

**TOWN PLANNING BOARD**

**Minutes of 376th Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 18.7.2008**

**Present**

Mr. Alfred Donald Yap

Vice-Chairman

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Chief Traffic Engineer/New Territories West,  
Transport Department

Mr. Y.M. Lee

Assistant Director (Environmental Assessment),  
Environmental Protection Department

Ms. Shirley Lee

Assistant Director/New Territories, Lands Department

Mr. Chris Mills

Deputy Director of Planning/District

Mr. Raymond T.L. Chiu

Secretary

**Absent with Apologies**

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Ms. Maggie M.K. Chan

Professor Paul K.S. Lam

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Director of Planning

Mrs. Ava S.Y. Ng

Assistant Director (2), Home Affairs Department

Ms. Margaret Hsia

**In Attendance**

Assistant Director of Planning/Board

Mr. Lau Sing

Chief Town Planner/Town Planning Board

Miss Fiona S.Y. Lung

Town Planner/Town Planning Board

Miss Vivian M.F. Lai

**Agenda Item 1**

Confirmation of the Draft Minutes of the 375th RNTPC Meeting held on 4.7.2008

[Open Meeting]

1. As the Chairperson had other prior commitment and sent her apologies for being unable to attend the meeting, the meeting was chaired by the Vice-chairman.
2. The draft minutes of the 375th RNTPC meeting held on 4.7.2008 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(I) Approval of Draft Plans

3. The Secretary reported that the following draft Outline Zoning Plans (OZPs) had been approved by the Chief Executive in Council (CE in C) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) on 15.7.2008 and approval of the plans would be notified in the Gazette on 12.9.2008 :

- (a) Sai Ying Pun and Sheung Wan OZP (to be renumbered as S/H3/22);
- (b) Tin Shui Wai OZP (to be renumbered as S/TSW/12);
- (c) Kwun Tong (South) OZP (to be renumbered as S/K14S/16);
- (d) Urban Renewal Authority Kwun Tong Town Centre – Main Site Development Scheme Plan (to be renumbered as S/K14S/URA1/2); and
- (e) the draft Urban Renewal Authority Kwun Tong Town Centre – Yuet Wah Street Site Development Scheme Plan (to be renumbered as S/K14S/URA2/2).

(II) New Town Planning Appeal Received

Town Planning Appeal No. 3 of 2008  
Proposed Alfresco Dining Facilities  
(Amendment to Approved Master Layout Plan)  
in “Comprehensive Development Area” Zone,  
Podium Roof Level, Union Square, Airport Railway Kowloon Station,  
1 Austin Road West, West Kowloon Reclamation  
(Application No. A/K20/102)

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4. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 10.7.2008 against the decision of the Town Planning Board (TPB) to reject on review an application (No. A/K20/102). The background of the review application was set out below :

- (a) the application site fell within an area zoned “Comprehensive Development Area” on the draft South West Kowloon Outline Zoning Plan No. S/K20/21. An application (No. A/K20/102) for amendment to the approved Master Layout Plan for proposed alfresco dining facilities was approved by the Metro Planning Committee (MPC) on 18.1.2008. The approval was granted on a temporary basis for 3 years subject to conditions, inter alia, that the operation hours be restricted from 7 a.m. to 11 p.m. daily (condition (a)), and if condition (a) was not complied with, the approval given should cease to have effect and should be revoked immediately without further notice (condition (c)). The applicant applied for a review of the MPC’s decision on imposing the above conditions and granting the planning approval on a temporary basis for 3 years.
- (b) on 25.4.2008, the TPB decided to reject the review application for the following reasons :
  - (i) the potential nuisance brought to the local residents was a major concern that needed to be addressed. The restriction on operation hours of the proposed alfresco dining facilities from 7 a.m. to 11 p.m.

under approval condition (a) was one of the appropriate measures to minimise the potential nuisance; and

- (ii) in order to monitor the operation of the proposed alfresco dining facilities and the effectiveness of any management measures to minimise the potential nuisance, it was considered appropriate to grant the approval on a temporary basis for a period of 3 years.

5. The Secretary added that the hearing dates of the appeal were yet to be fixed.

(III) Appeal Statistics

6. The Secretary reported that as at 18.7.2008, 12 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	108
Abandoned/Withdrawn/Invalid	:	129
Yet to be Heard	:	12
Decision Outstanding	:	1
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Total	:	273

**Tsuen Wan and West Kowloon District**

[Mr. Y.S. Lee, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

**Agenda Item 3**

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to  
Approved Ma Wan Outline Zoning Plan No. S/I-MWI/12  
(RNTPC Paper No. 13/08)

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7. The Secretary reported that the proposed amendments were related to the transport services guidelines for the Ma Wan Island. Sun Hung Kai Properties Ltd. (SHK) was the developer of the major residential development in Ma Wan Island. Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, declared interests in this item. Since the consideration of the proposed amendment to the subject Outline Zoning Plan (OZP) was part of the plan-making process, the interests of the above Members were considered indirect. Messrs. Yap and Cheng were allowed to stay in the meeting and participate in the discussion of and determination on this item.

**Presentation and Question Sessions**

8. Mr. Y.S. Lee, STP/TWK, presented the proposed amendments and covered the following aspects as detailed in the Paper :

- (a) background to the proposed amendments -
  - (i) the transport planning and development of Ma Wan Island was based on the principle of relying on waterborne access to and from the Island. To reflect the Government's intention to ensure a viable ferry service and avoid land traffic overloading the Lantau Link, a 75%:25% modal split between sea and road patronage was first included in the Explanatory Statement (ES) of the draft Ma Wan OZP No. S/I-MWI/8 gazetted on 30.8.2002;
  - (ii) Transport Department (TD) had been monitoring and reviewing the transport arrangements of Ma Wan, with due regard to the needs of residents, traffic capacity of the Lantau Link and to meet the

recreational demand of visitors to the Ma Wan Park which had been in operation since late 2007. In March 2008, TD consulted the concerned owners' committee, rural committee and the Tsuen Wan District Council (TWDC) on TD's proposal to change the ES to read 'ferry should be the principal transport mode for Ma Wan in terms of carrying capacity'. While the locals generally supported that more flexibility should be allowed in the adjustment of services to cater for the transport needs, they requested for further relaxation of the statement with some proposing 'ferry as the principal transport mode' should be applied in the peak hours only;

- (iii) the Town Planning Board (TPB) considered TD's proposal and agreed on 16.5.2008 to revise the concerned paragraph in the ES to take account of the local request;

[Dr. C.N. Ng joined the meeting at this point.]

- (b) proposed amendments to the OZP – the major amendments were to revise paragraphs 9.1.2 and 9.2 of the ES to include that 'ferry shall be the principal transport mode for Ma Wan in terms of carrying capacity during the peak hours' to reflect the latest principle for planning of transport services in Ma Wan. In addition, opportunity was taken to rezone an area from "Other Specified Uses" annotated "Recreation and Tourism Related uses" to the south of the Ma Wan Viaduct to "Government, Institution or Community" ("G/IC") to reflect the as-built condition of a 132kV electricity substation which was first approved by the Committee on 7.12.2001;
- (c) departmental comments – no adverse comment was received from relevant Government departments/bureau on the proposed amendments; and
- (d) the TWDC would be consulted after the Committee's agreement to the proposed amendments either before or during the exhibition period of the draft OZP.

9. Members had no question on the proposed amendments.

Deliberation Session

10. After deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the approved Ma Wan Outline Zoning Plan (OZP) No. S/I-MWI/12 and its Notes as mentioned in paragraphs 4 and 5 of the Paper;
  - (b) agree that the draft Ma Wan OZP No. S/I-MWI/12A (to be renumbered as S/I-MWI/13 upon exhibition) at Annex B and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
  - (c) adopt the revised Explanatory Statement (ES) at Annex D of the Paper as an expression of the planning intentions and objectives of the Town Planning Board (TPB) for the various land use zonings of the OZP and to be issued under the name of the TPB; and
  - (d) agree that the revised ES was suitable for exhibition together with the OZP.

[The Vice-chairman thanked Mr. Y.S. Lee, STP/TWK, for his attendance to answer Members' enquiries. Mr. Lee left the meeting at this point.]

**Sai Kung and Islands District**

[Ms. Ann O.Y. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), and Ms. Margaret W.F. Lam, STP/SKIs, were invited to the meeting at this point.]



**Agenda Item 4**

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to

Approved Tung Chung Town Centre Outline Zoning Plan No. S/I-TCTC/14

(RNTPC Paper No. 14/08)

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11. The following representatives of Food and Health Bureau (FHB) and Architectural Services Department (ArchSD) were invited to the meeting at this point :

Mr. Martin C.H. Shin      Chief Executive Officer (Health) Special Duty, FHB

Miss Janice Y.L. Kei      Senior Project Manager, ArchSD

Mr. Stephen H.L. Tsang      Project Manager, ArchSD

**Presentation and Question Sessions**

12. Ms. Margaret W.F. Lam, STP/SKIs, presented the proposed amendments and covered the following aspects as detailed in the Paper :

(a) background to the proposed amendments -

- (i) two sites, namely Areas 22 and 25, which were about 4.69ha and zoned “Residential (Group A)” (“R(A)”) on the Tung Chung Town Centre Outline Zoning Plan (OZP), were originally reserved for residential developments. In order to meet the public expectation for early implementation of the proposed North Lantau Hospital (NLH) for Tung Chung, the airport and Lantau as a whole, the two sites together with another site in Area 13, zoned “Government, Institution or Community” (“G/IC”), were identified as the preferred location for the NLH. As the proposed NLH was subject to technical feasibility studies, the Committee agreed on 30.7.2004 to amend the Notes of the “R(A)” zone to incorporate ‘Hospital’ use in Column 2 to allow for application for hospital development. The

proposed amendment was gazetted on 3.9.2004. Some of the objections requested to assign a proper zoning for the proposed NLH site;

- (ii) according to the FHB, the NLH would be developed by phases, with Phase I providing 180 beds for a comprehensive range of hospital services by end 2012. The total number of beds provided would be 350, subject to further design and study in Phase II of the project; and
  - (iii) various impact assessments on the environment, ecology, drainage, sewerage and traffic revealed that the proposed NLH would not cause significant adverse impacts on the locality;
- (b) proposed amendments to the OZP – in order to clearly reflect the planning intention and to facilitate the ArchSD in the detailed design of NLH, it was proposed to rezone the two sites from “R(A)” to “G/IC”. The rezoning would give flexibility in design and facilitate timely completion of the NLH to meet the demand in phases. A maximum building height of 65mPD would be stated in the revised Explanatory Statement to tally with the surrounding environment; and
- (c) departmental comments – no adverse comment was received from relevant Government departments/bureau on the proposed amendments; and
- (d) on 14.4.2008, the FHB consulted the Island District Council (IDC) on the proposed NLH development and received their full support. The IDC urged the Government to expedite its implementation. To meet the request of the IDC, a new road to link up Chui Kwan Drive and On Tung Street would be included in the proposed NLH development. The new road would be reflected in the OZP in the future when the detailed alignment was available.

13. Members had no question on the proposed amendments.

Deliberation Session

14. After deliberation, the Committee decided to :
- (a) agree that the draft Tung Chung Town Centre Area Outline Zoning Plan (OZP) No. S/I-TCTC/14A (to be re-numbered as S/I-TCTC/15 upon exhibition) at Annex II and its revised Notes at Annex III of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and
  - (b) adopt the updated Explanatory Statement (ES) at Annex IV of the Paper as an expression of the planning intentions and objectives of the Town Planning Board for the various land use zonings of the OZP and to be issued under the name of the TPB; and
  - (c) agree that the updated ES was suitable for exhibition together with the OZP.

[The Vice-chairman thanked the representatives of FHB and ArchSD, and Ms. Margaret W.F. Lam, STP/SKIs, for attending the meeting. They all left the meeting at this point.]

**Agenda Item 5**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

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| (i) | A/SK-PK/158 | Proposed 2-storey House<br>in “Residential (Group D)” zone,<br>Lot 1030 in DD 221,<br>Kap Pin Long New Village,<br>Sai Kung<br><br>(RNTPC Paper No. A/SK-PK/158) |
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Presentation and Question Sessions

15. Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 2-storey House;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of Planning Department (PlanD) had reservation on the application as the mature fruit tree within the application site and a number of semi-mature to mature trees just outside the site boundary would likely be affected by the proposed development, but there was insufficient information in the submission on preservation of the existing vegetation. Other departments had no objection to the application;
- (d) during the statutory publication period, two public comments were received. One of them was a petition containing 27 signatures from residents of Kap Pin Long Village against the application mainly on the ground that the proposed development would obstruct an existing footpath/vehicular access which was the main village access used by the local villagers for over 30 years. A Sai Kung District Councillor also queried the impact of the proposed development on the existing footpath; and
- (e) the PlanD's views – PlanD did not support the application based on the assessment given in paragraph 10 of the Paper. The proposed development, which amounted to an increase in plot ratio (PR) from 0.2 to 0.36, was not considered minor in scale. There was no strong justification in the submission to merit a departure from the planning intention for low-density residential development in the “Residential (Group D)” zone. Regarding the public concern on the affected footpath, the applicant did not provide sufficient information including design and implementation of the replacement footpath.

16. Members had no question on the application.

### Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. The proposed relaxation of plot ratio from 0.2 to 0.36 was not considered minor in scale. No strong justifications had been provided in the submission to merit a departure from the planning intention; and
- (b) the approval of the application would set an undesirable precedent for other similar applications within the “R(D)” zone. The cumulative effect of approving such application would have adverse impact on the infrastructural provision in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-TMT/20 Proposed House  
(New Territories Exempted House – Small House)  
in “Green Belt” and “Village Type Development” zone,  
Lot 253 in DD 257 and Adjoining Government Land,  
Wong Keng Tei,  
Sai Kung  

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(RNTPC Paper No. A/SK-TMT/20)

### Presentation and Question Sessions

18. Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, ten public comments were received objecting to the application mainly on the grounds of adverse impacts on the natural habitat of the adjoining “Green Belt” (“GB”) area, illegal occupation or blockage of Government land nearby and suspected preferential treatment for the indigenous villagers for Small House application as the slope behind the application site was repaired by the Government; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment given in paragraph 13 of the Paper. Concerned Government departments including the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape of the PlanD had no adverse comments on the possible impacts of the proposed development on the adjoining “GB” zone. The application site and the adjoining houses were private lots fronting a narrow strip of Government land which formed an integral part of the village. There was no direct access passing through the application site to the neighbouring woodland. Any illegal occupation or blockage of the Government land was land management issue to be handled by the Lands Department (LandsD). The Geotechnical Engineering Office of the Civil Engineering Development Department advised there was no preferential treatment as the concerned slope was maintained mainly by LandsD. Upgrading works were carried out on the Government-maintained portion for public safety reasons.

19. In view of the sensitive location of the application site, which was close to the Sai Kung West Country Park and Tsam Chuk Wan, a Member asked the difference between the previous approval and the subject application. Ms. Ann Wong replied that there was no change in terms of the total gross floor area.

20. Noting that the application site was situated at the eastern end of the village, the same Member also asked if there was a requirement for emergency vehicular access (EVA) for the proposed development, and if affirmative, whether any such road widening work would cause nuisances to the villagers living along the road. Ms. Ann Wong pointed out that Director of Fire Services had no objection to the application subject to the provision of firefighting access, water supplies for fire fighting and fire services installations to his satisfaction, and detailed fire safety requirements would be formulated upon receipt of formal application by LandsD. EVA was not required for the proposed development.

#### Deliberation Session

21. 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 18.7.2012, 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 of a Geotechnical Planning Review Report to assess the natural terrain hazard according to the Advice Note and the provision of implementation measures, if found necessary, to the satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB;
- (b) the submission of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the implementation of the approved landscape proposal to the satisfaction of the Director of Planning or of the TPB;

- (d) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (e) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

22. The Committee also agreed to advise the applicant to liaise with the Chief Engineer/Development (2), Water Supplies Department (WSD) for the provision of water supply to the development and the connection to the nearest suitable government water mains. The applicant might be required to resolve any land matter (such as private lots) associated with the provision of water supply and might be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

[The Vice-chairman thanked Ms. Ann O.Y. Wong, STP/SKIs for her attendance to answer Members' enquiries. Ms. Wong left the meeting at this point.]

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

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Ms. Lisa L.S. Cheng, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]



**Agenda Item 6**

**Section 12A Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) Y/NE-TKL/1 Application for Amendment to the Approved Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/12 from “Agriculture” to “Government, Institution or Community”, Various Lots in DD 76 and Adjoining Government Land, Ping Che, Fanling  
(RNTPC Paper No. Y/NE-TKL/1)
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**Presentation and Question Sessions**

23. The Committee noted that on 27.6.2008, the applicant requested the Town Planning Board to defer consideration of the application in order to allow time to liaise with relevant Government departments and bureau to address their concern on the application.

**Deliberation Session**

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) Y/NE-TK/3 Application for Amendment to the Draft Ting Kok Outline Zoning Plan No. S/NE-TK/14 from “Agriculture” and “Green Belt” to “Other Specified Uses” annotated “Spa Resort Hotel”, Various Lots in DD 17 and Adjoining Government Land, Ting Kok, Tai Po  
(RNTPC Paper No. Y/NE-TK/3)
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Presentation and Question Sessions

25. The Committee noted that on 11.7.2008, the applicant requested the Town Planning Board to defer consideration of the application to 5.9.2008 in order to allow sufficient time for concerned departments to consider his further information submitted on 11.7.2008.

Deliberation Session

26. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration on 5.9.2008. The Committee also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) Y/TP/10 Application for Amendment to the Draft Ting Kok Outline Zoning Plan No. S/NE-TK/14 and Draft Tai Po Outline Zoning Plan No. S/TP/20 from “Conservation Area”, “Government, Institution or Community”, “Green Belt” and “Village Type Development” to “Other Specified Uses” annotated “Comprehensive Development and Conservation Enhancement Area”, “Government, Institution or Community”, “Government, Institution or Community(1)”, “Green Belt” and “Village Type Development”, Various Lots in DD 23 and 26 and Adjoining Government Land, Shuen Wan, Tai Po  
(RNTPC Paper No. Y/TP/10)
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Presentation and Question Sessions

27. The Committee noted that on 19.6.2008, the applicant requested the Town Planning Board to defer consideration of the application in order to allow time to address the concerns and comments of the Government departments.

Deliberation Session

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

**Agenda Item 7**

**Section 16 Applications**

Open Meeting (Presentation and Question Sessions Only)]

(i)           A/NE-FTA/86           Renewal of Planning Approval for  
Temporary Public Vehicle Park  
(including Container Vehicle) and  
Goods Distribution and Storage Use for a Period of 3 Years  
in “Other Specified Uses” annotated  
“Port Back-up Uses” zone,  
Lots 151, 152, 153RP(Part), 154BRP(Part), 159CRP(Part),  
161, 162 in DD 52 and Adjoining Government Land,  
Sheung Shui Wa Shan,  
Fu Tei Au,  
Sheung Shui  

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(RNTPC Paper No. A/NE-FTA/86)

(ii)           A/NE-FTA/87           Renewal of Planning Approvals for  
Temporary Public Vehicle Park  
(including Container Vehicle) and  
Goods Distribution and Storage Use for a Period of 3 Years  
in “Other Specified Uses” annotated  
“Port Back-up Uses” zone,  
Lots 147, 148, 149, 164(Part), 167RP., 167B,  
176RP(Part) in DD 52 and Adjoining Government Land,  
Sheung Shui Wa Shan,  
Fu Tei Au,  
Sheung Shui  

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(RNTPC Paper No. A/NE-FTA/87)

29.           Noting that the two applications were similar in nature and the application sites were close to each other within the same zone, Members agreed that the applications could be considered together.

Presentation and Question Sessions

30. Mr. W.K. Hui, DPO/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the renewal of planning approval for temporary public vehicle park (including container vehicle) and goods distribution and storage use for a period of 3 years under Application No. A/NE-FTA/69. The application site of A/NE-FTA/69 was split into the subject two applications as the applicant intended to sub-let the site to two tenants/operators;
- (c) departmental comments – the Director of Environmental Protection did not support the applications as there were domestic structures in the vicinity of the application sites. Other departments had no objection to the applications;
- (d) public comments - the District Officer/North (DO/N) received an objection from the village representatives of Wa Shan Village to each of the applications on grounds that the use had caused noise and environmental nuisance to nearby villagers. The Chairman of Sheung Shui District Rural Committee and the North District Councillor had no comment on the applications; and
- (e) the Planning Department (PlanD)'s views – based on the assessment given in paragraph 12 of the Paper, PlanD had no objection to the applications but suggested shorter compliance periods to monitor the situation of the application sites and its surroundings, and the fulfilment of approval conditions. To address the concern on environmental nuisance, approval condition restricting the operation hours, and an appropriate advisory clause were recommended for each application.

31. Members had no question on the applications.

Deliberation Session

32. After deliberation, the Committee decided to approve application No. A/NE-FTA/86 on a temporary basis for a period of 3 years up to 18.7.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the peripheral fencing and paving of the site should be maintained during the planning approval period;
- (d) 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 18.10.2008;
- (e) in relation to (d) above, the implementation 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 18.1.2009;
- (f) the submission of vehicular access, parking and loading/unloading proposals within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.10.2008;
- (g) in relation to (f) above, the implementation of vehicular access, parking and loading/unloading proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.1.2009;

- (h) the submission of design of firefighting access, water supplies for fire fighting and 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 18.10.2008;
- (i) in relation to (h) above, the provision of firefighting access, water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.1.2009;
- (j) 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 18.10.2008;
- (k) in relation to (j) above, the implementation of 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 18.1.2009;
- (l) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) shorter compliance periods were imposed in order to monitor the situation of the site and its surroundings, and the fulfilment of approval conditions;

- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the 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;
  - (iii) the granting of planning permission should not be construed as condoning any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found;
  - (iv) use of containers as offices was considered as temporary buildings and was subject to control under the B(P)Rs Part VII;
- (d) to note comments of the Chief Engineer/Development(2), Water Supplies Department that :
  - (i) for provision of water supply to the application site, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his Department's standards;



- (ii) part of the application site encroached on the 15 m wide water works reserve for a 2000 mm diameter water main. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize;
- (e) 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;
- (f) to note the comments of the Commissioner of Police that :
  - (i) no business other than the use under application was permitted within the application site during the approval period;
  - (ii) no storage of dangerous goods was permitted within the application site during the approval period;
  - (iii) the fire precautionary measures of the application site should meet the requirements of Fire Services Department; and
  - (iv) the application site should be equipped with CCTVs and sufficient lightings. Security guards should be employed for prevention of crime.

34. After deliberation, the Committee decided to approve application No. A/NE-FTA/87 on a temporary basis for a period of 3 years up to 18.7.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the peripheral fencing and paving of the site should be maintained during the planning approval period;
- (d) no interference with or damage to the 132 kV overhead lines with the application site during the approval period;
- (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 18.10.2008;
- (f) in relation to (e) above, the implementation 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 18.1.2009;
- (g) the submission of vehicular access, parking and loading/unloading proposals within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.10.2008;
- (h) in relation to (g) above, the implementation of vehicular access, parking and loading/unloading proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.1.2009;
- (i) the submission of design of firefighting access, water supplies for fire fighting and 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 18.10.2008;

- (j) in relation to (i) above, the provision of firefighting access, water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.1.2009;
- (k) 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 18.10.2008;
- (l) in relation to (k) above, the implementation of 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 18.1.2009;
- (m) 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 on the same date be revoked without further notice; and
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) shorter compliance periods were imposed in order to monitor the situation of the site and its surroundings, and the fulfilment of approval conditions;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the 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;
  - (iii) the granting of planning permission should not be construed as condoning any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found;
  - (iv) use of containers as offices was considered as temporary buildings and was subject to control under the B(P)Rs Part VII.
- (d) to note comments of the Chief Engineer/Development(2), Water Supplies Department that :
- (i) for provision of water supply to the application site, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his Department's standards; and
  - (ii) part of the application site encroached on the 15 m wide water works reserve for a 2000 mm diameter water main. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and

vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize;

- (e) 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;
- (f) to note the Director of Electrical and Mechanical Services' comments that :
  - (i) the concerned users at the application site should take special precautions and closely liaise with CLP Power Hong Kong Limited (CLPP) in respect of their work activities to avoid interference with or damage to the 132 kV overhead lines within the application site;
  - (ii) CLPP should be consulted in respect of the safety clearances required for activities near the 132 kV overhead lines when carrying out works or erecting any structure within the application site;
  - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the concerned parties when carrying out works in the vicinity of electricity supply lines.
- (g) to note the comments of the Commissioner of Police that :
  - (i) no business other than the use under application was permitted within the application site during the approval period;
  - (ii) no storage of dangerous goods was permitted within the application site during the approval period;
  - (iii) the fire precautionary measures of the application site should meet

the requirements of Fire Services Department; and

- (iv) the application site should be equipped with CCTVs and sufficient lightings. Security guards should be employed for prevention of crime.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-KLH/369 Proposed Public Utility Installation  
(Sewage Pumping Station)  
in “Green Belt” zone,  
Government Land in DD 9,  
Nam Wa Po,  
Kau Lung Hang,  
Tai Po  

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(RNTPC Paper No. A/NE-KLH/369)

#### Presentation and Question Sessions

36. The Committee noted that on 8.7.2008 and 17.7.2008, the applicant requested the Town Planning Board to defer consideration of the application to 1.8.2008 in order to allow more time to address comments raised by Government departments.

#### Deliberation Session

37. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration on 1.8.2008. The Committee also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/NE-KLH/370 Proposed House  
(New Territories Exempted House – Small House)  
in “Agriculture” zone,  
Lot 535D in DD 9,  
Yuen Leng Village,  
Kau Lung Hang,  
Tai Po  
(RNTPC Paper No. A/NE-KLH/370)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Environmental Protection (DEP) and the Director of Water Supplies (DWS) did not support the application, raising concern that the site fell outside the “Village Type Development” zone and was unlikely to be connected to the planned sewerage system. The discharge from the proposed use would potentially cause water pollution to the water gathering grounds (WGGs). The Director of Drainage Service (DDS) however confirmed that the proposed use could be connected to the planned sewerage system and he therefore had no objection to the application. Other departments had no objection to the application;
- (d) public comments - the District Officer/Tai Po (DO/TP) received a letter from one of the Indigenous Inhabitant Representatives of Yuen Leng objecting to the application on the ground that he and the other local villagers did not know about the application; and

- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. DEP and DWS raised concerns on the discharge from the proposed use as the application site fell within WGGs. However, DDS confirmed that a sewerage connection point would be provided in the vicinity of the application site and hence the proposed use could be served by the planned sewerage system. While there was a local objection on the ground that the local villagers did not know about the Small House application, the District Lands Officer/Tai Po had no objection to the application and advised that the applicant was an indigenous villager of Wai Tau Tsuen and eligible to apply for Small House.

39. Members had no question on the application.

#### Deliberation Session

40. 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 18.7.2012, 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 occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) to note the Director of Drainage Services's comments in paragraph 3 of Appendix IV of the Paper;
- (d) to adopt good site practice and implement precautionary/preventive measures to avoid and minimize impact on the natural stream in the vicinity of the application site during the construction works;
- (e) as there were low voltage underground cables within the site, the applicant and his contractors should observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation (Cap. 406H) when carrying out any works in the vicinity of the electricity supply lines; and
- (f) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/NE-KLH/371 Proposed 5 Houses  
(New Territories Exempted Houses – Small Houses)  
in “Green Belt” and “Village Type Development” zones,  
Lots 1067D, 1067F, 1067G, 1068A to D,  
1070BRP, 1070C and 1070ERP in DD 9,  
Tai Wo Village,  
Kau Lung Hang,  
Tai Po  
(RNTPC Paper No. A/NE-KLH/371)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed five Houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) public comments - the District Officer/Tai Po (DO/TP) received a letter from the Village Representatives (VRs) of Tai Hang objecting to the application mainly on the grounds that the application would jeopardize the Tai Hang villagers’ chance to build Small House given that the applicants were from other villages and there was insufficient land available within the Tai Hang village area. While the Planning Department (PlanD) treated the private lots as areas within Tai Wo Village, the VRs of Tai Hang did not agree and maintained that the application site should fall within Tai Hang village area; and

- (e) the PlanD's views –PlanD had no objection to the application based on the assessment given in paragraph 12 of the Paper. The local objection received by DO/TP was about a dispute among villagers on which village should be entitled to use the application sites. The application sites fell outside the 'village environs' of any existing recognized villages and were physically isolated from the village proper of Tai Hang village. The District Lands Officer/Tai Po had no objection to the application and advised that the applicants were indigenous villagers of the recognized villages in Tai Po Heung and eligible to apply for Small Houses.

43. Members had no question on the application.

#### Deliberation Session

44. 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 18.7.2012, 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 occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

45. 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) to note the Director of Drainage Service's comments in paragraph 3 of Appendix V of the Paper;
- (d) as the existing water mains would be affected, the applicants should bear the cost of any necessary diversion works affected by the proposed development;
- (e) to note the Director of Electrical and Mechanical Services' comments in paragraph 8 of Appendix V of the Paper; and
- (f) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Dr. C.N. Ng left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/NE-KTN/127 Proposed House  
(New Territories Exempted House – Small House)  
in “Agriculture” zone,  
Lot 1358A in DD 95,  
Ho Sheung Heung,  
Kwu Tung North,  
Sheung Shui  
(RNTPC Paper No. A/NE-KTN/127)
- 

Presentation and Question Sessions

46. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support and the Assistant Commissioner for Transport/NT (AC for T/NT) had reservation on the application. DAFC pointed out that the application site was classified as good agriculture land with high potential for agricultural rehabilitation. AC for T/NT considered that NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Despite the insignificant traffic impact arising from the proposed development, the approval would set an undesirable precedent for similar applications. Other departments had no objection to the application;
- (d) public comments - the District Officer (North) (DO/N) advised that the village representatives of Ho Sheung Heung supported the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. The proposed NTEH complied with the Interim Criteria for assessing Planning Applications for NTEH/Small House development. There were concerns of DAFC and AC for T/NT, but it was noted that the application site was located immediately next to the “V” zone of Ho Sheung Heung Village and fell entirely within the ‘village environ’. The proposed NTEH was not incompatible with the adjacent village setting, and two similar applications for NTEH development were approved in February 2008.

47. Members had no question on the application.

#### Deliberation Session

48. 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 18.7.2012, 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 drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the design and provision of firefighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that :

- (i) the application site was located within flood pumping gathering ground associated with River Indus and River Ganges pumping stations;
  - (ii) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
  - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii)        A/NE-KTS/264        Temporary Open Storage of Metal Ware  
for a Period of 3 Years  
in "Recreation" zone,  
Lots 1618(Part), 1619 and 1620(Part) in DD 100  
and Adjoining Government Land,  
Ying Pun,  
Kwu Tung South,  
Sheung Shui  
(RNTPC Paper No. A/NE-KTS/264)
-

Presentation and Question Sessions

50. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of metal ware for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the application site and environmental nuisance was expected. Other departments had no objection to the application;

[Dr. C.N. Ng returned to join the meeting at this point.]

- (d) during the statutory publication period, one public comment was received from a North District Councillor who pointed out that the use would have noise and traffic impacts to the local village, and there was insufficient recreational area in Ying Pun. The District Officer (North) received an objection from the Chairman of Sheung Shui District Rural Committee on traffic and environmental grounds; and
- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. There was a previous approval for the same use granted on the application site. Approval of the application on temporary basis would not frustrate the planning intention of the “Recreation” zone and there was no known programme/intention to implement the zoned use at the application site. To address the concern on environment, approval condition restricting the operation hours, and an appropriate advisory clause were recommended.

51. Members had no question on the application.



Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.7.2011, 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 7:00 p.m. to 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holiday was allowed during the planning approval period;
- (c) no medium/heavy goods vehicles was allowed for transportation of goods to/from the application site during the planning approval period;
- (d) the existing trees planted under the previously approved Application No. A/NE-KTS/215 should be maintained at all times during the planning approval period;
- (e) the drainage facilities implemented on the site under the previously approved Application No. A/NE-KTS/215 should be maintained at all times during the planning approval period;
- (f) the submission of a condition survey with photographic records 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 18.10.2008;
- (g) the submission of proposals for water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.1.2009;

- (h) in relation to (g), the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.4.2009;
- (i) if the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (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.

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance (BO). An Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as condoning to any structures existing on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future;

- (d) to observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out any works in the vicinity of the electricity supply lines;
- (e) to liaise with CLP Power Hong Kong Limited to divert the existing low voltage underground cables and high voltage overhead line poles away from the vicinity of the application site;
- (f) to follow the environmental mitigation measures as recommended in the '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;
- (g) to note the comments from the Chief Engineer/Development(2), Water Supplies Department (WSD) that :
  - (i) for provision of water supply to the proposed development, the applicants might need to extend his inside services to the nearest suitable Government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
  - (ii) the application site was within the flood pumping gathering grounds associated with River Indus and River Ganges pumping stations.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/NE-LT/384 Proposed Public Vehicle Park  
(excluding container vehicle)  
in “Government, Institution or Community”  
and “Green Belt” zones,  
Government Land in DD 16,  
Fong Ma Po Village,  
Lam Tsuen,  
Tai Po  
(RNTPC Paper No. A/NE-LT/384)
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54. The Secretary reported that the application was submitted by the Home Affairs Department (HAD). Ms. Margaret Hsia, being the Assistant Director of HAD, declared an interest in this item. The Committee noted that Ms. Hsia had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public vehicle park (excluding container vehicle);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, 13 public comments were received supporting the application mainly on the grounds that the application would improve the surrounding environment and alleviate the current illegal parking problem. The District officer/Tai Po (DO/TP) received a supporting letter from a Tai Po District Councillor; and

- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper.

56. In response to a Member's question, Ms. Lisa L.S. Cheng pointed out that the *Celtis sinensis* located near the proposed run-out of the carpark was to be preserved as it was mature and in good condition. The preservation of the tree would require a minor adjustment of the proposed run-out.

#### Deliberation Session

57. 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 18.7.2012, 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 of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the implementation of the approved landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the Drainage Services Department's comments in paragraphs 9.1.2 and 9.1.3 of the Paper; and
- (b) to note the Water Supplies Department's comments in Appendix III of the Paper.



ecologically sensitive Man Uk Pin Stream was received. The District Officer (North) (DO/N) advised that an Indigenous Inhabitants Representative of Man Uk Pin supported the application; and

- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. Although there were reservation on cumulative traffic impact and agricultural development viewpoints, it should be noted that a similar application was approved in the vicinity of the application site. On the concern of overflow or leakage from the septic tank, the Chief Engineer/Mainland North of the Drainage Services Department advised that no sewage leakage incident had been reported. There were already some existing village houses to the east of the application site which were closer to the concerned stream. DAFC also advised that given the small scale of the proposed works and the distance between the application site and the stream was about 30m, he had no strong view on the overflow/leakage concern provided that good site practice would be implemented.

60. Members had no question on the application.

#### Deliberation Session

61. 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 18.7.2012, 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) no structure should be erected within 1.5 metres from the centerline of the existing 80mm diameter water main on the access road to the north of the application site and such area should not be used for storage purposes;

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

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

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that an existing 80mm diameter water main on the access road would be affected by the proposed development. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize;
- (b) to note the Director of Agriculture, Fisheries and Conservation's comments that good site practice should be implemented, including to address the risk of potential pollution and to avoid any impact on the Ecological Important Stream and its riparian zone; and
- (c) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed developments, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.



[Open Meeting (Presentation and Question Sessions Only)]

- (x)           A/NE-TK/257           Temporary Barbecue Site  
for a Period of 3 Years  
in “Agriculture” zone and area shown as ‘Road’,  
Various Lots in DD 17,  
Ting Kok Road,  
Tai Po  
  
(RNTPC Paper No. A/NE-TK/257)
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Presentation and Question Sessions

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

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

- (a) background to the application;
- (b) the temporary barbecue site for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the application as the augmentation of facilities associated with the development would affect the agricultural activities in the vicinity, including the floricultural gardens and leisure farm. The application site had good potential to be converted into a full-scale leisure farm, plant nursery or horticultural garden. The applicant did not provide adequate information on precautionary/protection measures to ensure that the proposed development would not cause adverse ecological impacts on the adjacent “Coastal Protection Area” zone, and the Ting Kok Site of Special Scientific Interest (SSSI). Other departments had no objection to the application;
- (d) during the statutory publication period, two public comments supporting the application were received; and

- (e) the Planning Department (PlanD)'s views –based on the assessments given in paragraph 11 of the Paper, PlanD considered that the temporary use could be tolerated but suggested shorter approval and compliance periods to monitor compliance of conditions and impacts of the development on the coastal area. Temporary barbecue use was considered not incompatible with the surrounding floricultural gardens and the leisure farm in the vicinity. Parts of the application site and its adjoining area had been previously approved for the same use. Approval conditions were recommended to address the possible impacts of the temporary use on the area.

64. In response to Members' queries, Mr. W.K. Hui, DPO/STN, advised that the previous approval for the same use was revoked due to non-compliance of the approval conditions. Notwithstanding, it was noted that the applicant had made efforts to submit various proposals with a view to complying with the relevant approval conditions, though they were not found satisfactory by concerned departments. As such, shorter approval period of two years, and shorter compliance periods for approval conditions were suggested to monitor the development as well as the implementation of conditions.

#### Deliberation Session

65. A Member opined that while sympathetic consideration could be given to the subject application, no further approval should be granted if the approval conditions were not fully complied with.

66. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 18.7.2010, 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 after 11:00 p.m. was allowed on the site during the planning approval period;

- (b) the submission of vehicular access and parking, loading/unloading proposals within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.10.2008;
- (c) in relation to planning condition (b) above, the implementation of vehicular access and parking, loading/unloading proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.1.2009;
- (d) 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 18.10.2008;
- (e) in relation to planning condition (d) above, the implementation 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 18.1.2009;
- (f) the submission of landscape proposals, including tree preservation proposal, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.10.2008;
- (g) in relation to planning condition (f) above, the implementation of landscape proposals, including tree preservation proposal, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.1.2009;
- (h) the provision of precautionary/protective measures within 3 months from the date of planning approval to ensure no adverse impacts on the nearby “Coastal Protection Area” zone and Ting Kok Site of Special Scientific Interest to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 18.10.2008;

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

67. 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) a temporary approval for a period of 2 years was granted to the applicant with a view to monitoring the operation of the barbecue site;
- (c) shorter compliance periods for approval conditions were imposed in order to monitor the situation and compliance of approval conditions on the site;
- (d) the owners of the lots concerned should apply to Tai Po District Lands Office for a short term waiver for the proposed temporary structures on the site and the applicant should apply a short term tenancy in respect of the occupation of unleased Government land;
- (e) the applicant should provide 1:500 scale drawings to illustrate the proposed run in/out, access and vehicle parking and loading/unloading arrangement for the Assistant Commissioner for Transport/New Territories, Transport Department's consideration;

- (f) the applicant should fully comply with requirements of relevant Environment Transport and Works Bureau Technical Circulars for any planting to be affected under the application. Consultation with local residents for the loss of greenery upon completion of the development was required;
- (g) any food business conducted at the site should be covered by relevant licence/permit issued by Food and Environmental Hygiene Department;
- (h) the applicant was required to construct and reinstate the interface portion between the proposed vehicular access road and Ting Kok Road to the satisfaction of Transport Department and Highways Department; and
- (i) the applicant should consult Environmental Protection Department regarding sewage treatment/disposal aspects of the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/TP/406 Proposed House  
(New Territories Exempted House – Small House)  
in “Green Belt” zone,  
Lot 311RP in DD 14,  
Tung Tsz Village,  
Tai Po  

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(RNTPC Paper No. A/TP/406)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) and the Assistant Commissioner or Transport/NT (AC for T/NT) had reservation on the application. The DAFC considered that the application was not in line with the planning intention of the “Green Belt” (“GB”) zone. The application site was partly vegetated and was in the vicinity of a natural stream, but the impacts on these natural features were not addressed in the application. AC for T/NT considered that NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Despite the insignificant traffic impact arising from the proposed development, the approval would set an undesirable precedent for similar applications. The Chief Town Planner/Urban Design and Landscape of the Planning Department (PlanD) objected to the application as the dense woodland in close proximity of the application could be threatened by the construction activities associated to the village expansion but there was no information in the application to address the potential landscape impact. Other departments had no objection to the application;
- (d) during the statutory publication period, two public comments were received against the application on the grounds that the proposed development would impose adverse impact on the green environment and the wildlife in the locality, particularly the glowworms; and
- (e) the PlanD’s views –PlanD did not support the application based on the assessment given in paragraph 12 of the Paper. The proposed house was not in line with the planning intention of the “GB” zoning where there was a general presumption against development, and there was no strong justification in the submission for a departure from the planning intention. In addition, land was still available in the “V” zones and the applicant had not provided sufficient information to demonstrate that he could not acquire

land within the “V” zone for Small House development. There was insufficient information in the submission to address DAFC and the public’s concern on the adverse impacts on nature features. No previous planning permission was given to the western part of Tung Tsz Road.

69. In response to a Member’s query, Mr. W.K. Hui, DPO/STN, tabled a site photo showing an application of the adjoining site to illustrate the rural and unspoiled setting of the area.

### Deliberation Session

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

- (a) the proposed house (NTEH – Small House) was not in line with the planning intention of the “Green Belt” (“GB”) zoning, which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was insufficient information in the submission to justify a departure from this planning intention; and
- (b) the approval of the application would set an undesirable precedent for similar developments within the “GB” zone to the west of Tung Tsz Road. The cumulative effect of approving such applications would result in a general degradation of the natural environment.

[The Vice-chairman thanked Mr. W.K. Hui, DPO/STN, and Ms. Lisa L.S. Cheng, STP/STN, for their attendance to answer Members’ enquiries. Mr. Hui and Ms. Cheng left the meeting at this point.]

**Tuen Mun and Yuen Long District**

[Mr. Wilson W.S. Chan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), Mr. Anthony C.Y. Lee, STP/TMYL, Miss Paulina Y.L. Kwan, STP/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/373           Proposed Religious Institution with Columbarium Use  
(Amendment to a scheme previously approved  
under Application No. A/TM/306)  
in “Government, Institution or Community” zone,  
Tuen Mun Town Lot 462,  
Tsing Shan Tsuen,  
Tuen Mun  
(RNTPC Paper No. A/TM/373)
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**Presentation and Question Sessions**

71.           Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed religious institution with columbarium use (amendments to a scheme previously approved under Application No. A/TM/306);
- (c) departmental comments – no objection from concerned Government departments was received;



- (d) during the statutory publication period, 12 comments were received. A Tuen Mun District Councillor commented that the nearby village representatives, especially Tsing Shan Tsuen, and residents should be consulted on the application. Two commenters from the Tuen Mun Rural Committee (TMRC) and Ting Shan Tsuen Village Representative (VR) objected to the proposed columbarium use and relayed an objection from the nearby villagers. The major grounds of objection were on the adverse traffic and air impacts caused by the proposed columbarium, particularly during Ching Ming and Chung Yeung festivals, would affect the environment and health of the local villagers and nearby schools. Eight commenters supported the application as the proposed columbarium would supply niches to meet the territorial demand and the proposed religious institution was compatible with the surrounding religious developments. Another commenter submitted no comment. The District Officer/Tuen Mun (DO/TM) advised that in previous round of local consultation, there were strong objections to the application; and

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

- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessment given in paragraph 10 of the Paper. In the subject application, the proposed amendments to the previously approved scheme mainly involved an increase in 'non-usable' gross floor area (GFA) covered by roof eaves and entrance gateway. There were no changes to the total 'usable' GFA and the total number of niches. The proposed amendment was considered minor and acceptable. There were no adverse comments from departments. In considering the previous scheme, it was noted that the applicant had no plans to accommodate any funeral services and the urns would be located at the columbarium hidden in special area. Notwithstanding, in view of the local objections, PlanD suggested to add a clause advising the applicant to liaise with the villagers of Tsing Shan Tsuen to address their concern on environment and traffic impacts arising from the proposed development.

72. In response to a Member's query on the estimated territorial shortage of niches, Mr. Wilson W.S. Chan replied that he did not have the statistics in hand, but noted from the newspaper that the niches provided by the Government were in short supply.

#### Deliberation Session

73. A Member said that there was shortage of supply in niches. In considering the application, the Committee should strike a balance between meeting the territorial need, while addressing the concern of the affected villagers. He agreed to PlanD's recommendation to advise the applicant to liaise with the villagers to address their concern.

74. 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 18.7.2012, 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 landscaping proposals, including a tree preservation plan to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of emergency vehicular access (EVA) and fire services requirements to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the implementation of drainage proposals as indicated in the accepted drainage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) note the District Lands Officer/Tuen Mun's comments that lease modification would be required for the proposed amendments with respect to the total gross floor area (GFA) and the proposed EVA of the development;

- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that his detailed comments on GFA calculations would be given in building plan submissions stage; and
- (c) liaise with the villagers of Tsing Shan Tsuen to address their concern on environment and traffic impacts arising from the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TM-LTYY/170 Temporary Office (Ancillary Car Park for Private Cars and Light Goods Vehicles) for a Period of 3 Years in "Residential (Group C)" zone, Lots 1132(Part), 1133(Part), 1134 and 1135B in DD 130, Lam Tei, Tuen Mun  

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(RNTPC Paper No. A/TM-LTYY/170)

#### Presentation and Question Sessions

76. The Committee noted that on 26.6.2008, the applicant requested the Town Planning Board to defer consideration of the application in order to allow time to prepare information to address the departmental comments.

#### Deliberation Session

77. 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.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii)           A/TM-SKW/58           Renewal of Planning Approval for  
Temporary Open Storage (Precast Concrete Products)  
for a Period of 3 Years until 29.7.2011  
in “Green Belt” zone,  
Government Land near Tai Lam Correctional Institution,  
Tuen Mun  
(RNTPC Paper No. A/TM-SKW/58)
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Presentation and Question Sessions

78.           Mr. Wilson W.S. Chan, 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 precast concrete products” use under Application No. A/TM-SKW/45 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, a public comment from the Tuen Mun Rural Committee raising no objection to the application was received; and
- (e) the Planning Department (PlanD)’s views –PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper.

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 29.7.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing trees on the application site should be maintained at all times during the planning approval period;
- (b) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (c) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (d) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the District Lands Officer/Tuen Mun, Lands Department's comments that the tenure of Temporary Government Land Allocation No. TTM 433 for the purpose of storage of concrete paving blocks was up to 29.7.2008. The applicant was reminded to make an early formal application to his office for an extension of the allocation period to tally with that of the planning application;
- (b) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department; and

- (c) note the Chief Engineer/Development (2), Water Supplies Department's comments that no structure should be erected over and no trees should be planted over the Waterworks Reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. Government should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site.

[The Vice-chairman thanked Mr. Wilson W.S. Chan, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Chan left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iv)           A/YL-HT/555           Renewal of Planning Approval for  
Temporary Logistics Transit Centre  
with Ancillary Vehicle Parking Facilities  
for a Period of 3 Years  
in "Comprehensive Development Area" zone,  
Lots 838(Part), 839(Part), 840(Part), 845(Part),  
846BRP(Part), 849BRP(Part) and 850BRP(Part) in DD 125,  
and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/555)
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#### Presentation and Question Sessions

82.           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 logistics transit centre with ancillary vehicle parking facilities under Application No. A/YL-HT/398 for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the application site and the access road (Ping Ha Road) and environment nuisance was expected. Other departments had no objection to the application;
- (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 based on the assessment given in paragraph 12 of the Paper. To address DEP's concern, approval conditions restricting the operation hours, the type and stacking height of materials stored, and the workshop activity, and an appropriate advisory clause were recommended.

83. A Member noted from Plan A-4c of the Paper that there was storage of used electrical appliances which did not constitute a use under application. Mr. Anthony C.Y. Lee pointed out that as summarised in paragraph 2(e) of the Paper, the applicant submitted that the tenant would be requested to vacate the storage of electrical appliances. Approval condition (e) restricting the type of materials stored on the application site was suggested. Non compliance with the approval conditions would result in revocation of the planning permission, and unauthorised development on the application site would be subject to enforcement action by the Planning Authority.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.7.2011, 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 7:00 p.m. to 8:00 a.m. was allowed on the site at any time during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no stacking of containers was allowed on the site at any time during the planning approval period;
- (d) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (e) no open storage of electrical appliances (including computer monitors, cathode-ray tubes, and television sets) was allowed on the site at any time during the approval period;
- (f) no cutting, dismantling, cleansing, repairing, compaction and workshop activity, including container repair and vehicle repair, was allowed on the site at any time during the planning approval period;
- (g) the setting back of the southwestern boundary of the site to avoid encroachment upon the works limit of Contract No. CV/2006/01 “Ping Ha Road Improvement Works (Ha Tsuen Section)” to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (h) the drainage facilities implemented on the site under Application No. A/YL-HT/398 should be maintained at all times during the planning approval period;



- (i) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.1.2009;
- (j) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.1.2009;
- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.4.2009;
- (l) 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 18.1.2009;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) 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
- (o) 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.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the submitted tree preservation and landscape proposals should be marked with proper symbols to indicate the existing and proposed trees;
- (d) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection;
- (e) 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 Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" commenced in December 2007 for completion in end 2010, and that he should not be entitled for any compensation thereof. As the road level of Ping Ha Road would be raised after the proposed improvement works, he should carry out necessary modification works within the site at his own expense in future to tie in the interface with the said project;
- (f) 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 and Short Term Waiver to regularize the unauthorized structures and occupation of Government land on site; and

- (g) 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 and that the management and maintenance responsibilities of this road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (v)           A/YL-HT/556           Temporary Open Storage of Scrap Metal  
for a Period of 3 Years  
in "Undetermined" zone,  
Lots 1668BRP(Part), 1967BRP(Part),  
1968(Part) and 1969(Part) in DD 125,  
Ha Tsuen,  
Yuen Long  

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(RNTPC Paper No. A/YL-HT/556)

#### Presentation and Question Sessions

86.           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 scrap metal for a period of 3 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 based on the assessment given in paragraph 12 of the Paper.

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 3 years up to 18.7.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 8:00 p.m. to 7:00 a.m. should be carried out at the application 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 open storage of materials other than scrap metal was allowed on the site at any time during the approval period;
- (d) the existing trees on the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities implemented under the previously approved Application No. A/YL-HT/381 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/381 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.1.2009;

- (g) 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 18.1.2009;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (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.

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

- (a) planning permission should have been renewed before continuing the open storage of scrap metal on the site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) 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 Waiver to regularize the unauthorized structures on site;

- (e) note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress to/from the site might be affected during the construction period for the widening of Ping Ha Road under Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" (Plan A-2) of the Paper commenced in December 2007, and that he should not be entitled for any compensation thereof; and
- (f) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-HT/557 Temporary Open Storage of Containers with Ancillary Office for a Period of 3 Years in "Open Storage" and "Recreation" zones, Lots 1511B(Part), 1512(Part), 1519(Part), 1520(Part), 1521(Part), 1522(Part), 1533(Part), 1534(Part), 1535(Part), 1536, 1537, 1538 RP(Part), 1540(Part) and Adjoining Government Land in DD 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/557)
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Presentation and Question Sessions

90. The Committee noted that on 28.6.2008, the applicant requested the Town Planning Board to defer consideration of the application in order to allow time for preparation of supplementary traffic information to support his application.

Deliberation Session

91. 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii)          A/YL-HT/558          Temporary Open Storage of Containers  
for a Period of 3 Years  
in “Undetermined” zone,  
Lots 96, 119(Part), 154(Part), 155 and 156(Part) in DD 124,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/558)
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Presentation and Question Sessions

92. 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 containers for a period of 3 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 based on the assessment given in paragraph 12 of the Paper.

93. Members had no question on the application.

#### Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.7.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:00 p.m. to 8:00 a.m., as proposed by the applicant, should be carried out at the application 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 cutting, dismantling, cleansing, repairing, compaction and workshop activity, including container repair and vehicle repair, was allowed on the site at any time during the planning approval period;
- (d) the stacking height of containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence, and should not exceed 7 units at any other location within the site at any time during the planning approval period;
- (e) the existing trees on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities implemented under the previously approved Application No. A/YL-HT/352 should be maintained at all times during the planning approval period;



- (g) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/352 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.1.2009;
- (h) 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; and
- (i) if the above planning condition (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.

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

- (a) prior planning permission should have been obtained before commencing the open storage of containers on the site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) note the Chief Engineer/Land Works, Civil Engineering and Development Department’s comments that the ingress/egress to/from the site might be affected during the construction period for the widening of Tin Ha Road under Project Item No. 7710CL “Hung Shui Kiu Development, Stage 2 – Widening of Tin Ha Road and Tan Kwai Tsuen Road” scheduled to commence in mid 2009 for completion in mid 2012, and that the applicant should not be entitled for any compensation thereof;

- (e) 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 Waiver to regularize the unauthorized structures on site; and
- (f) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii)      A/YL-HT/559      Renewal of Planning Approval for  
Temporary Open Storage of Construction Machinery  
and Materials for a Period of 3 Years until 29.7.2011  
in "Comprehensive Development Area" zone,  
Lots 40 and 41(Part) in DD 128,  
Ha Tsuen,  
Yuen Long  

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(RNTPC Paper No. A/YL-HT/559)

Presentation and Question Sessions

96.            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 machinery and materials under Application No. A/YL-HT/416 for a period of 3 years until 29.7.2011;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the application site and the access road (Ping Ha Road and Fung Kong Tsuen Road) and environment nuisance was expected. Other departments had no objection to the application;
- (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 based on the assessment given in paragraph 12 of the Paper. To address DEP's concern, approval conditions restricting the operation hours and the type of materials stored, and an appropriate advisory clause were recommended.

97. Members had no question on the application.

#### Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 29.7.2011, 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. to 7:00 a.m. was allowed on the site at any time during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no open storage of materials other than construction machineries and materials was allowed on the site at any time during the approval period;

- (d) the drainage facilities implemented on the site under Application No. A/YL-HT/416 should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.1.2009;
- (f) the submission of a landscape preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.1.2009;
- (g) in relation to (f) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.4.2009;
- (h) 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 18.1.2009;
- (i) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.1.2009;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the 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.

99. 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 Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the landscape proposal should tally with the actual site boundary;
- (c) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection;
- (d) 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 Waiver to regularize the unauthorized structures on site; and
- (e) 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 and that the management and maintenance responsibilities of this road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix)           A/YL-HT/560           Renewal of Planning Approval for  
Temporary Shop and Services (Convenient Store)  
for a Period of 3 Years until 29.7.2011  
in “Village Type Development” zone,  
Lot 1046RP(Part) in DD 125  
and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/560)
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Presentation and Question Sessions

100.           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 convenient store under Application No. A/YL-HT/418 for a period of 3 years until 29.7.2011;
- (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 based the assessment given in paragraph 11 of the Paper

101.           Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 29.7.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the drainage facilities implemented on the site under Application No. A/YL-HT/418 should be maintained at all times during the planning approval period;
- (b) all existing trees on the site should be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.1.2009;
- (d) the replanting of the 2 missing trees in the original location on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Board by 18.1.2009;
- (e) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the convenient store within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.1.2009;
- (f) if any of the above planning conditions (a) or (b) 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;
- (g) if any of the above planning conditions (c), (d) or (e) 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

- (h) 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.

103. 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 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 and Short Term Waiver to regularize the unauthorized structures and occupation of Government land on the site;
- (c) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection; and
- (d) 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 and that the management and maintenance responsibilities of this road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly.



[Open Meeting (Presentation and Question Sessions Only)]

- (x)           A/YL-NSW/184       Proposed Open Storage for Metalware Materials  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lot 3606 in DD 104,  
Pok Wai,  
Yuen Long,  
New Territories  
  
(RNTPC Paper No. A/YL-NSW/184)
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Presentation and Question Sessions

104.       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 metalware materials for a period of 3 years;

[Mr. Chris Mills returned to join the meeting at this point.]

- (c)   departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site (within a distance of 40m) and access road and environment nuisance was expected. Other departments had no objection to the application;
- (d)   during the statutory publication period, 43 comments were received objecting to the application. One comment from a Yuen Long District Councillor was concerned about the toxic substances released from the site operation would pollute the air and the surrounding environment. 42 comments from the local villagers were against the application on the grounds of adverse noise, air, drainage, landscape and fung shui impacts and road safety concern; and

[Ms. Shirley Lee returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views –PlanD did not support the application based on the assessment given in paragraph 12 of the Paper. There was no strong justification in the submission for a departure from the planning intention on the application site, which was for village and related development. The temporary use was not compatible with the adjoining uses which were predominantly residential dwellings and ponds in a rural setting. The temporary use did not meet the TPB Guidelines No. 13D in that there were adverse comment from DEP and objections from the public, and there were no previous approvals pertaining to the application site.

105. Members had no question on the application.

#### Deliberation Session

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

- (a) the extension of the open storage yard to the site was not in line with the planning intention of the “Village Type Development” (“V”) zone which was primarily to designate both existing recognised villages and areas of land considered suitable for village expansion as land within this 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 such planning intention, even on a temporary basis;
- (b) the applied use at the site was not compatible with the nearby village settlements, in particular the residential dwellings to the north, southeast and southwest;
- (c) the proposed development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up

Uses in that there were no exceptional circumstances to merit approval of the application, there were adverse departmental comments and local objections against the applied use; and no relevant technical assessments/proposals were submitted to demonstrate that the proposed use would not generate adverse environmental and drainage impacts on the surrounding areas; and

- (d) no similar applications were previously approved in the “V” zone. The approval of the application would set an undesirable precedent, the cumulative impact of approving such applications in the area would lead to a general degradation of the environment in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-PH/565 Temporary Open Earthworm Composting Site  
for a Period of 3 Years  
in “Agriculture” zone,  
Various Lots in DD 111 and DD 114  
and Adjoining Government Land,  
Kam Tin Road,  
Pat Heung,  
Yuen Long  
(RNTPC Paper No. A/YL-PH/565)
- 

#### Presentation and Question Sessions

107. The Committee noted that on 30.6.2008, the applicant requested the Town Planning Board to defer consideration of the application in order to allow time to prepare drainage impact assessment and related technical document to address departmental comments.

108. The Secretary drew Members’ attention to the fact that the application was for an open earthworm composting site to process not only just horse manure but also kitchen wastes and fertilisers.

Deliberation Session

109. 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-TYST/392 Temporary Open Storage of Construction Materials  
for a Period of 3 Years  
in “Undetermined” zone,  
Lot 334 in DD 119,  
Shan Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/392)
- 

Presentation and Question Sessions

110. 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 for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access track leading from Shan Ha Road to the application site, and environment

nuisance was expected. Other departments had no objection to the application;

- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – based on the assessment given in paragraph 12 of the Paper, PlanD considered that the temporary use could be tolerated but suggested a shorter compliance period for monitoring the progress on compliance with approval conditions. To address DEP's concern, approval conditions restricting the operation hours, prohibiting repairing, dismantling and workshop activities and restricting the type of vehicles used, and an appropriate advisory clause were recommended.

111. Members had no question on the application.

#### Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.7.2011, 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 8:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no repairing, dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no heavy good vehicles (i.e. over 24 tonnes) as defined in the Road Traffic Ordinance and tractors/tailors were allowed for the operation of the application site at any time during the planning approval period;

- (e) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.10.2008;
- (f) in relation to (e) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.1.2009;
- (g) the submission of drainage proposal to within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.10.2008;
- (h) in relation to (g) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.1.2009;
- (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 18.10.2008;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

113. 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) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) shorter compliance periods were imposed to monitor the fulfillment of approval conditions;
- (d) note the District Lands Officer/Yuen Long, Lands Department's comments that some unauthorized structures including converted containers were erected on the site. In this connection, his office reserved the right to take enforcement action against these irregularities. Besides, Short Term Waiver should be applied for any proposed structures to be erected on the site. Moreover, the existing occupation area was found to be different with that under application. As such, the discrepancy should be clarified;
- (e) 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;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the local access track leading to the site;
- (g) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;

- (h) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that the proposed tree, Poplar, was not a species suitable for planting in a sub-tropical zone and alternative species should be proposed. The proposed 15 m spacing between each tree as mentioned in the application form was considered too sparse. Moreover, the requirements as outlined in the Technical Notes on Submission and Implementation of Landscape Proposal for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance should be followed;
- (i) 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;
- (j) note the Chief Engineer/Mainland North and Chief Engineer/Drainage Projects, Drainage Services Department's comments that the drainage proposal to be submitted for compliance with approval condition should demonstrate that all the existing flow paths as well as the runoff falling onto and passing through the site would be intercepted and disposed of via a proper discharge point without causing adverse drainage impact on the adjacent area;
- (k) note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage (LV) and high voltage (11kV) underground cables and LV/11kV pole-mounted transformers within and in the vicinity of the site. Prior to establishing any structure within the site, the concerned parties (i.e. the applicant of the proposed development, his



contractors and/or site workers, etc.) should consult CLPP and if diversion of the electricity supply lines in the vicinity of the structure was deemed necessary, they should liaise with CLPP for arranging diversion as appropriate. The ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the concerned parties prior to and in the course of any works in the vicinity of electricity supply lines; and

- (l) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of this planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Moreover, use of containers as guardroom and staff rest room was considered as temporary buildings and was subject to control under Building (Planning) Regulation (B(P)R) Part VII. Furthermore, 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 specified street having a width not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at building plan submission stage. An emergency vehicular access should also be provided in accordance with B(P)R 41D unless exempted.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-TYST/394 Temporary Vehicle Repair Workshop  
for a Period of 3 Years  
in “Undetermined” zone,  
Lot 634(Part) in DD 119,  
Pat Sha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/394)
-

### Presentation and Question Sessions

114. 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 vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses located to the south and in the vicinity of the application site, and environment nuisance was expected. Other departments had no objection to the application;
- (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 based on the assessment given in paragraph 11 of the Paper. To address DEP's concern, approval conditions restricting the operation hours and prohibiting vehicle breaking and paint spraying activities, and an appropriate advisory clause were recommended.

115. Members had no question on the application.

### Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.7.2011, 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 6:30 p.m. and 9:30 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed during the planning approval period;
- (c) no vehicle breaking and paint spraying activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.1.2009;
- (e) in relation to (d) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.4.2009;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.1.2009;
- (g) in relation to (f) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.4.2009;
- (h) the submission of water supplies for fire-fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.1.2009;
- (i) in relation to (h) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning

approval to the satisfaction of the Director of Fire Services or of the TPB by 18.4.2009;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application 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, Lands Department's comments that his office reserved the right to take appropriate action against the erection of unauthorised structures on the site. The applicant was reminded to apply for Short Term Waiver (STW) to regularise the irregularities on site. Should no STW application be received/approved, his office on review of the situation would resume or take new action as appropriate according to the established district lease enforcement programme. Moreover, the applicant should clarify why the existing occupation area was found to be different from that under application;

- (d) 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;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the local access track from the site up to a public main road;
- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (g) note the Chief Engineer/Mainland North and Chief Engineer/Drainage Projects, Drainage Services Department's comments that the drainage proposal to be submitted for compliance with approval condition should demonstrate that all the existing flow paths as well as the runoff falling onto and passing through the site would be intercepted and disposed of via a proper discharge point without causing adverse drainage impact to the adjacent area;
- (h) note the Director of Fire Services' comments that for the provision of water supply for fire-fighting for compliance with approval condition, a fire hydrant system with adequate flow and pressure at a location within 500m from the site should be provided. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) other than the said fire hydrant system were anticipated to be required. The applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal, the applicant was advised to make reference to the requirements as stipulated in paragraph 4.29 'Industrial/ godown buildings – low rise' of the

current version of the Code of Practice for Minimum Fire Service Installations and Equipment for the structures used as offices and storage respectively. In this connection, the applicant was also advised that the building plans should be drawn to scale and depicted with dimensions and the location of where the proposed FSIs to be installed should be clearly marked on the building plans. Moreover, detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (i) 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 unauthorised 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 structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and
  
- (j) 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 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)]

- (xiv)        A/YL-TYST/395      Temporary Open Storage of Construction Materials  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lot 289 in DD 119,  
Shan Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/395)
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Presentation and Question Sessions

118.        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 for a period of 3 years;
- (c)    departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers located to the north, west and along the access track leading to the application site, and environment nuisance was expected. The Drainage Services Department advised that no proper public drainage system was available in the application site and its vicinity, and was concerned that the submission contained no drainage plan to address the possible impacts from the development. The Chief Town Planner/Urban Design and Landscape of the Planning Department (PlanD) also pointed out that the landscape proposal in the submission was unacceptable. Other departments had no objection to the application;
- (d)    no public comment was received during the statutory publication period;  
and

- (e) the PlanD's views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper. The development was not in line with the planning intention of the application site which was primarily intended for Small House developments, and provision of related services. There was no strong justification in the submission to justify for a departure from the planning intention, even on a temporary basis. The development did not comply with the TPB Guidelines No. 13D in that it was not compatible with the surrounding land uses, no previous approval had been granted for the application site, and the submission had insufficient information to address the departmental concerns on environment, drainage and landscape impacts of the use on the surrounding area.

119. Members had no question on the application.

#### Deliberation Session

120. 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 which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with the Town Planning Board Guidelines No. 13D in that the development was not compatible with the nearby village houses and agricultural land, there were no exceptional circumstances to merit approval of the application, and there were adverse departmental comments on the application;



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

[Open Meeting (Presentation and Question Sessions Only)]

- (xv) A/YL-TYST/396 Temporary Open Storage of Construction Machinery and Containers for a Period of 3 Years in “Undetermined” zone, Lots 1935, 1936, 1937(Part), 1938, 1940 and 1950 in DD 117, Kung Um Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/396)
- 

Presentation and Question Sessions

121. 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 machinery and containers for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located to the north and in the vicinity of the application site, and environment nuisance was expected. Other departments had no objection to the application;

- (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 based on the assessment given in paragraph 12 of the Paper. To address DEP's concern, approval conditions restricting the operation hours and prohibiting dismantling, repairing, cleansing and workshop activities, and an appropriate advisory clause were recommended.

122. Members had no question on the application.

#### Deliberation Session

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.7.2011, 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 6 p.m. and 9 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed during the planning approval period;
- (c) no dismantling, repairing, cleansing and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.1.2009;

- (e) in relation to (d) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.4.2009;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.1.2009;
- (g) in relation to (f) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.4.2009;
- (h) 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 18.1.2009;
- (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.

124. 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) 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, Lands Department's comments that his office reserved the right to take appropriate action against the erection of unauthorised structures including converted containers on the site. The applicant was reminded to apply for Short Term Waiver (STW) to regularise the irregularities on site. Should no STW application be received/approved, his office on review of the situation would resume or take new action as appropriate according to the established district lease enforcement programme. Moreover, the vehicular access from Kung Um Road leading to the site run through Government land and various private lots without particular maintenance works to be carried out thereon. The applicant should also clarify why the existing occupation area was found to be different from that under application;
- (d) 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;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the local access track between the site and Kung Um Road;
- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (g) note the Chief Engineer/Mainland North and Chief Engineer/Drainage Projects, Drainage Services Department's comments that the drainage

proposal to be submitted for compliance with approval condition should demonstrate that all the existing flow paths as well as the runoff falling onto and passing through the site would be intercepted and disposed of via a proper discharge point without causing adverse drainage impact to the adjacent area; and

- (h) 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 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)]

- (xvi) A/YL-TYST/404 Renewal of Planning Approval for  
Temporary Open Storage of Recycling Materials Use  
for a Period of 3 Years until 29.7.2011  
in "Undetermined" and "Village Type Development" zones,  
Lots 324(Part), 325, 326(Part), 327ERP(Part),  
1420RP and 1421(Part) in DD 119,  
Tong Yan San Tsuen,  
Yuen Long  

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(RNTPC Paper No. A/YL-TYST/404)

#### Presentation and Question Sessions

125. 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 renewal of planning approval for temporary open storage of recycle materials use for a period of 3 years until 29.7.2011;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers to the northeast and southeast of the application site, and environment nuisance was expected. Other departments had no objection to the application;
- (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 based on the assessment given in paragraph 12 of the Paper. To address DEP's concern, approval conditions restricting the operation hours and prohibiting storage of electronic waste and washing, cutting, compacting and melting of plastic waste and other workshop activities, and an appropriate advisory clause were recommended.

126. Members had no question on the application.

#### Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 29.7.2011, 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., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed during the planning approval period;
- (c) no electronic waste was allowed to be stored on the site at all times during the planning approval period;

- (d) no dismantling, maintenance, repairing, washing, paint-spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (e) no washing, cutting, compacting and melting of plastic waste activities were allowed to be carried out on the site during the planning approval period;
- (f) the landscape planting on the site should be maintained and preserved at all time during the planning approval period;
- (g) the drainage facilities on the site as agreed under the previously approved Application No. A/YL-TYST/186 should be maintained at all time during the planning approval period;
- (h) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.1.2009;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.4.2009;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with at any time 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 (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

128. 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, Lands Department's comments that Short Term Waivers (STWs) had been issued in respect of Lots 324 and 326 in DD119. The applicant was reminded to apply for STW to regularize the irregularities on site. Should no STW application be received/approved, his office on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme;
- (c) 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;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track from the site to Shan Ha Road;
- (e) follow the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" issued by the Environmental Protection Department;
- (f) 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 water supply facilities/water mains to the nearest government water mains. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the installation, operation and maintenance of any sub-main within the private lots to WSD's standards;

- (g) note the Director of Fire Services' comments that detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans, and the information required to be included in the submission. Besides, the applicant should incorporate the proposed fire service installations in the relevant building plans for his approval, and the proposed fire service installations should be in accordance with the "Code of Practice for Minimum Fire Services Installations and Equipment";
- (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 on site under the Buildings Ordinance (BO) and the allied regulations. Appropriate actions under the said Ordinance or other enactment might be taken if contravention was found. Besides, use of containers and shed structures as site office and storage was considered as temporary buildings and was subject to control under the Building (Planning) Regulations (B(P)R) Part VII. In addition, 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 specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage; and
- (i) note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were high voltage (11kV) overhead lines, high voltage (11kV) underground cables and low voltage underground cables within and in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLPP and, if

necessary, ask CLPP to divert the high voltage overhead lines, high voltage underground cables and low voltage underground cables away from the vicinity of the proposed structures. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[The Vice-chairman thanked Mr. W.M. Lam, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL) and Miss Paulina Y.L. Kwan, STP/TMYL for their attendance to answer Members' enquiries. They left the meeting at this point.]

**Agenda Item 9**

Any Other Business

129. There being no other business, the meeting was closed at 4:45 p.m..