required regular inspection. In this regard, the Director of Fire Services considered that repair of licensed DG vehicles not carrying any DG would not induce additional fire risk. Furthermore, it was noted that the hostel for the mentally disabled to the immediate east of the application site would cease operation by the end of this month and its residents had already moved out from the hostel recently. As such, interface problems associated with the development were not envisaged.

76. In reply to a Member’s query, Mr. Lawrence Ngo replied that the nearest residential dwelling was located about 65m to the south of the application site.

Deliberation Session

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.10.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) only vehicles with valid licence/registration were allowed to be parked on

the site during the planning approval period;

- (d) the drainage facilities implemented on the site under Application No. A/YL-HT/598 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 the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.4.2012;
- (f) the submission of landscape and tree preservation proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.4.2012;
- (g) in relation to (f) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 7.7.2012;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.4.2012;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.7.2012;
- (j) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (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 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.

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

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government, and to apply to him to permit structures to be erected or regularize any irregularities on-site, and for occupation of the government land (GL) involved. Such application 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 among others, the payment of premium/fees, as might be imposed by LandsD. Access of the site abutted directly onto Fung Kong Tsuen Road. He provided no maintenance works for the GL involved and did not guarantee right-of-way;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;

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

- (f) to note the comments of the Director of Fire Services to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Buildings Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the applied use was subject to the issue of a licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority. The temporary office, repair workshop, storage and open shed were considered as temporary buildings, which were

subject to control under the Building (Planning) Regulation (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. The site should be provided with means of 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 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/754 Temporary Open Storage of Construction Materials with Ancillary Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 34 RP (Part), 35 (Part), 36 (Part), 37 (Part), 38 (Part), 39 (Part) and 41 (Part) in D.D.128, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/754)

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 open storage of construction materials 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 site (about 40m away) and the access roads (Fung Kong Tsuen

Road and Ping Ha Road) and environmental nuisance was expected. There was no environmental complaint pertaining to the site received in the past three years;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis 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 most of the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which were predominantly open storage yards. Besides, it was considered that approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “CDA” zone on the outline zoning plan (OZP) since there was not yet any programme/known intention to implement the zoned use on the OZP;
 - (ii) the site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that DEP's concerns could be addressed by imposing approval conditions on restriction of operation hours. There was no adverse comment from other concerned government departments; and
 - (iii) the Committee had approved seven previous applications No. A/YL-HT/160, 181, 265, 266, 401, 402 and 572 for the same open storage use with/without workshop submitted by the same applicant since 2000. Since granting these previous approvals, there had been no material change in the planning circumstances. The applicant

had also satisfactorily complied with all the approval conditions of the last application No. A/YL-HT/572. The Committee had recently approved similar applications within the same “CDA” zone for similar temporary open storage and workshop uses and the approval of the subject application was in line with the Committee’s previous decisions.

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 7.10.2014, 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 11:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the drainage facilities implemented on the site under Application No. A/YL-HT/572 should be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.4.2012;
- (e) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.4.2012;
- (f) in relation to (e) above, the implementation of the fire service installations

proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.7.2012;

- (g) the submission of a landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.4.2012;
- (h) in relation to (g) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 7.7.2012;
- (i) if any of the above planning conditions (a), (b) or (c) 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;
- (j) if any of the above planning conditions (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 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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government, and to apply to him to

permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the 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 among others, the payment of premium/fees, as might be imposed by LandsD. He provided no maintenance work for the government land (GL) and did not guarantee right-of-way for access to the site from Fung Kong Tsuen Road via the local track on GL and other private land;

- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. The applicant should also adhere to the 'Good Practice for Open Storage' at Appendix VI of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that enforcement action might be taken by

the Buildings Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the applied use was subject to the issue of a licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority. The temporary converted containers for site office, storage and meter room, and open shed were considered as temporary buildings, which were subject to control under the Building (Planning) Regulation (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. The site should be provided with means of 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;

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practices and implement necessary control measures to avoid causing water pollution to the nearby watercourse; and
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his inside services to the nearest suitable Government water mains for connection, to resolve any land matters (such as private lots) associated with the provision of water supply and that he should be responsible for

the construction, operation and maintenance of any inside services within the private lots to WSD's standards; and that water mains in the vicinity of the site could not provide the standard pedestal hydrant.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/755 Temporary Logistics Transit Centre with Ancillary Vehicle Parking Facilities for a Period of 3 Years in "Comprehensive Development Area" zone, Lots No. 838 (Part), 839 (Part), 840 (Part), 845(Part), 846 S.B RP (Part) and 849 S.B RP(Part) in D.D. 125, and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/755)

Presentation and Question Sessions

83. 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 logistics transit centre with ancillary vehicle parking facilities for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses directly abutting the site and along the access road (Ping Ha Road) and environmental nuisance was expected. There was no environmental complaint pertaining to the site received in the past three years;
- (d) one public comment from a Yuen Long District Council member was

received during the statutory publication period. The commenter expressed concerns on the noise and pollution impacts of the development on nearby housing estates; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the applied use was not incompatible with most of the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which were predominantly open storage yards. Besides, it was considered that approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “CDA” zone on the outline zoning plan (OZP) since there was not yet any programme/known intention to implement the zoned use on the OZP;
 - (ii) the site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that concerns of DEP and the commenter could be addressed by imposing approval conditions on restriction on operation hours, stacking height of materials, prohibition of workshop activities and handling of electrical/electronic appliances/wastes. There was no adverse comment from other concerned government departments;
 - (iii) the Committee had approved four previous applications for open storage and logistic use on the site since 2000. Since granting these previous approvals, there had been no material change in the planning circumstances. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications within the same “CDA” zone for similar temporary vehicle parking, open storage and logistics uses and approval of the

subject application was in line with the Committee's previous decisions; and

- (iv) regarding the public comment which expressed concerns on the noise and pollution impacts of the development on nearby housing estates, approval conditions restricting the operation hours, stacking height of materials and prohibition of workshop activities and handling of electrical/electronic appliances/wastes had been recommended.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.10.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 9:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) no recycling, cutting, dismantling, cleansing, repairing, compaction and workshop activity, including container repair and vehicle repair, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no handling (including loading, unloading, dismantling and storage) of electrical/electronic appliances, computers/computer parts, cathode-ray

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

- (f) no material was allowed to be stored/dumped and no vehicle was allowed to be parked within 1m of any tree on the site during the planning approval period;
- (g) the drainage facilities implemented on the site under Application No. A/YL-HT/555 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.4.2012;
- (i) the setting back of the southwestern boundary of the site from the works limit of the Contract No. CV/2006/01 'Ping Ha Road Improvement – Remaining Works' during the planning approval period to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (j) in relation to (i) above, the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Civil Engineering and Development or of the TPB by 7.4.2012;
- (k) the submission of a run-in/out proposal with swept path diagrams within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.4.2012;
- (l) in relation to (k) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.7.2012;

- (m) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.4.2012;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.7.2012;
- (o) the submission of a landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.4.2012;
- (p) in relation to (o) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 7.7.2012;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) 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;
- (r) if any of the above planning conditions (h), (j), (k), (l), (m), (n), (o) or (p) 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
- (s) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the permission was given to the use/development under application. It did not condone to the open storage of electrical/electronic

appliances/wastes (including but not limited to printers and cathode ray tube monitors/television sets) or any other use/development which might currently exist on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government, and to apply to him to permit structures to be erected or regularize any irregularities on-site and for occupation of the government land involved. Such application would be considered by the 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 among others, the payment of premium/fees, as might be imposed by LandsD. Minor portion of the site along Ping Ha Road encroached onto Government Land Allocation (GLA) No. TYL 825 granted to the Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) for 'Ping Ha Road Improvement – Remaining Works'. Access to the site also required traversing through GLA No. TYL 825. The applicant was advised to set back the boundary along Ping Ha Road and consult CE/LW for any interface problem. He did not guarantee right-of-way;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land

status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) to construct a run in/out at the access point in accordance with the latest version of HyD's standard drawings H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out. HyD should not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (g) to note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that a run-in with bollard and railings and a pedestrian crossing had been constructed outside the site. Long vehicles might have difficulty in turning left from the site to Ping Ha Road and vice versa due to the limited width of the run-in and the presence of the pedestrian crossing. The use of the site should not affect the functioning and future maintenance of the as-constructed surface drainage channels along the widened Ping Ha Road;
- (h) to note the comments of the Director of Fire Services that portable hand-operated approved appliances should be provided for 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, as required by occupancy and should be clearly indicated on plans. The applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The

location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. The details of the open sheds for logistics use should be provided. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Buildings Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the applied use was subject to the issue of a licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority.

Agenda Item 21

Section 16 Application

[Open Meeting]

A/YL-LFS/224 Proposed Comprehensive Residential Development with Wetland Nature Reserve, Filling of Pond and Excavation of Bund Resulting in No Net Loss of Wetland in "Conservation Area", "Green Belt" and "Other Specified Uses" annotated "Comprehensive Development and Wetland Enhancement Area" zones, Lot 1457 RP in D.D. 123 and Adjoining Government Land, Fung Lok Wai, Lau Fau Shan, Yuen Long (RNTPC Paper No. A/YL-LFS/224)

87. The Secretary reported that the subject application was submitted by Mutual Luck Investment Limited, a subsidiary of Cheung Kong (Holding) Limited, Sun Hung Kai Properties Limited and Far East Consortium International Limited. Mr. Y. K. Cheng and Professor Paul Lam had declared an interest in this item as they had current business dealings with Sun Hung Kai Properties Limited. Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with the consultants of the application, namely ADI Limited and Environ Hong Kong Limited. Mr. Stephen M. W. Yip had declared an interest in this application as he had current business dealings with Environ Hong Kong Limited. The Committee noted that Mr. Yip had tendered an apology for being unable to attend the meeting. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Y.K. Cheng, Professor Paul Lam and Ms. Kwong could be allowed to stay at the meeting.

88. The Secretary reported that on 4.10.2011, the applicant's representative requested for a deferment of the consideration of the application for one month in order to allow more time to prepare comprehensive responses to the departmental comments on the application.

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/225 Renewal of Planning Approval under Application No. A/YL-LFS/183
for Temporary Open Storage of Marble with Ancillary Workshop
for a Period of 3 Years in “Recreation” zone,
Lot No. 2227 (Part) in D.D.129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/225)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval under Application No. A/YL-LFS/183 for temporary open storage of marble 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 site (the closest one being about 55m away) and the access road (Deep Bay Road), and environmental nuisance was expected. However, there was no environmental complaint pertaining to the site received in the past 3 years. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) one public comment from a Yuen Long District Council member was received during the statutory publication period. The commenter objected to the application on the grounds that the operation hours of the development had never been specified, and that the noise emitted by the workshop had caused nuisance to the nearby residents; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
- (i) although the applied use was not in line with the planning intention of “Recreation” (“REC”) zone, there was no immediate development proposal for the site and the applied use was temporary in nature which could be tolerated in the interim. In this regard, apart from a few residential dwellings, the area was predominantly occupied by open storage yards. The development was considered not incompatible with the general character of the area;
 - (ii) the current application was for the renewal of the permission under Application No. A/YL-LFS/183. It was in line with the TPB PG-No. 34B as there had been no material change in planning circumstances since the previous approval was granted; the three year approval period sought was reasonable; there was no adverse planning implication arising from the renewal of the planning approval; and the applicant had satisfactorily complied with all the approval conditions;
 - (iii) the development was in line with the Town Planning Board (TPB) Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) in that the concerns of the DEP and the commenter could be addressed by way of approval conditions on the restriction of operation hours and the types of vehicles enter, park or operate at the site, and also prohibition of vehicle repair workshop use at the site as recommended in the Paper. There was no adverse comment from other concerned government departments;
 - (iv) the Committee had approved the previous applications No. A/YL-LFS/57, 60, 78, 125 and 183 for the same use on the site since 2000. Due to the demand for open storage uses in the area, the

Committee/the Board had approved a number of similar applications within the same “REC” zone for various temporary open storage/port back-up uses. Since the granting of approvals to the previous and similar applications, there had been no material change in the planning circumstances. Approval of the subject application was therefore in line with the Committee’s previous decisions; and

- (v) regarding the public comment on the operation hours and the noise emission by the workshop, it was noted that the applicant had proposed the operation hours of the development to be from 7:00 am to 11:00 pm in the previous approved Application No. A/YL-LFS/183 and the present application. Noting DEP’s environmental concerns, the Committee approved shorter operation hours of the development from 7:00 am to 7:00 pm under Application No. A/YL-LFS/183 instead. It was recommended that the shorter operation hours of the development from 7:00 am to 7:00 pm be continued to be imposed under the current application.

91. Members had no question on the application.

Deliberation Session

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, from 11.10.2011 to 10.10.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance,

including heavy goods vehicle and container vehicle/trailer/tractor, was allowed to enter, park or operate at the site during the planning approval period;

- (d) no vehicle over 10m long was allowed to enter, park or operate at the site during the planning approval period;
- (e) no vehicle repair workshop was allowed on the site during the planning approval period;
- (f) the existing drainage facilities implemented under the previous approved Application No. A/YL-LFS/183 should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-LFS/183 within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.4.2012;
- (h) the submission of landscape and tree preservation proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 10.4.2012;
- (i) in relation to (h) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Planning or of the TPB by 10.7.2012;
- (j) the submission of a 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 10.4.2012;

- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.7.2012;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the permission was given to the temporary open storage of marble with ancillary workshop under application. It did not condone to the vehicle repair workshop use or any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such uses/development not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which

contained the restriction that no structure was allowed to be erected without the prior approval of the Government; and he would take enforcement action against any irregularities found in breach of Short Term Waiver No. 2576. He provided no maintenance work for the government land (GL) and did not guarantee right-of-way through the local track on other private land and GL leading to Deep Bay Road;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Director of Fire Services to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. It was preferable to provide site photos to illustrate the existing structures, if any. The applicant should also adhere to the 'Good Practice for Open Storage' at Appendix VI of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Buildings Authority (BA) to effect the removal of unauthorized

building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the applied use was subject to the issue of a license, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/226 Temporary Open Storage of Construction Material and Metal Ware
for a Period of 3 Years in "Residential (Group E)" zone,
Lots No. 2201 (Part), 2219 RP (Part), 2225 (Part), 2339 S.A (Part)
and 2341 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/226)

Presentation and Question Sessions

94. 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 construction material and metal ware 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 site (the closest one being about 8m away) and the access road (Deep Bay Road), and environmental nuisance was expected. He also advised that there were one air, two noise and one water pollution complaints against the site in 2009, and one air, three noise and two water pollution complaints against the site in 2010. Since the last approval under Application No. A/YL-LFS/204, one noise pollution complaint pertaining to the site had been received;

- (d) four public comments were received during the statutory publication period. They were summarised below:
 - (i) a Legislative Council member objected to the application on the grounds that there were many container vehicle parks and recycling yards in Lau Fau Shan already. The high volume of heavy vehicular traffic, noise nuisance and hygiene problems of these vehicle parks and recycling yards had seriously affected the nearby residents. There had been a number of recent applications for temporary open storage of construction materials and machineries in the vicinity of the site. The approval of these applications would aggravate the nuisance on nearby residents. His Office had received quite a number of noise nuisance complaints against container vehicle parks and recycling yards from the residents in the rural New Territories. The commenter requested the Committee to reject the subject application;

 - (ii) a Yuen Long District Council member objected to the application on the grounds that the site was located in close proximity to residential dwellings, and loading/unloading of construction materials and metal ware on the site would inevitably cause noise nuisance to the nearby residents. In addition, as the vehicular access to the site was uneven, transportation of construction materials and metal ware by heavy vehicles would also generate noise and dusts problems.

The commenter requested the Committee to have sympathy on the hardship of the nearby residents and reject the application; and

- (iii) two local residents submitted identical letters objecting to the application. The commenters considered that operators of open storage use at the site should comply with the approval conditions in view of its proximity to tourism and residential areas. However, some open storage yards (like that under Application No. A/YL-LFS/211) were using cranes of over 10 storeys high to load/unload massive I-beams right next to residential dwellings. Heavy vehicles/container vehicles were also being used to transport such materials along the narrow Deep Bay Road and there had been night time operation and operation on Sundays generating noise nuisance. Some open storage yards were found to be operating without fire service installations. There had also been numerous fire outbreaks, occupational accidents and theft over the past few years. The subject site had all along been used for open storage of used computers and computer monitors, the heavy metal content of which would affect the health of residents and agricultural produce/oyster fields in the area. The commenters were also concerned about future applications for open storage yards on the seaward side of Deep Bay Road and considered that applications for open storage uses should be rejected. They suggested that all open storage yards should be consolidated onto one single piece of land for easy monitoring so that residents would not be affected; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) although the applied use was not in line with the planning intention of “Residential (Group E)” (“R(E)”) zone, there was no immediate development proposal for the site and the applied use was temporary

in nature which could be tolerated in the interim. In this regard, apart from a few residential dwellings, the area was predominantly occupied by open storage yards. The development was considered not incompatible with the general character of the area;

- (ii) the development was in line with the Town Planning Board (TPB) Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No.13E) in that the concerns of DEP and the commenters could be addressed by way of approval conditions on the restriction of operation hours and the stacking height of materials, and on the prohibition of workshop activities, handling of electrical/electronic appliances/wastes and the types of vehicles to be used which were recommended in the Paper. There was no adverse comment from other concerned government departments;
- (iii) the Committee had approved the previous applications No. A/YL-LFS/19, 35, 43, 47, 61, 88, 159 and 204 for similar open storage uses on the site since 1997. It was noted that the applicant had fulfilled all conditions of the last previous application No. A/YL-LFS/204. The last application No. A/YL-LFS/204 was approved for a period of one year to monitor the situation of the site in view of 10 pollution complaints against the site in 2009 and 2010. Since the last approval, a noise pollution complaint against the site had been received. Accordingly, a shorter approval period of one year, instead of three years sought, was recommended for continual monitoring of the situation on-site. The applicant should be advised that favourable consideration would not be given by the Committee to any further application should there be any substantiated environmental complaint against the site within the approval period;
- (iv) due to the demand for open storage uses in the area, the Board/Committee had approved a number of similar applications within the same "R(E)" zone for various temporary open storage/port back-up

uses. Since granting the previous approvals, there had been no material change in the planning circumstances. Approval of the subject application was therefore in line with the Board/Committee's previous decisions; and

- (v) regarding the public comments, approval conditions had been recommended to address the commenters' concerns. A shorter approval period of one year, instead of three years sought, had also been recommended to monitor the situation on the site. Regarding the use of heavy machinery on-site, the applicant should follow the 'Code of Practice for Safe Use of Mobile Cranes' should there be any operational need to use cranes to load/unload the materials stored. As far as tourism development in Lau Fau Shan was concerned, it was noted that the site was over 150m away from the Lau Fau Shan market. It was also considered that approval of the application on a temporary basis for a period of one year would not frustrate the long-term planning intention of developing Lau Fau Shan into a tourist node and tourism development would rely on private sector initiative.

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 1 year, until 7.10.2012, instead of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) no repairing, cleaning, dismantling and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no handling (including loading, unloading, dismantling and storage) of electrical/electronic appliances, computers/computer parts, cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site during the planning approval period;
- (f) no vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle and container vehicle/trailer/tractor, was allowed to enter, park or operate at the site during the planning approval period;
- (g) no vehicle over 10m long was allowed to enter, park or operate at the application site during the planning approval period;
- (h) the existing drainage facilities implemented under the previous approved Application No. A/YL-LFS/204 should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-LFS/204 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.1.2012;
- (j) the submission of a 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 7.1.2012;

- (k) in relation to (j) above, the implementation of the 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 7.4.2012;
- (l) the submission of landscape and tree preservation proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.1.2012;
- (m) in relation to (l) above, the implementation of the landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 7.4.2012;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before continuing the development on the site;
- (b) to note that a shorter approval period of 1 year and shorter compliance periods were granted in order to monitor the situation of the site.

Favourable consideration would not be given by the Committee to any further application should there be any substantiated environmental complaint pertaining to the site within the approval period;

- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government; and to apply to him to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not guarantee right-of-way for access to the site from Deep Bay Road via a local track on other private land;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed

fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. The applicant should also adhere to the 'Good Practice for Open Storage' at Appendix VI of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Buildings Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the applied use was subject to the issue of a licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority; and
- (i) to follow the 'Code of Practice for Safe Use of Mobile Cranes' issued by the Commissioner for Labour should there be any operational need to use cranes to load/unload the materials stored.

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/548 Proposed Excavation of Land
(for Ground Investigation Works for Assessing the Stability of Slopes)
in “Conservation Area” zone,
Government Land at Uphill Area near Au Tau, Yuen Long
(RNTPC Paper No. A/YL-KTS/548)

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 excavation of land (for ground investigation works for assessing the stability of slopes);
- (c) departmental comments – concerned government departments had no objection to or no 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 had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed excavation of land fell within the “CA” zone, it was required for carrying out ground investigation works to assess the stability of the slopes to facilitate slope works, if any, for public safety reason, hence warranting special consideration. The proposed excavation of land involving nine boreholes and 21 trial pits with a total

area of about 49.5m² was small in scale. No tree felling would be involved and the boreholes/trial pits and works area would be reinstated/landscaped upon completion of the ground investigation works. Helicopter would also be used for transportation of the equipment for the proposed works. The site was located in a generally remote area far away from any residential development or other sensitive uses. Hence, it would be unlikely that the proposed excavation of land would cause adverse environmental, ecological or landscape impacts on the surrounding areas. Relevant government departments consulted had no adverse comment on the application. The applicant would also be advised to follow and implement the mitigation measures during the course of the proposed works as recommended in the Ecological Appraisal Report previously submitted to the Director of Agriculture, Fisheries and Conservation and the “Recommended Pollution Control Clauses for Construction Contracts” published by the Director of Environmental Protection.

99. Members had no question on the application.

Deliberation Session

100. 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 7.10.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of an assessment report on the proposed ground investigation works to address the impacts on the tunnel reserve area prior to commencement of works to the satisfaction of the Director of Water Supplies or of the TPB;
- (b) the implementation of mitigation measures proposed in the assessment report in (a) above, if any, to the satisfaction of the Director of Water

Supplies or of the TPB;

- (c) if any of the above planning conditions (a) or (b) was not complied with, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (d) upon completion of the proposed development, the reinstatement of the application site to an amenity area, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site fell within unallocated government land (GL). The applicant should apply to the LandsD for the “Permission Letter” to enter onto the GL for carrying out the proposed works. The subsequent slope maintenance responsibility of the respective works area would be assigned to the applicant. Besides, the applicant should apply to the LandsD for an “Excavation Permit”. No works should be commenced unless the relevant documents and approval had been given with the prescribed fee settled. Pylon No. 4CPA55 was covered by Tap Shek Kok Licence Agreement issued by the Chief Estate Surveyor/Estate Management, LandsD (CES/EM, LandsD) on 4.12.2000 and a Supplementary Agreement dated 26.7.2004. Pylons No. 4CPH53 and 4CPH54 were covered by Daya Bay Licence Agreement issued by CES/EM, LandsD on 4.12.2000. The applicant should comply with the terms and conditions of the respective Licence Agreements in carrying out the proposed works. Since the proposed works fell within the Permitted Burial Ground of Burial Area YL32, the applicant was required to comply with the requirement of the District Officer/Yuen Long and the Village Representatives of the concerned villages prior to commencement of works. The proposed works at Pylon No. 4CPH53 was in the vicinity of the government land allocation No. GLA-YL62 (allocated to the Survey and Mapping Office of LandsD) and Slope Feature No. 6NE-C/DT11

(under LandsD's purview), the applicant was required to consult the relevant parties prior to commencement of works;

- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should follow and implement all the mitigation measures during the course of the proposed works (including opening/widening of access, if any) as recommended in the Ecological Appraisal Report previously submitted to her department;
- (c) to note the comments of the Director of Environmental Protection that the applicant should implement the "Recommended Pollution Control Clauses for Construction Contracts" which was available from his department's website;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the proposed works would be carried out on the GL, they were exempted under the provisions of the Buildings Ordinance (BO). Otherwise, formal submission of any proposed new works for approval was required under the BO. Besides, any slope upgrading and foundation works related to a building on land with a tenancy or a lease granted by the government was subject to the control of the BO; and
- (e) to note the comments of the Director of Electrical and Mechanical Services that no scaffolding, crane and hoist should be built or operated within 9m from the conductors of the overhead lines at all times. The applicant should observe the safety precautions required for carrying out any works in the vicinity of the transmission overhead lines. Prior to establishing any structure in the site, the applicant and/or his contractors should observe the safety requirements and maintain at least the minimum safety clearance from the overhead lines in accordance with the Hong Kong Planning Standards and Guidelines. The "Code of Practice on Working Near Electricity Supply Lines" published by his department under the Electricity Supply Lines (Protection) Regulation should be

observed by all concerned parties when working in the vicinity of all these electricity supply lines.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/290 Temporary Open Storage and Storage of Used Clothes,
Scrap Metal, Used Electrical Appliances and Household Goods
for a Period of 3 Years in “Village Type Development” zone,
Lot 239 S.B (Part) in D.D. 117, Hung Tso Tin Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/290)

Presentation and Question Sessions

102. 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 and storage of used clothes, scrap metal, used electrical appliances and household goods for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that a complaint related to suspected unauthorized development was received in March 2011 and the site inspection revealed that the site was properly maintained with no environmental nuisance observed at that time. However, he did not support the application as sensitive receivers (residential dwellings/structures) were located to the immediate south and west (about 1m to 10m away from the site) and in the vicinity of the site, and environmental nuisance could still be expected. Besides, used electrical appliances were, among others, proposed for open storage under the current application. His recent site inspection revealed that the site

was entirely paved and there was no sign of dismantling of the used electrical appliances. However, some of the used appliances were packed and stored in open areas. It was considered environmentally undesirable as they had the potential to pollute the land of the surrounding areas by washing of the rain;

- (d) a local objection was received from a Yuen Long District Councillor during the statutory publication period on the grounds that the development was located close to the residential dwellings and the transportation of goods and storage use of the development would cause noise and dust nuisance and pollution problem; 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 development was not in line with the planning intention of the “Village Type Development” (“V”) zone. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The development was incompatible with the surroundings which were predominantly rural and residential in character. While there were scattered open storage/storage yards, workshops and parking lots in the vicinity, most of them were suspected unauthorized development subject to enforcement action taken by the Planning Authority. No strong planning justification had been given in the submission for a departure from the planning intention of the “V” zone, even on a temporary basis;
 - (ii) the application was not in line with the Town Planning Board (TPB) Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) in that there was no exceptional circumstance that

warranted sympathetic consideration. There was no previous planning approval granted for the site and there were adverse departmental comments and local objection against the application. In this regard, DEP did not support the application as there were sensitive receivers in the vicinity of the site. Besides, DEP considered that the storage of used electrical appliances at the open area of the site was environmentally undesirable as they had the potential to pollute the surrounding areas by washing of the rain; and

- (iii) no similar application for open storage use within the same “V” zone had been granted by the Committee. The approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

103. Members had no question on the application.

Deliberation Session

104. In response to the Chairman’s enquiry about the open storage yards and workshops in the northeast of the application site, Mr. Kepler Yuen said that most of the storage yards and workshops were suspected unauthorised developments subject to enforcement action taken by the Planning Authority. The applied use was considered incompatible with the residential uses in the vicinity of the site.

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone on the Outline Zoning Plan, which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was

primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The development was incompatible with the surroundings which were predominantly rural and residential in character. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development did not comply with the Town Planning Board (TPB) Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No.13E) in that there was no exceptional circumstance that warranted sympathetic consideration. There was no previous planning approval granted for the site and there were adverse departmental comment and local objection against the development;
- (c) the applicant failed to demonstrate in the submission that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the "V" zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/291 Renewal of Planning Approval for Temporary “Private Swimming Pool” Use under Application No. A/YL-TT/233 for a Period of 3 Years in “Village Type Development” zone,
Lots 3314 S.A and 3314 RP in D.D. 120, Sham Chung Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TT/291)

Presentation and Question Sessions

106. 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) renewal of planning approval for temporary “private swimming pool” use under Application No. A/YL-TT/233 for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or no 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 applied temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the paper. The application was a renewal of the planning permission for temporary private swimming pool previously granted under Application No. A/YL-TT/233. The private swimming pool was for the recreational use of the residents of the

two Small Houses at the northern portion of the site. As the size and scale of the swimming pool was not substantial and the facility only involved open-air ground level structure, it would not adversely affect the village character of the area. According to District Lands Officer/Yuen Long's record, there was no Small House application under processing at the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the site. The application was generally in line with the TPB PG-No. 34B for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development in that there were no material changes in the planning circumstances since the approval of the previous planning Application No. A/YL-TT/233. Moreover, the planning conditions of the last application had all been complied with. Besides, there were no adverse departmental comments and local objection against the application.

107. Members had no question on the application.

Deliberation Session

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 10.12.2011 to 9.12.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (b) the submission of a record of the existing drainage facilities at the application site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.6.2012;
- (c) the submission of landscape proposal within 6 months from the date of

commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 9.6.2012;

- (d) in relation to (c) above, the implementation of landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 9.9.2012;
- (e) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) 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.

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

- (a) to resolve any land issue relating to the development with other concerned owners of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the private land involved under application comprised Old Scheduled Agricultural Lot held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. Proposed Short Term Waivers No. 3179 and 3180 had been issued to allow the erection of structures on Lots 3314 S.A and 3314 RP for the purpose of private swimming pool with associated filtration plant room use. Nevertheless, the lot owners would still need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such approval was approved, it would be subject to such terms and conditions, including among others the payment of premium or

fee, as might be imposed by LandsD. Besides, the site was accessible through an informal track on government land (GL) and other private land extended from Sham Chung Road. LandsD provides no maintenance works on this GL nor guarantees right-of-way;

- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that one of the trees located at the south-west corner of the site was topped and in fair condition. Thus, replacement planting of the topped tree with a healthy tree of a well balanced form and a straight leader stem was required; and
- (d) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractor 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. Moreover, 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 electricity supply lines.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/537 Temporary Warehouse for Storage of Construction Materials,
Used Cars and Miscellaneous Goods for a Period of 3 Years
in “Undetermined” zone,
Lots 1399 (Part), 1401 S.A to S.D (Part) and 1402 (Part) in D.D. 119,
Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/537)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of construction materials, used cars and miscellaneous goods for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate south and southwest of the site, and environmental nuisance was expected. He also advised that in March 2009, one environmental complaint on air pollution related to odour, which was generated from a food oil recycling workshop on the site, was received. In June 2009, the equipment in the workshop was found removed and no further operation was noted;
- (d) one public comment from a Yuen Long District Council member was received during the statutory publication period. The commenter considered that the repeated revocations of the previous planning approvals reflected the applicant’s insincerity to comply with the approval

conditions and, as such, the current application should be rejected; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the development was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was intended to cater for the continuing demand for open storage that 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 workshops. Since there was no known programme for permanent development, approval of the application on a temporary basis would not frustrate the long-term use of the area;
 - (ii) regarding DEP's comments, the development was for storage purpose mainly in an enclosed warehouse structure and the source of the complaint (i.e. the food oil recycling workshop) had moved out from the site. In addition, the applicant proposed in its submission not to operate at the site during night time between 6:00 p.m. and 9:00 a.m. and on Sundays and public holidays, and not to have open storage, and workshop activities on the site. With the above measure, 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 storage of electronic waste, prohibiting open storage and workshop activities and restricting the use of heavy goods vehicles were recommended. Other government departments consulted generally had no adverse comment on the application;
 - (iii) the three previous planning approvals for warehouse use on the site under Applications No. A/YL-TYST/256, 316 and 463 submitted by a different applicant but by the same agent were all revoked due to

non-compliance with the approval conditions, including the submission and implementation of fire services installation (FSI) proposal. The current application was submitted by another applicant who had slightly revised the site layout and included a FSI proposal in the submission to address the fire safety issue, and this FSI proposal was considered acceptable by the Director of Fire Services. As such, the development might be tolerated as the potential fire risks could be addressed by imposing an approval condition as recommended in the Paper; and

- (iv) there was a public objection to the application concerning the applicant's insincerity to comply with the approval conditions. However, in view of the fact that the relevant departments consulted generally had no adverse comment on the application and the applicant had demonstrated efforts to address the fire safety issue, the current application might be tolerated.

111. Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.10.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no electronic waste and used electrical appliances were allowed to be stored on the application site at any time during the planning approval

period;

- (d) no open storage, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;
- (e) no workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (f) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (g) the existing trees on the application site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (i) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.4.2012;
- (j) the implementation of the accepted 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 7.4.2012;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (i) or (j) was not complied with by

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

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

113. 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 (LandsD) that the lot owners concerned would need to apply to his office to regularize any irregularities on-site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by the LandsD. Besides, the site was accessible through an informal track on government land and other private land extended from Kung Um Road. His office provided no maintenance works for this track nor guarantees right-of-way. Moreover, part of the government land had been granted with Government Land Allocation GLA-TYL 1278 for a sewerage project, namely “PWP Item 4368DS (part-upgraded from 4235DS in May 2009) – Yuen Long South Branch Sewers”, by the Drainage Services Department;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be

clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the 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 Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (h) to note the comments of the Director of Fire Services that the installation/maintenance/modification/ repair work of fire service installation (FSI) should be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC should after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the existing structures that apparently had not been obtained approval under the Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including any temporary structures. The covered storage, storeroom, washroom and garage were considered as temporary buildings subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not

abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. Moreover, the granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require; and

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. 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 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/548 Temporary Site Office for a Period of 2 Years
in “Comprehensive Development Area” zone,
Lots 415 (Part) and 422 RP (Part) in D.D. 121, Tai Tao Tsuen,
Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/548)

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 temporary site office for a period of two years;
- (c) departmental comments – concerned government departments had no objection to or no adverse comments on the application;
- (d) one public comment was received during the statutory publication period. The commenter indicated that the subject site office had existed for some time and he had filed complaints to relevant government departments already. He objected to the application as the vehicles of the site always used the track by the side of the nullah for access and damaged the railings on the track. Besides, the workers of the office often threw cigarette butts and rubbish along the access track; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of two years based on the assessments set out in paragraph 11 of the paper. The applied temporary site office of about 204 m² in floor area and 2.9m in height for facilitating

the construction of the adjacent residential development was considered not excessive in scale and not incompatible with the surrounding environment which was predominantly residential in character mixed with storage sites and vehicle parks. According to the information from the applicant, the temporary use would only last for a short period until the completion of the residential development (which was anticipated to be at the end of 2011 or early 2012). The relevant government departments consulted generally had no adverse comment on the application. There was a public objection to the application on traffic and cleanliness grounds. However, as the development was only for temporary office use and was small in scale, it was expected that the actual impact on the surrounding areas should not be significant.

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 2 years until 7.10.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) 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 7.4.2012;
- (c) in relation to (b) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.7.2012;
- (d) if the above planning condition (a) was not complied with during the

planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (e) if any of the above planning conditions (b) or (c) 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
- (f) 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) 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 other 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 site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. No approval had been given for the specified structure as office use. The lot owners would need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such applications would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such applications were approved, they would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal track on government land extended from Fui Sha Wai South Road. His office provided no maintenance works for this track nor guarantees right-of-way. Part of the government land was temporarily allocated to Water Supplies

Department (WSD) for the “PWP Item No. 9045 WS – Salt Water Supply for NW NT – Remaining Works” project;

- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that suitable drainage facilities, such as surface channels, should be provided along the perimeter of the lot to intercept, collect and discharge the surface runoff to a proper discharge point. The development should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. For drainage works constructed outside his lot boundary, if any, the applicant should consult DLO/YL, LandsD and seek consent from the relevant owners before commencement of the drainage works;
- (g) to note the comments of the Chief Engineer/Development (2), Water Services Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards;
- (h) to note the comments of the Director of Fire Services that in consideration

of the design/nature of the proposed structure, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority for the structures existing at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. If the existing structures were New Territories Exempted Houses under the BO (Application to the New Territories) Ordinance (Cap. 121), or the structures had already existed before the granting of any Short Term Tenancy, DLO/YL, LandsD should be in a better position to comment on the application. Before any new building works were to be carried out on the site, the prior approval and consent of the Building Authority should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. If the applied use was subject to the issue of a licence, the applicant should be reminded that

any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority; and

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

[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 29

Any Other Business

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