

## **TOWN PLANNING BOARD**

### **Minutes of 364th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 4.1.2008**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Chief Engineer/Traffic Engineering (New Territories East),  
Transport Department  
Mr. Ambrose Cheong

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

Assistant Director/New Territories, Lands Department  
Mr. C.S. Mills

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

Secretary

**Absent with Apologies**

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Dr. C.N. Ng

Mr. Alfred Donald Yap

Mr. Y.K. Cheng

Dr. James C.W. Lau

Assistant Director (2), Home Affairs Department  
Ms. Margaret Hsia

**In Attendance**

Assistant Director of Planning/Board  
Mr. C.T. Ling

Town Planner/Town Planning Board  
Miss Vivian M.F. Lai

**Agenda Item 1**

Confirmation of the Draft Minutes of the 363rd RNTPC Meeting held on 14.12.2007

[Open Meeting]

1. The Secretary reported that comments on the draft minutes from the Principal Environmental Protection Officer of the Environmental Protection Department, Mr. H.M. Wong, were received. After deliberation, the meeting agreed to the proposed amendment by deleting the words “endorsed by the Environmental Protection Department (EPD)” from line 13 of paragraph 46 under Agenda Item 4 to reflect the status of the EIA report.
  
2. The draft minutes of the 363<sup>rd</sup> RNTPC meeting held on 14.12.2007 were confirmed subject to the amendment as stated in paragraph 1.

**Agenda Item 2**

Matters Arising

[Open Meeting]

3. The Secretary reported that there was no matters arising.

**Sha Tin, Tai Po and North District**

**Agenda Item 3**

Section 12A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) Y/TP/8                      Application for Amendment to the  
Approved Tai Po Outline Zoning Plan No. S/TP/19  
from “Village Type Development” to “Open Space”,  
Government Land in DD 22,  
Lai Chi Shan,  
Tai Po  

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(RNTPC Paper No. Y/TP/8)

4. The Secretary reported that a letter dated 31.12.2007 was received from a commenter Wu Bing Pui clarifying that he did not object to the application.

Presentation and Question Sessions

[The hearing was conducted in Cantonese.]

5. Dr. Kenneth S.S. Tang, Senior Town Planner/ Sha Tin, Tai Po and North (STP/STN) and the following applicant's representatives were invited to the meeting at this point :

Mr. Lee Kwei Keung

Ms. Chan Yin Chun

Ms. Fung Sze Wan

6. The Chairperson extended a welcome and briefly explained the hearing procedures. She then invited the Planning Department (PlanD)'s representatives to brief Members on the background to the application.

7. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed rezoning from "Village Type Development" ("V") to "Open Space" ("O");
- (c) departmental comments – no objection from concerned Government departments was received. The District Lands Officer/Tai Po (DLO/TP) advised that the application site fell within the village environs of Lai Chi Shan, a Small House application on the application site was being processed, and the 10-year Small House demand was 50. The Director of Leisure and Cultural Services advised that there was no plan to develop the proposed open space;

- (d) during the statutory publication period, three public comments were received. All of them objected to the application mainly on the grounds that the proposed amendment disregarded the rights and needs of indigenous residents when there was a lack of land for Small House development, and the proposal would generate noise impact. They proposed an “O” zoning on another site near Tat Wan Road which was spacious and nuisance-free; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons given in paragraphs 10.1 to 10.4 of the Paper. The current and planned provision of local open space and district open space were sufficient to meet the long term requirements in Tai Po New Town according to the Hong Kong Planning Standards and Guidelines. On the other hand, land available in “V” zone of Lai Chi Shan could not fully meet DLO/TP’s Small House demand forecast. The current “V” zoning of the application site was appropriate from land utilisation viewpoint.

8. The Chairperson then invited the applicant’s representatives to elaborate on the application.

9. Mr. Lee Kwei Keung made the following main points :

- (a) he was born in Lai Chi Shan and was familiar with the area;
- (b) of the 9 Small Houses on Government land (GL) approved by the DLO/TP so far, only 5 of them were occupied by indigenous villagers; and
- (c) some 12 to 15 Small Houses could still be developed within the remaining GL in Lai Chi Shan village; and according to his understanding, there were 6 indigenous villagers who were over 18 and 5 were under 18. Though the figures had not included those indigenous villagers who had already made their Small House applications, there should be sufficient land for Small House development. In this regard, DLO/TP’s estimation on Small House demand might not be accurate.

10. Ms. Chan Yin-chun made the following main points :

- (a) there were local open spaces in other villages such as Tai Hom village, but none in Lai Chi Shan village. The open space proposal at Tat Wan Road was rejected previously. They had not taken away the rights of the indigenous villagers, but simply sought for the provision of a modest open space in the village centre accessible to the locals, both young and old. This would allow them ready access to the use of open space without going outside the Lai Chi Shan village. The proposal had the support of local residents;
- (b) in response to the public comments, non-indigenous villagers should also be entitled to submit application on GL within “V” for uses for the benefits of the local residents. The applicant had no intention to object to the indigenous villagers from applying for Small House development; and
- (c) the concern on environment nuisances and public hygiene, raised by the public commenters, was groundless.

11. Ms. Fung Sze-wan, Secretary of the Tai Po Lai Chi Shan Union (the applicant), made the following main points :

- (a) the Tat Wan Road site, which was about 10-minute walking distance from Lai Chi Shan village, was a jogging trail for youngsters. It was not suitable for elderly and children, which constituted about half of the village population;
- (b) in the neighbourhood, there were no other proper recreational facilities accessible and suitable to the villagers, particularly the old and the young as the village was developed in an unplanned manner. There were road and traffic outside the village area, and it might not be safe for the elderly and the kid to go to open spaces unaccompanied. The local residents should have a piece of open space within the village for enjoyment; and

- (c) the applicant, Tai Po Lai Chi Shan Union representing some 152 villagers, submitted that a public open space was much needed amidst a compactly developed Small House area. It was not their intention to compete with the indigenous villagers for GL but to provide open space that would benefit all villagers. Apart from the application site, the applicant was identifying another suitable site to further improve the open space provision in Lai Chi Shan village.

12. In response to the Chairperson's enquiry, Dr. Tang clarified that the statistics on Small House demand was provided by the DLO/TP. There were 6 outstanding Small House applications being processed by DLO/TP and the 10-year Small House demand was 50.

13. In response to a Member's enquiry, Ms. Fung said that in Lai Chi Shan village, about three quarters of the population were non-indigenous and one quarter were indigenous villagers. Mr. Lee Kwei-keung was a village representative (resident representative) of Lai Chi Shan village.

14. By referring to Plan Z-5 of the Paper, a Member asked whether the site shown as "Alternative Proposal for Public Open Space" was the site to be developed by the Leisure and Cultural Services Department (LCSD). Dr. Tang said that it was proposed by one of the public commenter, and the local open space proposed by LCSD was located near Ma Chung Road within Area 6.

15. The Member also enquired how to implement local open space in village area. Dr. Tang replied that if there was consensus among villagers in developing a piece of Government land as public open space, subject to agreement by concerned departments and the availability of funding, the open space could be implemented by either the District Office (DO) or the LCSD. Planning application was not required for such development as open space was an always-permitted use.

16. Ms. Fung said that an application of using the application site as public recreation area was submitted to LCSD years ago but was rejected. No assistance was given by DO and the village committee did not support the proposal. Hence, the applicant had to apply to the Committee to rezone the site to "O" in the hope that the open space proposal could be implemented.

17. As the applicant's representatives had no further points to make and Members had no further questions, the Chairman said that the hearing procedures had been completed and the Committee would deliberate on the applications in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives and the PlanD's representative for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

18. Members reckoned that there were different views among villagers of Lai Chi Shan on whether the application site should be developed to public open space, and noted that planning permission was not required for the open space use as it was always permitted under the "V" zone. The crux of the matter was how to build consensus among villagers, which was outside the purview of the Committee.

19. After deliberation, the Committee decided not to agree to the application for amendment and the reasons were :

- (a) there was no strong planning justification provided by the applicant for rezoning the application site from "Village Type Development" ("V") to "Open Space" as the provision of open space was always permitted under the "V" zone; and
- (b) the existing "V" zone for Small House development at the application site was considered appropriate as it would optimize the use of valuable land resources.

[Mr. Tony Kan left the meeting temporarily at this point.]



[Open Meeting (Presentation and Question Sessions Only)]

- (ii) Y/ST/4 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/22 from “Green Belt” to “Comprehensive Development Area (2)”, Lots 379 and 380RP in DD 186, Tung Lo Wan Hill Road, Sha Tin  
(RNTPC Paper No. Y/ST/4)
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Presentation and Question Sessions

20. The Committee noted that on 31.12.2007, the applicant requested the Town Planning Board to defer consideration of the application to allow time to address departmental comments to his submission of 14.12.2007.

Deliberation Session

21. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee on 1.2.2008 for consideration subject to there being no further information submitted which would require publication for public comments. The Committee also agreed to advise the applicant that four weeks were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 4**

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/NE-TK/241

Proposed House (New Territories Exempted House — Small House)

in “Green Belt” zone,

Lot 262A in DD 26,

Wong Yue Tan Village,

Tai Po

(RNTPC Paper No. A/NE-TK/241)

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Presentation and Question Sessions

22. The Committee noted that on 29.12.2007, the applicant requested the Town Planning Board to defer consideration of the application in order to allow more time to prepare supplementary information to substantiate the application.

Deliberation Session

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

[Dr. Kenneth S.S. Tang, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

**Agenda Item 5**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/NE-KTN/122       Temporary Vehicle Assembly and Repair Workshop  
for a Period of 3 Years  
in “Industrial (Group D)” and ‘Road’ zones,  
Government Land,  
29 Ma Tso Lung Road,  
Kwu Tung North,  
Sheung Shui  

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(RNTPC Paper No. A/NE-KTN/122)

**Presentation and Question Sessions**

24.           Mr. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)   background to the application;
- (b)   the temporary vehicle assembly and repair workshop for a period of 3 years;
- (c)   departmental comments – the Director of Environmental Protection Department (DEP) did not support the application as environmental nuisance to the sensitive uses in the vicinity of the application site was expected;
- (d)   during the statutory publication period, one public comment was received objecting to the application on environmental (noise, air and safety) grounds. The same objection was received by the District Officer/North; and

[Mr. Tony Kan returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – for reasons given in paragraphs 11.1 to 11.2 of the Paper, PlanD considered that the temporary use could be tolerated and suggested shorter compliance periods to closely monitor the fulfilment of approval conditions. Regarding the objections from DEP and the local, appropriate advisory clause was recommended to address the environmental concerns.

25. In response to Mr. Ambrose Cheong's concern on maintenance of the existing vehicular access, Dr. Tang said that, should the application be approved, the applicant would be required to submit a relevant scaled plan to Transport Department's satisfaction under the suggested condition (f). The Secretary suggested adding an advisory clause in relation to condition (f) to draw applicant's attention to TD's comment. Members agreed.

#### Deliberation Session

26. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.1.2011, 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 properly maintained during the approval period;
- (b) the submission of tree preservation and landscaping proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.4.2008;
- (c) in relation to (b) above, the implementation of the approved tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.7.2008;
- (d) the submission of proposals on fire service installations and fire fighting water supplies within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.4.2008;

- (e) in relation to (d) above, the provision of fire service installations and fire fighting water supplies within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.7.2008;
- (f) the submission of a scaled plan showing details of the vehicular manoeuvring space and vehicular access in relation to the provision of parking and loading/unloading spaces within the site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 4.4.2008;
- (g) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) if any of the above planning conditions (b), (c), (d), (e) or (f) 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.

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

- (a) shorter compliance periods had been given so as to closely monitor the development and compliance with planning conditions;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) the applicant should apply to the District Lands Office/Yuen Long, Lands Department for modification of the Short Term Tenancy conditions to regularize the existing and proposed structures;
- (d) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that :
- (i) any unauthorized building works carried out on the site were subject to enforcement action under section 24 of the Buildings Ordinance (BO);
  - (ii) formal submission by an authorized person for the proposed development was required under the BO and if the site did not abut on a street of not less than 4.5 m wide, the development intensity of the site should be determined under the Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage; and
  - (iii) the applicant's attention was drawn to B(P)R 41D on the provision of emergency vehicular access to the proposed development.
- (f) in relation to condition (f), to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that no vehicular access should be established along the frontage facing Ma Tso Lung Road and the existing vehicular access arrangement should be maintained.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-LT/375 Proposed Three Houses  
(New Territories Exempted Houses — Small House)  
in “Agriculture” and “Village Type Development” zones,  
Lots 832D, 832E, 832F and 842D in DD 10,  
Chai Kek Village,  
Lam Tsuen,  
Tai Po  
(RNTPC Paper No. A/NE-LT/375)
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Presentation and Question Sessions

28. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed three Houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the Small House development as it fell entirely outside the “Village Type Development” (“V”) zone where there were no provision of sewerage system and hence causing water pollution to the water gathering ground. It would be difficult to guarantee the construction and maintenance of the proposed sewage pipes and septic tank in another private lot. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application considering the high potential for agricultural rehabilitation of the application site, the active agricultural activity in the vicinity and the availability of agricultural infrastructure of the area;
- (d) during the statutory publication period, one public comment was received objecting to the application on the grounds that there was sufficient land within “V” for Small House development, the integrity of “AGR” zone would be destroyed, and environmental nuisance would be resulted during construction; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraphs 11.1. and 11.2 of the Paper. DEP’s concern on construction and maintenance of the proposed sewerage facilities on another private lot was but land and contract issues. Similar applications with similar circumstances were approved before. Appropriate advisory clauses were recommended advising the applicant to

resolve the technical and legal issues for the proposed sewerage facilities. Although DAFC and the public comment did not favour the application from agricultural development viewpoint, the application site was an abandoned field located entirely within the village environs of Chai Kek Village. Regarding the other concerns of the public comment on village development and environmental impacts, concerned Government departments have no adverse comments on these aspects.

29. Members had no question on the application.

#### Deliberation Session

30. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.1.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the 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 submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.



31. The Committee also agreed to advise the applicant of the following :
- (a) the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;
  - (b) adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
  - (c) the site was in an area where no public sewerage connection was available;
  - (d) the applicants were each required to register, before execution of Small House grant documents, a relevant Deed of Grant of Easement annexed with a plan for construction of connection pipes and septic tank on the lots concerned in the Land Registry against all affected lots;
  - (e) the applicants might need to extend the inside services to the nearest government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
  - (f) water mains in the vicinity of the site could not provide standard fire-fighting flow; and
  - (g) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii)           A/TP/392                   Proposed Place of Entertainment  
in “Residential (Group A)” zone,  
11/F and 12/F of Tai Po Centre Multi-storey Car Park,  
2 On Pong Road,  
Tai Po  
(RNTPC Paper No. A/TP/392)
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Presentation and Question Sessions

32.           The Committee noted that on 11.12.2007, the applicant requested the Town Planning Board to defer consideration of the application in order to allow time to address local concerns.

Deliberation Session

33.           After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months from 11.12.2007 were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/TP/397 Proposed Four Houses and Minor Relaxation of Building Height Restriction in “Village Type Development” zone, Lots 1217A2RP, 1217A3RP, 1217CRP, 1217C1(Part), 1217C2, 1217DRP, 1217D1, 1217E, 1217F, 1217G, 1217G1, 1217G2, 1217H, 1217IRP, 1217I1, 1217JRP, 1217MRP, 1217M1(Part), 1217M2, 1217M3, 1217M6, 1217O, 1217P, 1217Q, 1217R, 1217T, 1217W, 1217X and 1668 in DD 11 and Adjoining Government Land, Nam Hang, Tai Po  
(RNTPC Paper No. A/TP/397)
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Presentation and Question Sessions

34. The Committee noted that on 12.12.2007, the applicant requested the Town Planning Board to defer consideration of the application to allow time to prepare further information to address departmental comments.

Deliberation Session

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

[The Chairperson thanked Dr. Kenneth S.S. Tang, STP/STN for his attendance to answer Members' enquiries. Dr. Tang left the meeting at this point.]

**Sai Kung and Islands District**

[Ms. Maggie M.Y. Chin, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

**Agenda Item 6**

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the  
Approved Peng Chau Outline Zoning Plan No. S/I-PC/8  
(RNTPC Paper No. 1/08)

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**Presentation and Question Sessions**

36. Ms. Maggie M.Y. Chin, STP/SKIs, presented the proposed amendments and covered the following aspects as detailed in the Paper :

- (a) background to the proposed amendments to the approved Peng Chau Outline Zoning Plan (OZP) No. S/I-PC/8;
- (b) the proposed amendment was to add “Eating Place” and “Shop and Services” in Column 2 Use Schedule of the Notes of “Other Specified Use” annotated “Pier” so as to render flexibility for commercial uses for users of the pier; and
- (c) departmental comments – no objection from concerned Government departments were received.

37. Members had no question on the proposed amendments.

**Deliberation Session**

38. After deliberation, the Committee decided to :

- (a) agree the proposed amendments in paragraphs 3 and 4 of the Paper and that the draft OZP No. S/I-PC/8A at Annex A (to be renumbered as S/I-PC/9 upon gazetting) and its Notes at Annex B were suitable for gazetting under section 5 of the Ordinance;
- (b) adopt the revised Explanatory Statement (ES) at Annex C as an expression of the planning intentions and objectives of the Board for various land use zonings of the OZP; and
- (c) agree that the revised ES at Annex C was suitable for exhibition together with the draft Peng Chau OZP No. S/I-PC/8A (to be renumbered as S/I-PC/9 upon gazetting) under section 5 of the Ordinance.

[The Chairperson thanked Ms. Maggie M.Y. Chin, STP/SKIs, for her attendance to answer Members' enquiries. Ms. Chin left the meeting at this point.]

### **Agenda Item 7**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/8      Filling and Excavation of Land for Agricultural Use  
in "Conservation Area" and "Costal Protection Area" zones,  
Lots 137A, 137RP, 138, 139A, 139RP, 140, 141, 142, 143, 144, 145,  
146, 147, 148, 149, 151, 152, 158, 159,  
160 and 161 in DD 227, and Adjoining Government Land,  
Pak Shui Wun,  
Sai Kung  
(RNTPC Paper No. A/SK-CWBN/8)

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#### **Presentation and Question Sessions**

39.            The Committee noted that on 31.12.2007, the applicant requested the Town Planning Board to defer consideration of the application to allow time to address the public comments.

Deliberation Session

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

**Tuen Mun and Yuen Long District**

[Mr. W.M. Lam, Mr. Anthony C.Y. Lee and Miss Paulina Y.L. Kwan, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

**Agenda Item 8**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM/358 Proposed Comprehensive Residential Development with Ancillary Club House in “Comprehensive Development Area” zone, Lots 398RP, 406RP, 407, 408RP, 409, 410RP, 411RP, 412B, 412RP, 413, 442RP, 443RP, 444, 445A, 445RP, 446A, 446RP, 447, 448, 449, 450, 451, 453(Part), 454, 455, 456, 457, 458, 459(Part), 462(Part), 464RP, and 466RP in DD 374 and Lots 248RP, 249ARP, 249B, 250RP, 251, 253(Part) and 255RP(Part) in DD 375 and Adjoining Government Land, So Kwun Wat, Tuen Mun  
(RNTPC Paper No. A/TM/358)
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Presentation and Question Sessions

41. The Secretary said that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, had declared interests in this item. The Committee noted that Messrs. Yap and Cheng had tendered apologies for being unable to attend the meeting. The Committee also noted that the applicant requested on 12.12.2007 for a deferment of the consideration of the application to allow more time to respond to department's request.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TSW/39 School (Tutorial School)  
in "Residential (Group B)" zone,  
Shop No. A65, Ground Floor,  
Kingswood Richly Plaza 1,  
Tin Wu Road,  
Tin Shui Wai,  
Yuen Long  
(RNTPC Paper No. A/TSW/39)
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Presentation and Question Sessions

43. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the school (tutorial school);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 11.1 of the Paper.

44. Members had no question on the application.

#### Deliberation Session

45. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.1.2012, 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 condition that the provision of fire service installations for the proposed tutorial school to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) note the Director of Fire Services's comment that detailed fire services requirements would be formulated upon receipt of formal submission of general building plans/licence application;



- (c) resolve any land issues relating to the development with the concerned owner(s) of the application premises; and
- (d) to liaise further with the Secretary for Education with regard to the school registration matter.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-HT/521 Temporary Open Storage of Excavators  
for a Period of 3 Years  
in “Undetermined” zone,  
Lots 1941BRP(Part), 1942BRP(Part), 1943(Part),  
1944BRP(Part), 1945(Part), 1949(Part), 1950(Part),  
1951B3(Part), 1952ARP(Part) and 1953(Part), in DD 125  
and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/521)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of excavators for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as environmental nuisance to the sensitive uses in the vicinity of the access roads (Ping Ha Road and Tin Ha Road) was expected. No objection from other concerned Government departments was received;

- (d) no public comment was received during the statutory publication period;  
and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraphs 12.1 to 12.3 of the Paper. To address DEP's concern, appropriate approval conditions and advisory clause were recommended to minimize the potential environmental impact.

48. Members had no question on the application.

#### Deliberation Session

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.1.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no repairing and workshop activities was allowed on the site at any time during the planning approval period;
- (d) the existing drainage facilities implemented under the previous approved application No. A/YL-HT/315 should be maintained at all times during the planning approval period;
- (e) the submission of a 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 4.7.2008;

- (f) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.7.2008;
- (g) in relation to (f) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.10.2008;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 4.7.2008;
- (i) in relation to (h) 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 4.10.2008;
- (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; and
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) 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.

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

- (a) note that prior planning permission should have been renewed before continuing the open storage of excavators at the site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (c) note the District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply for Short Term Tenancy for the unauthorized occupation of Government land;
- (d) note the the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and consult the relevant lands and maintenance authorities accordingly;
- (e) indicate the vehicular access proposal to a public road for the Chief Highway Engineer/New Territories West, Highways Department's comment;
- (f) note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress via Ping Ha Road to/from the site might be affected during the construction period for the widening of Ping Ha Road and that the applicant should not be entitled for any compensation thereof;
- (g) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that all the existing and proposed trees should be clearly marked and differentiated on plan using 2 different symbols in order to avoid confusion;
- (h) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments to resolve any land matters (such as private lots) associated with the laying of water mains in private lots for the supply of water to the premises under application and should be responsible for the construction, operation and maintenance of any such water mains to WSD's standards;

- (i) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Director of Environmental Protection; and
- (j) note the Director of Fire Services’s comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans, to submit relevant building plans incorporated with the proposed fire service installations to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance and to approach his Dangerous Goods Division for advice on licensing of the premises for workshop purpose where necessary.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-HT/522 Renewal of Planning Approval for Temporary Open Storage of Construction Materials under Application No. A/YL-HT/373 for a Period of 3 Years until 18.2.2011 in “Recreation” zone, Lots 1161(Part), 1162(Part), 1163(Part), 1189RP(Part), 1191(Part), 1192(Part), 1193(Part), 1194(Part), 1195(Part), 1196(Part), 1197(Part), 1198(Part), 1203(Part), 1204(Part), 1205(Part), 1206(Part), 1207(Part), 1213(Part), 1311(Part), 1312(Part), 1313(Part), 1314, 1315, 1316, 1317 and 1318(Part) in DD 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/522)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of construction materials under Application No. A/YL-HT/373 for a period of 3 years until 18.2.2011;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as environmental nuisance to the sensitive uses in the vicinity of the access roads (San Wai Road and Tin Ha Road) was expected. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraphs 12.1 to 12.3 of the Paper. To address DEP's concern, appropriate approval conditions and advisory clause were recommended to minimize the potential environmental impact.

52. Members had no question on the application.

#### Deliberation Session

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.2.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 11:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;

- (c) the stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) no workshop activity including cutting, dismantling, melting and cleansing, should be carried out on the site at any time during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-HT/373 should be maintained at all times during the planning approval period;
- (f) the setting back of the southern boundary of the site to avoid encroachment upon the proposed resumption area of the project of “Yuen Long and Kam Tin Sewerage and Sewage Disposal” of PWP Item No. 235DS as when required to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/373 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.7.2008;
- (h) the submission of landscaping 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 4.7.2008;
- (i) in relation to (h) above, the implementation of landscaping 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 4.10.2008;
- (j) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.7.2008;

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long's comments that the site situates on old schedule agricultural lots granted under the Block Government Lease upon which no structure was allowed to be erected prior without the prior approval of his office and to apply for Short Term Waiver to regularize the unauthorized occupation of Government land;
- (c) note the Chief Engineer/Sewerage Projects, Drainage Services Department's comments that the site was in close vicinity to the proposed sewers to be laid along San Wai Road under "Yuen Long and Kam Tin Sewerage and Sewage Disposal" of PWP Item No. 235DS which construction was targeted for commencement in March 2010;
- (d) follow the environmental mitigation measures as recommended in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to minimize the potential environmental impacts on the adjacent area; and



- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments to clarify the land status and management/maintenance responsibilities of the access road leading to the site and to consult the relevant lands/maintenance authorities.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-LFS/170 Temporary Public Car Park for Private Cars, Light Goods Vehicles and Motor Coaches for a Period of 3 Years in "Residential (Group C)" and "Village Type Development" zones, Lots 2858A1, 2858ARP, 2862B1 and 2862BRP in DD 129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/170)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public car parking for private cars, light goods vehicles and motor coaches for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as environmental nuisance from heavy vehicles including motor coaches to the sensitive uses in the vicinity of the site was expected. No objection from other concerned Government departments was received;

- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – for reasons given in paragraphs 11.1 and 11.2 of the Paper, PlanD considered that the temporary use could be tolerated, and suggested shorter approval and compliance periods to closely monitor the situation on site and the fulfilment of approval conditions. To address DEP's concern, approval conditions to restrict operation hours, types of vehicles (private cars and light goods vehicles only) and types of activities were recommended to minimize the potential environmental impact.

56. Members had no question on the application.

#### Deliberation Session

57. Mr. Ambrose Cheong suggested adding Transport Department's comment under paragraph 9.1.2 (a) of the Paper as an advisory clause. Members agreed.

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 4.1.2009, 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 7:30 a.m. was allowed on the site at any time during the planning approval period;
- (b) no vehicles other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes were allowed to be parked or stored on the application site during the planning approval period;
- (c) no repairing and workshop activities was allowed on the site at any time during the planning approval period;

- (d) noise mitigation measures as proposed by the applicant should be adopted on site at all time during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-LFS/145 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.4.2008;
- (g) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.4.2008;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.7.2008;
- (i) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site office within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.4.2008;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (l) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) note that a shorter approval period of 12 months was granted to monitor the situation on site, and shorter compliance periods were granted in order to monitor the fulfilment of approval conditions;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status and management/maintenance responsibilities of the road/track/path leading to the site should be clarified, and the relevant lands/maintenance authorities should be consulted accordingly;
- (e) note the District Lands Officer, Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office, to clarify the discrepancy between the existing occupation area and the area under application, and to apply for Short Term Waiver and Short Term Tenancy to regularize the existing structure on site and unauthorised occupation of Government Land respectively. Otherwise, his office would consider appropriate lease enforcement/land control action against the registered owner/occupier; and

- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-NSW/179 Proposed House Development  
in "Other Specified Uses" annotated  
"Comprehensive Development to include  
Wetland Restoration Area" ("OU(CDWRA)") zone,  
Lot 3719H1RP in DD 104 and Adjoining Government Land,  
Tai Sang Wai,  
Yuen Long  
(RNTPC Paper No. A/YL-NSW/179)
- 

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house development;
- (c) departmental comments – the Director of Environmental Protection (DEP) had grave concern on the potential industrial/residential interface problem in particular industrial noise impacts caused by the nearby open storage sites, and hence was unable to lend support to the application. The Assistant Commissioner for Transport/New Territories (AC for T) raised concern on the proposed vehicular access arrangement as it would gain access via Man Yuen Road and Fairview Park Boulevard which were private roads. No objection from other concerned Government departments was received;

- (d) during the statutory publication period, three public comments were received objecting to the application. Two of them expressed concern on the adverse impact on air quality, the over-burdened private roads and road accidents by the increased traffic, and the maintenance responsibilities of private roads. The third one was concerned about the long-term management and maintenance plan for the proposed restored wetland; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 12.1 to 12.4 of the Paper. The proposed development was not in line with the planning intention of the “OU(CDWRA)” in that it was piecemeal in nature and did not provide a suitable wetland restoration scheme. The proposal was inadequate to satisfy the major technical requirements on environment, traffic and drainage aspects. Both AC for T and the public also expressed concern on the vehicular access arrangement.

61. Members had no question on the application.

#### Deliberation Session

62. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development, which was piecemeal in nature and without the provision of sustainable wetland restoration scheme, was not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to Include Wetland Restoration Area” zone;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic, sewage and drainage impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such

applications would result in a general degradation of the environment of the area and the ecological function of the Wetland Buffer Area.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii)        A/YL-ST/343        Temporary Public Vehicle Park  
(Excluding Container Vehicle) for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 3044RP, 3045RP, 3048RP, 3049RP, 3050RP,  
3053RP(Part), 3056 and 3057RP(Part) in DD 102  
and Adjoining Government Land,  
San Tin,  
Yuen Long  
(RNTPC Paper No. A/YL-ST/343)
- 

Presentation and Question Sessions

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

- (a)    background to the application;
- (b)    the temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c)    departmental comments – the Director of Environmental Protection (DEP) did not support the application as environmental nuisance to the sensitive uses in the vicinity of the application site was expected. The District Lands Officer/Yuen Long (DLO/YL) did not support the application as it involved unauthorised occupation of Government land. No objection from other concerned Government departments was received;
- (d)    no public comment was received during the statutory publication period;  
and

- (e) the Planning Department (PlanD)'s views – for reasons given in paragraphs 12.1. to 12.3 of the Paper, PlanD considered that the temporary use could be tolerated and suggested shorter compliance periods to closely monitor the fulfilment of approval conditions. To address DEP's concern, approval conditions restricting the types of vehicles and activities on the application site were recommended. The concerns of DLO/YL were land administrative matters and appropriate advisory clause was recommended.

64. Members had no question on the application.

#### Deliberation Session

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.1.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) only private cars, taxis, light vans and motor bikes were allowed to be parked on the site at all times during the planning approval period;
- (c) no car washing and vehicle repair workshop were allowed on the site at any time during the planning approval period;
- (d) the implementation of compensatory planting within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.7.2008;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.4.2008;



- (f) in relation to (e) above, the provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.7.2008;
- (g) the provision of a proper run-in within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 4.7.2008;
- (h) the provision of a valid 9-litre water type/3 kg dry powder fire extinguisher in the site office within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.4.2008;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) shorter compliance period was granted so as to closely monitor the fulfillment of approval conditions imposed;

- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the District Lands Officer/Yuen Long, Lands Department's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. Land control and lease enforcement actions were being taken by his Office against the unauthorized occupation of Government Land and erection of unauthorized structure on private lots respectively;
- (e) note the Chief Engineer/Mainland North, Drainage Services Department's comments that no public stormwater drainage/public sewerage maintained by his Office was currently available for connection; the applicant should review his drainage proposal/works as well as the site boundary in order not to cause encroachment upon areas outside his jurisdiction; and the applicant should construct and maintain all proposed drainage facilities at his own cost;
- (f) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (g) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that a run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath. The junction between Tung Wing On Road/Castle Peak Road – San Tin and adjacent road junctions would be modified under the project of "Improvement to San Tin Interchange" in 2007. The applicant should take into account the modification works of the above project in assessing the traffic impact of the application; and

- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of container as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations Part VII. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on a street having a width of not less than 4.5m, its development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii)        A/YL-KTN/281        Temporary Open Storage of Scrap Metal  
for a Period of 3 Years  
in "Undetermined" zone,  
Lots 1558(Part), 1560(Part) and  
1562CFRP(Part) in DD 107,  
Cheung Chun San Tsuen,  
Kam Tin,  
Yuen Long  
(RNTPC Paper No. A/YL-KTN/281)
- 

67.            The Secretary said Top Bright Consultants Ltd. (TBC) was the applicant's consultant. Dr. James C.W. Lau, having current business dealings with TBC, had declared an interest in this item. The Committee noted that Dr. Lau had tendered his apologies for being unable to attend the meeting.

#### Presentation and Question Sessions

68.            Miss Paulina Y.L. Kwan, 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 scrap metal for a period of 3 years;

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

- (c) departmental comments – both the Director of Environmental Protection (DEP) and the Director of Agriculture, Fisheries and Conservation (DAFC) pointed out that the Greater Painted-snipe was mainly recorded in the core sites in Kam Tin area. The DEP did not support the application as the use might not be environmentally desirable in such setting. The DAFC had reservation on the application as it deviated from the original intended purpose of pond filling for plant nursery. No objection from other concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received objecting to the application on environment and traffic grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 12.1 to 12.3 of the Paper in that the temporary use was incompatible with the rural land uses in the area comprising mainly ponds and fallow agricultural land, there were adverse departmental comments and local objection, and the submission was inadequate to address technical concerns on environmental, drainage and landscape impacts.

69. Members had no question on the application.

#### Deliberation Session

70. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development did not comply with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that the development was considered incompatible with rural land uses in the vicinity which were mainly with ponds and fallow agriculture land and there were adverse departmental comments and local objection; and
- (b) there was insufficient information/technical assessment in the submission to demonstrate that the development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-KTS/411 Proposed House  
(New Territories Exempted House – Small House)  
in “Other Specified Uses” annotated “Rural Use” zone,  
Lots 419C1 and 419CRP in DD 106,  
Shek Wu Tong,  
Kam Sheung Road,  
Pat Heung,  
Yuen Long  
(RNTPC Paper No. A/YL-KTS/411)
- 

Presentation and Question Sessions

71. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed Houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the application site

was being used for cultivation purpose and there were active agricultural uses adjacent to it. The District Lands Officer/Yuen Long (DLO/YL) advised that the application site fell within the village environs of Shek Wu Tong. Noting that the applicants were indigenous villagers of Yuen Kong San Tsuen, DLO/YL also advised that the estimation of 10-year Small House demand of Yuen Kong San Tsuen by the concerned Indigenous Inhabitant Representative was 150. No objection from other concerned Government departments was received;

- (d) during the statutory publication period, two public comments were received objecting to the application on fung shui, noise and air pollution and drainage grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 13.1 to 13.2 of the Paper. The applicants were indigenous villagers of Yuen Kong San Tuen where there was sufficient land to meet the Small House demand forecast. The application did not provide sufficient information to demonstrate why suitable sites within “V” zone of Yuen Kong San Tsuen could not be made available for the proposed development. There were adverse comment from DAFC and the public on agricultural and local impacts.

72. Members had no question on the application.

#### Deliberation Session

73. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development did not comply with the revised interim criteria for assessing planning applications for NTEH/Small House development in that there was no shortage of land within the “Village Type Development” (“V”) zone of Yuen Kong San Tsuen to meet the demand forecast for Small House development. There was insufficient information in the submission

to demonstrate why suitable sites within the areas zoned “V” could not be made available for the proposed development; and

- (b) the approval of the application would set an undesirable precedent for similar applications within the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone. The cumulative effect of approving such applications would result in the sprawl of Small Houses into the “OU(RU)” zone, causing a general degradation of the rural environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (x)           A/YL-PH/551           Proposed Temporary Open Storage of  
Construction Materials and Tools and Vehicles Prior to Sale  
with Ancillary Vehicle Repair Workshop  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 214RP, 224C to E, 225 and 226 in DD 111,  
Pat Heung,  
Yuen Long  

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(RNTPC Paper No. A/YL-PH/551)

Presentation and Question Sessions

74.           Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and tools and vehicles prior to sale with ancillary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as environmental nuisance to the sensitive

uses, including residential structures located immediately to the south and south-east of the application site, was expected. The District Lands Officer/Yuen Long advised that an application for Small House on the application site was being processed. No objection from other concerned Government departments was received;

- (d) during the statutory publication period, two public comments were received. They raised objection to the application as the proposed use would affect the villagers in the vicinity of the site. They also had concern on the safety issue of Fan Kam Road as more traffic would be resulted by the application; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraphs 12.1 to 12.4 of the Paper. The proposed use was not in line with the planning intention of the area, and the applicant did not provide strong justification for a departure of the intention even on a temporary basis. There were adverse departmental comments and local objections but the submission was inadequate to address the concerns on environment, traffic, drainage and landscape impacts. It was noted that there was an “Open Storage” (“OS”) zone to the northwest of the application site on the other side of Fan Kam Road but the applicant did not provide information why a suitable site within the “OS” zone could not be identified for the proposed use.

75. Members had no question on the application.

#### Deliberation Session

76. After deliberation, the Committee decided to reject the application and 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 (OZP), which was to reflect existing recognized and other villages, and to provide land



considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. No strong 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 Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13D) in that there was no previous approval for the site and there were no exceptional circumstances to merit approval. Besides, there were also local objections to and adverse departmental comments on the application;
- (c) there was no information in the submission to demonstrate that the development would not have adverse environmental, traffic, drainage and landscape impacts on the surrounding areas;
- (d) an "Open Storage" ("OS") zone northwest of the site on the other side of Fan Kam Road had been reserved on the OZP to provide for the rational development of open storage of goods which could not be accommodated in conventional godown premises. There was no information given in the submission to demonstrate that a suitable site within the "OS" zone could not be identified for the applied use; and
- (e) no similar application had been approved for the part of the "V" zone in the vicinity of the site for open storage uses. Approval of the application would set an undesirable precedent for other similar uses to proliferate further into the area. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-PH/553 Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Residential (Group D)” and “Agriculture” zones, Lots 2879(Part), 2881(Part), 2888(Part), 2889(Part), 2890(Part) and 2900(Part) in DD 111, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/553)
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Presentation and Question Sessions

77. Miss Paulina Y.L. Kwan, 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 and machinery for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as environmental nuisance to the scattered houses in the vicinity of the site and along the access road was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the application site had a high potential for agricultural rehabilitation and there was active agricultural uses adjacent to it. No objection from other concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraphs 12.1 and

12.2 of the Paper. To address DEP's concern, appropriate approval conditions and advisory clause were recommended to minimize the potential environmental impact. Regarding DAFC's concern, it was considered that the temporary use would not frustrate the planning intention of the "Agriculture" ("AGR") zone given the development history of the application site and that a relatively small portion of the application site fell within the "AGR" zone.

78. Members had no question on the application.

#### Deliberation Session

79. The Chairperson remarked that the development was in line with the Town Planning Board Guidelines No. 13D.

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.1.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site at any time during the planning approval period;
- (b) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (c) no operation between 5:00 p.m. and 9:00 a.m. on Mondays to Fridays and before 9:00 a.m. and after 1:00 p.m. on Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no operation on Sundays and public holidays was allowed on the site during the planning approval period;

- (e) existing landscape plantings on the site should be maintained at all times during the planning approval period;
- (f) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.7.2008;
- (g) in relation to (f) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.10.2008;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with concerned owners of the site;
- (b) note the District Lands Officer/Yuen Long's comments that the applicant should apply for Short Term Waiver (STW) for the purpose of the temporary open storage of constructions materials and machinery. However, there was no guarantee that the application for the STW would be approved/considered by his office;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the proposed access road between the site and Kam Tin Road should be checked. The management and maintenance responsibility of the access road leading to the site from Kam Tin Road should be checked;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (e) the applicant was advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department for implementation of appropriate mitigation measures;
- (f) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the fall direction and the size of the proposed drainage channel should be indicated. The details of the drainage outlet of the site and the details of the drainage system to which the runoff from the site would be discharged should also be indicated; and
- (g) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii)        A/YL-PH/554        Temporary Animal Boarding Establishment (Kennel)  
for a Period of 5 Years  
in “Agriculture” zone,  
Lot 1460B in DD 111,  
Kam Tin Road,  
Pat Heung,  
Yuen Long  
(RNTPC Paper No. A/YL-PH/554)
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Presentation and Question Sessions

82.        Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

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

- (a)    background to the application;
- (b)    the temporary animal boarding establishment (kennel) for a period of 5 years;
- (c)    departmental comments – no objection from concerned Government departments was received;
- (d)    no public comment was received during the statutory publication period;  
and
- (e)    the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for reasons given in paragraph 11.1 of the Paper.

83.        Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years up to 4.1.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of 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 4.7.2008;
- (b) in relation to (a) above, the implementation of 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 4.10.2008;
- (c) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.7.2008;
- (d) in relation to (c) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.10.2008;
- (e) if any of the above planning conditions (a), (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; 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.

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

- (a) to note that prior planning permission should have been obtained before commencing the applied use at the application site;

- (b) to resolve any land issues relating to the development with concerned owner of the site;
- (c) to note the District Lands Officer/Yuen Long's comments that that some unauthorised structures were erected on the site. Besides, the Government land outside the site was also occupied without approval from his office. In this connection, his office reserved the right to take enforcement action against these irregularities. The applicant should apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the irregularities on site. However, there was no guarantee that the application for STW/STT would be approved/considered by his office. Should no STW/STT application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement/control action against the concerned registered owners/occupier;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the status of the strip of land between the site and Kam Tin Road should be checked and the body/bodies to provide, manage and maintain this strip of land should be confirmed;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (f) to note the Director of Food and Environmental Hygiene's comment that the applicant should ensure the operation of the trade would not cause environmental nuisances and all the wastes generated from the trade should be disposed properly at the cost of the user and not be dumped at any of his refuse collection facilities;
- (g) to note the Director of Electrical and Mechanical Services's comments that 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. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLP Power Hong Kong Limited to divert the existing low voltage overhead lines away from the vicinity of the proposed development;

- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works including any temporary structure for approval under the BO was required. If the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulation 19(3) at building plan submission stage; and
- (i) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection (DEP) to minimise any possible environmental nuisances. Regarding the sewerage arrangement of the proposed use, the applicant was advised to observe the requirements under the Water Pollution Control Ordinance and the applicant could approach DEP's Regional Office (North) for more details.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-TYST/371 Temporary Retail Shop for Hardware Groceries  
for a Period of 3 Years  
in “Residential (Group B)1” zone,  
Lot 1375RP(Part) in DD 121  
and Adjoining Government Land,  
Tong Yan San Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/371)
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Presentation and Question Sessions

86. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

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

- (a) background to the application;
- (b) the temporary retail shop for hardware groceries for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received. The Director of Environmental Protection (DEP) cautioned that if the temporary use would include workshop activity and generate traffic of heavy vehicles, it might cause environmental nuisance to the surroundings;
- (d) during the statutory publication period, 62 public comments were received objecting to the application mainly on the grounds of security, environmental hygiene, noise and air nuisances, visual impact, traffic safety, increase of the traffic burden and incompatible land use. One of the comments was also sent to the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – for reasons given in paragraphs 11.1 and 11.2 of the Paper, PlanD considered that the application could be

tolerated, and suggested shorter approval and compliance periods to closely monitor the situation on site and the fulfilment of approval conditions. In view of the local concerns on the environmental nuisances and the DEP's advice, approval conditions to restrict operation hours, types of vehicles and types of activities were recommended to minimize the potential environmental impact. Other appropriate conditions were recommended to address the local concerns.

87. Members had no question on the application.

#### Deliberation Session

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 4.1.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:30 p.m. and 8:30 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 workshop or metal cutting activities were allowed to be carried out on the site at any time during the planning approval period;
- (d) no vehicles over 5.5 tonnes were allowed for the operation of the application site at any time during the planning approval period;
- (e) no loading/unloading activity was allowed to be carried out at the northern side of the application site or along Ma Fung Ling Road at any time during the planning approval period;
- (f) the drainage facilities on the site should be maintained at all times during the planning approval period;

- (g) the submission of a record of the existing drainage on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.4.2008;
- (h) the provision of a 2.5m high boundary fence on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.4.2008;
- (i) the provision of fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.4.2008;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (g), (h) or (i) 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
- (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.

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

- (a) shorter approval period of 1 year and shorter compliance periods be granted so as to monitor the situation on site and fulfilment of approval conditions;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (d) note the District Lands Office/Yuen Long, Lands Department's comments that a small strip of Government land at the south-west of the site was found occupied without approval from his office. His office reserved the right to take control action against the irregularities. The applicant should clarify why the existing occupation area was found to be different from that under application. The site should be set back to Lot 1375RP in DD 121. If Government land was involved, the applicant should apply for a Short Term Tenancy from his office;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection;
- (f) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (g) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The applicant was advised to submit relevant building plans incorporated with the proposed fire service installations to this Department for approval even though the submission of general buildings plans was not required under the Buildings Ordinance (BO). The applicant/operator of the site should also approach the Dangerous Goods Division, Licensing & Certification Command of his Department for advice on licensing of the premises for storage/use of dangerous goods;
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on site were liable to action under section 24 of the BO. The granting of planning approval should not be construed as condoning to any structures existing on the site

under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works including any temporary structures for approval under the BO was required. If the site was not abutting on or accessible from a street of not less than 4.5m, its development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at the building plan submission stage; and

- (i) note the Director of Electrical and Mechanical Services's comments that there was a low voltage overhead line in the vicinity of the site. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation was observed by him and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the overhead lines, the applicant and/or his contractor should consult CLP Power Hong Kong Limited (CLPP) and, if necessary, ask CLPP to divert the overhead lines away from the vicinity of the proposed structure.

[The Chairperson thanked Mr. W.M. Lam, Mr. Anthony C.Y. Lee and Miss Paulina Y.L. Kwan, STP/TMYL, for their attendance to answer Members' enquiries. They all left the meeting at this point.]

## **Agenda Item 9**

### **Any Other Business**

90. There being no other business, the meeting was closed at 4:40 p.m..