

## **TOWN PLANNING BOARD**

### **Minutes of 398th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 10.7.2009**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Mr. Rock C.N. Chen

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

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

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

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

Secretary

**Absent with Apologies**

Dr. C.N. Ng

Ms. Maggie M.K. Chan

Mr. Timothy K.W. Ma

Professor Edwin H.W. Chan

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Mr. W.S. Lau

Town Planner/Town Planning Board  
Miss Alice Y.Y. Cheung

[Open Meeting]

Opening

1. The Chairperson and Members congratulated Ir. Edmund K. H. Leung for being awarded the Silver Bauhinia Star, Mr. Felix W. Fong and Dr. James C. W. Lau for being awarded the Bronze Bauhinia Star, and Dr. C. N. Ng and Dr. Winnie S. M. Tang for being appointed as the Justice of Peace on 1.7.2009 in recognition of their contribution to the community.

**Agenda Item 1**

Confirmation of the Draft Minutes of the 397th RNTPC Meeting held on 19.6.2009

[Open Meeting]

2. The draft minutes of the 397th RNTPC meeting held on 19.6.2009 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(a) New Town Planning Appeal Received

Town Planning Appeal No. 6 of 2009 (6/09)

Proposed Filling of Pond for Permitted Agricultural Use  
in “Village Type Development” zone,

Lots 952 to 956 in DD 113, Ho Pui, Yuen Long

(Application No. A/YL-KTS/449)

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3. The Secretary reported that a Notice of Appeal dated 22.6.2009 against the decision of the Town Planning Board (the TPB) on 3.4.2009 in relation to a section 17 review on Application No. A/YL-KTS/449 for proposed filling of pond for permitted agricultural use at a site zoned “Village Type Development” on the approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/11 was received by the Appeal Board Panel (Town Planning) (the Appeal Board). The application was rejected by the TPB for the reason that there was insufficient information in the submission to demonstrate that the proposed filling of pond

would not cause adverse drainage, ecological and landscape impacts on the site and the surrounding areas.

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

(b) Town Planning Appeal Abandoned

Town Planning Appeal No. 10 of 2008 (10/08)  
Temporary Warehouse for Storage of Ceramic Tiles  
for a Period of 3 Years in “Agriculture” Zone,  
Lots 806, 808(Part), 809, 811, 812, 813(Part), 823 s.BRP, 824 s.BRP,  
825, 826(Part) in D.D. 46 and Adjoining Government Land,  
Loi Tung, Sha Tau Kok  
(Application No. A/NE-MUP/54)

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5. The Secretary reported that an appeal against the decision of the TPB on 23.8.2008 to reject on review an application for a temporary warehouse for storage of ceramic tiles in the “Agriculture” zone on the approved Man Uk Pin OZP No. S/NE-MUP/11 was received by the Appeal Board on 11.11.2008. On 18.6.2009, the appeal was abandoned by the Appellant on his own accord. On 24.6.2009, the Appeal Board confirmed the abandonment in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(c) Town Planning Appeal Statistics

6. The Secretary reported that as at 10.7.2009, a total of 22 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows :

Allowed	:	24
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	133
Yet to be Heard	:	22
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	289

(d) Approval of Draft Plan

7. The Secretary reported that on 30.6.2009, the Chief Executive in Council (CE in C) approved the Urban Renewal Authority Anchor Street/Fuk Tsun Street Development Scheme Plan (DSP) No. S/K3/URA1/1A under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the DSP would be notified in the Gazette on 10.7.2009.

(e) Reference Back of Approved Plans

8. The Secretary reported that on 30.6.2009, the CE in C referred the following approved OZPs to the TPB for amendment under section 12(1)(b)(ii) of the Ordinance:

- (i) Mid-levels East OZP No. S/H12/10;
- (ii) Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/17;
- (iii) Hung Hom OZP No. S/K9/22; and
- (iv) South Lantau Coast OZP No. S/SLC/14.

9. The reference back of the OZPs would be notified in the Gazette on 10.7.2009.

[Mr. Ambrose Cheong arrived to join the meeting at this point.]

(f) The 10-year Small House Demand Forecast

10. The Secretary reported that during the discussion on a planning application for Small House development in Man Uk Pin village, Members raised concern to the sudden and significant increase in the estimated 10-year small house demand for the village. As a follow-up, Planning Department (PlanD) held a meeting with Lands Department (LandsD) on 22.6.2009 to explore ways to improve verification of the 10-year forecast of small house demand. LandsD explained that the Indigenous Inhabitant Representative (IIR) was the most appropriate person to make the estimate on small house demand. To improve the verification process, LandsD agreed that whenever there was a significant increase in the forecast demand, the concerned IIR would be requested to explain the reason for the sudden increase.

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

**Agenda Item 3**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/TP/11                      Application for Amendment to the  
Approved Tai Po Outline Zoning Plan No. S/TP/21  
from “Green Belt” to “Government, Institution or Community” zone,  
Lots 54 RP, 56, 443 S.A & RP and 445 in D.D. 24  
and Adjoining Government Land,  
Ma Wo, Tai Po  
(RNTPC Paper No. Y/TP/11)

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**Presentation and Question Sessions**

11.                      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), and  
the following applicant’s representatives were invited to the meeting at this point :

Mr. Ho Hin-wah  
Ms. Lai Pui-kwan  
Mr. Samuel Yau  
Mr. Calvin Lo

12.                      The Chairperson extended a welcome and explained the hearing procedures.  
The Committee noted that the applicant had tabled a set of drawings proposing a reduced  
building height for the proposed religious institution development for consideration by the  
Committee at the meeting. Ms. Lisa L.S. Cheng, STP/STN, was then invited to brief  
Members on the background of the application. With the aid of a Powerpoint presentation,  
Ms. Cheng did so as detailed in the Paper and made the following main points :

(a)    the applicant proposed to rezone the application site from “Green Belt”

(“GB”) to “Government, Institution or Community” (“G/IC”) zone on the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/21;

- (b) the proposed rezoning was to facilitate redevelopment of the existing Tin Tak Shing Kau Chung Woo Ching Sai (CWCS) religious compound. The proposal involved development of a new worship hall, a new canteen block and 2 new pagodas and 12 existing buildings were proposed to be retained. The resultant gross floor area (GFA) and plot ratio (PR) of the development were 3,967.86 m<sup>2</sup> and 0.36 respectively. The justifications put forward by the applicant were detailed in paragraph 2 of the Paper;

[Professor David Dudgeon arrived to join the meeting at this point.]

- (c) the planning history of the subject site was highlighted in paragraph 4 of the Paper. Part of the application site was the subject of a previous section 16 planning application No. A/TP/395 submitted by the same applicant for the development of a worship hall. The application was rejected by the Town Planning Board on 17.10.2008 on review mainly due to the reasons of non-compliance with the planning intention of the “GB” zone; incompatibility of the proposed development with the surrounding areas in terms of scale, intensity and building height; and adverse visual and landscape impacts on the surrounding areas;
- (d) departmental comments were detailed in paragraph 8 of the Paper. The Assistant Commissioner for Transport/ New Territories, Transport Department (AC for T/NT, TD) had reservation on the application on grounds of traffic arrangement, traffic impact, parking demand, and crowds control. The Director of Environmental Protection (DEP) did not support the application in view of the environmental concerns on the significant traffic noise and adverse impact from vehicle emissions from Tolo Highway, and the potential noise and odour nuisance to the nearby residential development as a result of the operation of the proposed religious institution. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the

application on grounds of significant visual impact on the adjacent residential development arising from the proposed building height (18.1m) and massive building bulk, the impact on the existing landscape in the green belt arising from the proposed new access, the lack of landscape buffer between the religious institution site and adjacent residential developments, and the lack of planning mechanism to assess and regulate the scale and extent of the proposed development under the “G/IC” zone;

- (e) 2 public comments were received during the statutory publication period from the villagers of Ma Wo, objecting to the application due to the possible ‘fung shui’ problem and environmental impacts, and the disturbance to the existing spiritual space. Local objections were received by the District Officer (Tai Po) from the villagers of Ma Wo Village and the Owners Committees (OCs) of adjacent residential developments on grounds of reduction of the scarce green belt, the irreversible loss of trees and planting groups, the existence of a large number of temples in Ma Wo, and air pollution/ health/ noise nuisance/ sewage/ traffic/ fung shui concerns; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The proposed development would result in an increase in the scale and development intensity (from the existing PR of 0.14 to the proposed PR of 0.36), excessive building height (18.1m) and massive building bulk which was not compatible with the low-rise surroundings (2-3 storeys of about 6-9m high) amidst clusters of trees/vegetation. The proposed rezoning to “G/IC” with no clear definition of planning parameters could have the risk of allowing further increases in the development intensity on the site in future. There was no building/GFA entitlement for the development of religious institution at the site under the relevant lease conditions. The existing buildings/structures within the site were either unauthorized or temporary uses. The applicant did not provide relevant assessments to address the key technical concerns on traffic, environmental, visual and landscape impacts pertaining to the proposed religious institution



development.

13. The Chairperson then invited the applicant's representative to elaborate on the application. With the aid of a Powerpoint presentation, Mr. Samuel Yau made the following main points :

- (a) the CWCS had been in existence in Ma Wo area for over 70 years providing religious services to its fellow members. The proposed religious institution development would base on the axis design adopted in Chinese palaces and Chinese landscape garden concept. Pagodas, typical in traditional Chinese landscape gardens, would be provided with extensive planting of trees, where appropriate, to enhance the amenity of the area, to screen off noise and to purify air;
- (b) the proposed development was primarily for spiritual studies, meditation sitting and other religious activities. The site setting, building layout and architectural design, and landscape treatment were illustrated in the elevations, the perspective drawings and the photomontage tabled at the meeting by the applicant; and
- (c) the responses to the comments on the application as detailed in paragraphs 8 to 11 of the Paper which covered the following major aspects :

Land Administration

- while the private lots at the application site had no building/GFA entitlement under the lease and some of the on-site structures were under various tenancies and permit, the applicant proposed to surrender their lots in exchange for a regrant of the entire site (which would include the Government land (GL) adjoining their land) with the proposed GFA at a premium to the Government. As the GL in the area had been illegally occupied for various uses, the proposed development would provide an opportunity for a coordinated re-planning of the CWCS religious compound which would improve

the amenity of the area;

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

Traffic

- there were existing mini-bus service running between KCRC Tai Po Station and Ma Wo area. Being located close to the Tai Po Station, the majority of the CWCS fellow members would visit the proposed development by the existing mini-bus service or on foot. The car parking demand from the proposed development was not expected to be significant;
- as the site would only be used for spiritual studies and meditation purposes whereas major religious activities would be held in the CWCS headquarters in Tuen Mun, the traffic and pedestrian flow arising from the proposed development would not adversely affect the traffic condition of Ma Wo area and the adjacent road network;

Environment

- the proposed building design would adopt relevant noise mitigation measures such as double glazing to address the noise impact from Tolo Highway on the activities within the proposed development. As the proposed development would primarily be used for spiritual studies and meditation purposes, it would not give rise to noise nuisances on the surrounding environment;
- there would only be limited burning of incense at the new worship hall, which would be carried out in designated joss paper burner to ensure no adverse environmental impact;

Urban Design and Landscape

- the existing landscape of the area mainly comprised shrubs and other vegetation which were not of high landscape value. There would be master landscape treatment to ensure that the proposed development would be in harmony with the natural environment;
- the area in the southern part of the site mainly covered by grass and scattered vegetation. The proposed access road was so designed to avoid affecting the existing mature trees. New trees would be planted to improve the landscape conditions;

Scale of Development and Building Height

- in response to PlanD's comment on incompatibility of the environment with the low-rise surroundings, the applicant was prepared to further discuss with PlanD with a view to arriving at an acceptable scale of development and building height for the proposed development at the site. Based on the revised drawings tabled by the applicant, the applicant now proposed to reduce the building height to 9m with a 3m high decorative pitch roof, as compared with a height of 18.1m originally proposed. The current proposed building height (9m) would be compatible with the building height of a village house;
- to further improve the visual compatibility with the surrounding environment, the applicant also proposed to change the colour of the pitch roof from yellow to green;
- with the reduced building height, there would be a suitable reduction in the PR/GFA for the development. As illustrated in the photomontage, the proposed development was not visually dominant as compared with the existing developments in the general area and it could blend in with the surrounding environment;

Other Technical Aspects

- relevant departments had no objection on the water supply, drainage and sewage, fire safety, geotechnical and building aspects. The respective technical comments would be complied with at the detailed design stage; and

(d) notwithstanding CWCS had been in existence in Ma Wo area for over 70 years, the applicant had never been consulted on the adjoining developments when the surrounding residential developments were developed. Sympathetic consideration to the application should be given by the Committee.

14. Mr. Ho Hin-wah reiterated that the CWCS was prepared to meet Government's requirements to regularize the existing on-site structures which were small and in poor conditions and to provide a better environment for the fellow members to continue to pursue the various religious activities at the site. Mr. Samuel Yau supplemented that the current application was submitted taking into account the Committee's concerns on building height and development intensities in "GB" zone under the previous section 16 planning application (No. A/TP/395). To address the Committee's concern, the current application was submitted under section 12A of the Town Planning Ordinance to amend the zoning of the site from "GB" to "G/IC" to facilitate the proposed religious institution development.

15. The concerns/questions raised by Members were summarized as follows :

(a) whether the objective of the religious institution could be achieved by way of regularizing the existing building/structures at the site instead of by redevelopment through s.12A application;

(b) what was the traffic arrangement for the proposed development. There were particular concerns on additional traffic and pedestrian flow to the site if there were provisions of columbarium and vegetarian meals services;

(c) whether the applicant had intention to provide columbarium on site and the

number of existing columbarium niches within the site;

- (d) how far was the distance of the designated joss paper burner from the nearest residential development; and
- (e) as there were some elderly persons living in the existing CWCS compound, whether the residence was restricted to fellow members of the CWCS.

16. The responses made by Mr. Ho Hin-wah were summarized as follows :

- (a) the existing worship hall was only about 700 sq.ft. which could only accommodate a maximum of 15 fellow members at a time. On Sundays or in special events, there would be more than 50 fellow members and the religious service would need to be conducted in different sessions which would take a long time. The existing space was grossly inadequate to meet the Institution's need. A redevelopment option to create more space for their fellow members was preferred;
- (b) visitors were anticipated to use public transport to go to the site and therefore car parking provision for the proposed development was not required. The proposed canteen would only serve the fellow members conducting religious activities at the site and would not be open to the public;
- (c) there was existing columbarium located at the hillslope in the rear part of the site. It had existed for a long time to provide a place for storage of the ashes of the senior fellow members. While information on the number of existing niches was not in hand, CWCS had no intention to expand their service in this regard and they were willing to seek advice from Government on the way forward to deal with the existing columbarium;
- (d) the joss paper burner, which was water filtered, would be located in a remote location of about 400m away from the Classical Gardens; and

[Dr. James C.W. Lau arrived to join the meeting at this point.]

- (e) the elderly persons living in the existing CWCS compound were their members. They were retired maids who had no families and had been in association with CWCS since its establishment.

17. In response to the Chairperson's request, with the aid of the perspective drawings, Mr. Yau and Mr. Ho also explained the use of the respective buildings in the proposed development.

18. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicant's representatives as well as PlanD's representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

19. The Chairperson said that there was an increase in the scale and intensity of the proposed religious institution and there would be an increase of traffic and pedestrian flow to the area. A Member said that the application should not be supported as there were insufficient details on the development proposal for consideration by the Committee. It was unclear, for example, whether the proposed 9m building height for the worship hall was measured from the podium or site formation level. Another Member said that the revised drawings only showed the reduced height of the building structure but in fact the building was sitting on a raised platform which should be included in the building height calculation. A few Members considered that the scale of the canteen and toilet facilities appeared to be excessive for serving members of the CWCS. Members generally agreed that there was insufficient information to justify the scale and intensity of the development as proposed in the application, and the applicant failed to demonstrate that the proposed development would not result in any adverse impact on the surrounding area. Noting that the applicant had proposed to reduce the building height at the meeting, more information on the new proposal should be provided in a fresh application if they intended to pursue the reduced scale of

development at the site.

20. In response to a Member's question, the Chairperson said that the subject application was to amend the zoning on the OZP to allow the proposed religious institution development, and it was different from the s.16 planning application mechanism which would allow the imposition of planning conditions and inclusion of advisory clause for the development.

21. The Secretary reminded Members that while the applicant submitted a revised proposal at the hearing to reduce the proposed building height from 18.1m to 9m with a 3m pitch roof, there was no information from the applicant on the GFA of the development in response to the reduction in building height. Members then reviewed the reasons of rejection of the application and agreed to amend reason (a) suggested in the Paper.

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

- (a) notwithstanding the proposed reduction of building height from 18.1m to 9m with a pitch roof of 3m, as proposed by the applicant at the meeting, there was no information submitted on the reduced gross floor area of the development, hence the reduction in development scale and its associated impacts on the surrounding area were unclear;
- (b) based on the applicant's original proposal, the development scale, intensity and building height of the proposed development including the new access road were considered incompatible with the surrounding areas. The submission had failed to demonstrate that the proposed development would have no adverse visual impact to the surrounding areas;
- (c) the proposed development would be subject to adverse traffic noise and environmental impacts generated by the Tolo Highway;
- (d) no information on noise or environmental impact assessment and proposals for mitigation measures had been provided in the submission to

demonstrate that the proposed rezoning would not generate adverse impacts on the nearby residents;

- (e) no traffic impact assessment had been provided in the submission to demonstrate that the additional traffic generated by the future development arising from the proposed rezoning and the proposed car parking provision and loading/unloading facilities would have no adverse impact on the Ma Wo Road and nearby existing residential developments; and
- (f) no information had been provided in the submission to demonstrate that the potential adverse impacts of the proposed development on the existing trees within the site and the landscape character/resources of the surrounding areas could be mitigated.

#### **Agenda Item 4**

##### **Section 12A Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/NE-LYT/9            Application for Amendment to the  
Approved Lung Yeuk Tau and Kwan Tei South  
Outline Zoning Plan No. S/NE-LYT/12  
from “Agriculture” and “Village Type Development” zones  
to “Residential (Group C)” zone,  
Lots 897 RP(Part) and 916 S.BRP(Part) in D.D. 83  
and Adjoining Government Land,  
Kwan Tei South, Fanling  
(RNTPC Paper No. Y/NE-LYT/9A)

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23.            The Secretary reported that Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with Ben Yeung and Associates Ltd., the applicant’s consultant. Members noted that Dr. Lau left the meeting temporarily for this item.



24. Mr. W.K. Hui, District Planning Officer/Shah Tin, Tai Po and North (DPO/STN), and Ms. Stephanie P.H. Lai, Senior Town Planner/Shah Tin, Tai Po and North (STP/STN), and the following applicant's representatives were invited to the meeting at this point :

Mr. Yeung Ka Sing, Ben

Mr. Yan Ping Cham

Mr. Fung Hon Chun

#### Presentation and Question Sessions

25. The Chairperson extended a welcome and explained the hearing procedures. Ms. Stephanie P.H. Lai, STP/STN, was then invited to brief Members on the background of the application. With the aid of a Powerpoint presentation, Ms. Lai did so as detailed in the Paper and made the following main points :

[Mr. B.W. Chan arrived to join the meeting and Mr. Tony C.N. Kan left the meeting at this point.]

- (a) the applicant proposed to rezone the application site from "Agriculture" ("AGR") and "Village Type Development" ("V") zones to "Residential (Group C)" ("R(C)") zone on the Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/12;
- (b) the applicant intended to combine the application site with the remaining part of their lot (Lot 916 S.BRP) in the adjoining "R(C)" zone (the development site) for a proposed low-rise residential development comprising two 3-storey houses including carport with a maximum plot ratio (PR) of 0.2 over the whole development site. The justifications put forward by the applicant were detailed in paragraph 2 of the Paper;
- (c) the planning history of the subject site was highlighted in paragraph 4 of the Paper. The application site was the subject of a previous s.12A application (No. Y/NE-LYT/6) by the same applicant for residential development with a higher PR (0.34). The application was rejected by the

Committee on 18.1.2008 as the proposed development comprising 2 blocks with a PR of 0.34 was considered excessive and would not be in keeping with the low-rise, low density residential character of the surrounding area. However, Members had no in-principle objection to the proposed residential use of the site given that it was a residual plot of land surrounded by committed and planned/approved residential developments. Members considered that the PR should be restricted to 0.2 and a building height of 2 storeys over 1 storey carport to be in line with the developments in the same “R(C)” zone. Members had also agreed to ask PlanD to undertake a land use review of the area adjoining the application site in order to come up with a more rational boundary of the “R(C)” zone.

- (d) departmental comments were detailed in paragraph 8 of the Paper. In brief, no objection or adverse comments from concerned Government departments were received. District Lands Officer/North, Lands Department (DLO/N, LandsD) advised that a portion of Lot No. 897RP was located within the ‘village environ’ (‘VE’) boundary of Ma Liu Shui San Tsuen. Land within ‘VE’ should be excluded so as to preserve it for small house development by indigenous villagers under the Small House Policy;
- (e) 1 public comment stating “no comment” was received during the statutory publication period. District Officer (North) received objection from the Chairman of the Fanling District Rural Committee and an Indigenous Inhabitants Representative (IIR) of Lung Yeuk Tau (LYT) on grounds of no corresponding infrastructural provision and traffic congestion. A Residents Representative (RR) and two IIRs of LYT and Ma Liu Shui San Tsuen (MLSST) and the concerned North District Council member had no comment. The RR of MLSST supported the application; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper which was summarised below :

Land Use Review / Rezoning Proposal for the Proposed “R(C)” Zone

- Pursuant to PlanD’s land use survey of the area adjoining the application site, land parcels along Lung Ma Road were found to be predominantly residential uses to the east with some industrial/storage uses intermixed with domestic use to the west. Lung Ma Road was proposed as a boundary for the proposed “R(C)” zone which included the area between Lung Ma Road, the ‘Village Environs’ (‘VE’) boundary of MLSST and the boundary of the “Comprehensive Development Area” (‘CDA’) zone (Plan Z-5 of the Paper). This area was occupied by a number of domestic houses and the “R(C)” zoning could reflect the existing use and promote upgrading of the low-rise and low-density residential developments mainly through land exchange or lease modifications. It would be subject to the same development intensity of the existing “R(C)” zone, i.e. a PR of 0.2 and a maximum building height of 2 storeys (6m) over 1 storey carport. For the areas within the ‘VE’, it could be rezoned to “V” as an extension of the “V” zone in MLSST for Small House development. It was estimated that the land available within the “V” zone of the village could not fully meet the future Small House demand. Rezoning the area to “V” could cater for the future Small House demand;

Application Site

- The proposed residential development with a 0.2 PR was considered not incompatible with the surrounding environment in the “R(C)” zone to the north and would phase out undesirable open storage use on site. No adverse impacts on surrounding areas were anticipated. The area within the “V” zone should be retained and the area within the ‘VE’ in the “AGR” zone was suggested to be rezoned from “AGR” to “V”. As “House (other than NTEH)” was a Column 2 use, the applicant could apply for residential use if the area was not required for Small House development.

26. The Chairperson then invited the applicant's representative to elaborate on the application. Mr. Ben Yeung made the following main points :

- (a) the applicant's lots before surrender to form Lung Ma Road was about 10,000 sq.ft. Upon a recent site survey, the total area of the applicant's lots after surrender was 710 sq.m;
- (b) notwithstanding PlanD's recommendation to rezone the applicant's lots outside the "V" zone/'VE' to "R(C)" while retaining the land within the 'VE' as "V", the area to be rezoned to "V" was indeed very small and not adequate to serve as a small house site. It would also not be easily accessible given its location at the northeast of the proposed "R(C)" zone; and
- (c) given the small scale of the OZP, the original zoning boundaries for the application site involving the three zonings of "V", "R(C)" and "AGR" were arbitrary. It would be appropriate to zone the entire application site to "R(C)".

27. In response to the enquiry by Mr. Ambrose Cheong, Mr. Yeung clarified that the proposed residential development comprised two semi-detached blocks for use by two households of the same family with a total GFA of 161 sq.m.

28. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicant's representatives as well as PlanD's representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

29. The Chairperson said that PlanD's recommendation was to partly rezone the application site on land outside the "V" and 'VE' to "R(C)" while retaining the land under

the “V” and ‘VE’ for small house development. A Member said that the area proposed to be rezoned to “V” was accessible from other part of the “V” zone. Members agreed that there was no strong planning justification to support the applicant’s request to rezone the entire application site to “R(C)”.

30. Mr. Cheong said that the provision of 5 car parking spaces was considered excessive for 2 Small Houses and enquired if an advisory clause could be imposed to remind the applicant to take note of TD’s comment. In response, the Chairperson clarified that the subject application was to amend the zoning on the OZP to “R(C)” to allow the proposed residential development, and further s.16 planning application for the permitted residential use would not be required. The Chairperson said that the proposed development would require lease modification and relevant clauses could be included in the lease to govern car parking provision. Mr. Simon Yu said that should the rezoning application be approved, a lease modification would be required for the proposed residential use. LandsD would circulate the application for lease modification to relevant departments and could include clauses on car parking provisions into the lease conditions.

31. After further deliberation, the Committee decided to partially agree to the application by rezoning part of the application site from “Agriculture” (“AGR”) to “Residential (Group C)”, but those areas falling within ‘village environs’ of Ma Liu Shiu San Tsuen should be partly retained as “Village Type Development” (“V”) and partly rezoned from “AGR” to “V”. The proposed amendments to the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/12 would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance.

[Dr. James C.W. Lau returned and Mr. David W.M. Chan arrived to join the meeting at this point.]

### **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 5**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWI/41            Proposed Ma Wan Residents Museum with Ancillary Tourist Centre,  
Learning Centre and Administrative Office  
under Revitalising Historic Buildings Through Partnership Scheme  
in “Village Type Development” zone,  
Fong Yuen Study Hall,  
Government Land near Tin Liu, Ma Wan  
(RNTPC Paper No. A/I-MWI/41)

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**Presentation and Question Sessions**

32.            The Secretary reported that the application was submitted by The Yuen Yuen Institute. Mr. David W.M. Chan had declared an interest in the item as he was the consultant of the elderly center of the applicant. Members noted that Mr. Chan left the meeting temporarily for this item.

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

- (a) background to the application – the project was under the Revitalising Historic Buildings Through Partnership Scheme (RHBTP Scheme) launched by the Development Bureau. It was one of the initiatives in response to the Heritage Conservation Policy (HCP). The objectives of the RHBTP Scheme were to preserve and to put the historic buildings into good and innovative use, to transform historic buildings into unique cultural landmarks, and to promote active public participation in the conservation of historic buildings. The Yuen Yuen Institute had been selected for the revitalisation of the Fong Yuen Study Hall (the Study Hall);
- (b) the proposed Ma Wan residents museum with ancillary tourist centre, learning centre and administrative office;

- (c) departmental comments – no objection to or no adverse comments from concerned Government departments were received;
- (d) 1 public comment was received during the statutory publication period from Kadoorie Farm & Botanic Garden Corporation (KFBGC) raising concern about the existence of bats in the building and to notify DAFC under the requirements of the Wild Animals Protection Ordinance. No local objection was received by District Officer (Tsuen Wan); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed use of the Study Hall facilitated the conservation of the historic building which was in line with the HCP. The proposal did not contravene the planning intention of the “V” zone as the application would mainly involve renovation of the existing Study Hall and the construction of a new toilet block meeting the current fire safety and sanitary requirements to support the conservation of the historical building within the Site. Relevant departments had no objection to or adverse comments on the proposal. Regarding KFBGC’s concern on the possible existence of bats, appropriate advisory clause had been recommended in the planning approval to address this concern.

34. Members had no question on the application.

#### Deliberation Session

35. Members supported the revitalization proposal for the Fong Yuen Study Hall under the RHBTP Scheme.

36. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 10.7.2013, 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 provision of pedestrian access leading to the application site to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and provision of drainage system to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission and provision of emergency vehicular access (EVA), water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department's comments that the proposed improvement works of the footpath should not encroach onto the adjoining private lots;
- (b) to note the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department's comments that the applicant should ensure the compliance with the endorsed Heritage Impact Assessment (HIA) and the endorsement condition in carrying out the project. If there was any revision to the proposal under the endorsed HIA, further comment and endorsement by AMO would be required;
- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that coach bus with permit entering Ma Wan should only use suitable layby or coach park (where available) for drop-off points;
- (d) to note the Director of Environmental Protection's comments that the



applicant should ensure relevant environmental pollution control clauses be fully implemented during construction so as to minimize the environmental impacts;

- (e) the EVA provision on the application site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation 41D;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the proposed building height, design and façade treatment of the proposed toilet block should be in harmony with the Fong Yuen Study Hall;
- (g) to observe the Environment, Transport and Works Bureau Technical Circular (Works) No. 3/2006 on Tree Preservation;
- (h) to comply with the Buildings Ordinance and its allied regulations;
- (i) to note the Director of Electrical and Mechanical Services's comment on the possible diversion of underground cable prior to establishing any structure within the Site; and
- (j) to check for the presence of any bats roosting inside the building, especially under the roof tiles. If bats were found, specific measures should be taken to minimise the disturbance during the renovation works, and further advice from the Director of Agriculture, Fisheries and Conservation should be sought. Construction should be avoided at nighttime.

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

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

**Sai Kung and Islands District**

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

**Agenda Item 6**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/44            Temporary School (Kindergarten)  
for a Period of 3 Years  
in “Other Specified Uses” annotated  
“Residential Cum Marina Development” zone,  
Shop D, G/F, Marina Cove Shopping Centre,  
Sai Kung  
(RNTPC Paper No. A/SK-HH/44)

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**Presentation and Question Sessions**

38.            With the aid of a Powerpoint presentation, 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 temporary school (kindergarten) for a period of 3 years;
- (c) departmental comments – no objection to or adverse comments from concerned Government departments were received. Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) considered that the proposed development was acceptable provided that the traffic arrangement for picking up/dropping off school children was implemented as proposed by the applicant;

- (d) 7 public comments were received during the statutory publication period including one letter and petition with 180 signatures submitted by local residents who objected to the application because of possible adverse traffic impacts induced by the proposed kindergarten on Hiram's Highway as there were already heavy traffic and congestion near Marina Cove. There were also road safety concerns for school children. No local objection was received by District Officer (Sai Kung); and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The kindergarten was located within a free-standing single storey commercial block. It was considered not incompatible with the adjoining uses within the commercial block. It would provide education facilities for the children in the nearby residential neighbourhood. The two previous planning applications at the application premises for temporary child care centre and kindergarten were approved with conditions in 2000 and 2009 respectively. Given the small scale of the kindergarten, it was unlikely that it would cause any adverse traffic and infrastructural impacts to the surrounding areas. Concerning the public comments, the proposed kindergarten consisted of 5 classrooms and the traffic impacts to the adjacent road network should not be substantial. AC for T/NT considered that subject to the implementation of the traffic arrangement as proposed by the applicant, the traffic impact as induced by the proposed kindergarten was minimal and insignificant as compared with the existing traffic flow along Hiram's Highway. Appropriate planning condition was recommended to address the traffic arrangement for picking up/dropping off of school children.

39. Members had no question on the application.

#### Deliberation Session

40. Mr. Ambrose Cheong clarified the position of TD as stated in paragraph 8.1.3 of the Paper. TD considered the proposed development acceptable on condition that the kindergarten would implement the traffic arrangement as proposed by the applicant, i.e. those

students living outside Marina Cove out of the total number of 80 students would be transported to and from school by means of 4 school buses but not by private cars and would be picked up and dropped off at proposed locations within Marina Cove. TD was concerned about the traffic impact of Hiram's Highway, in particular the Kowloon bound during the morning peak hours and upon commencement of the widening works of the Highway in case the applicant failed to ensure the implementation of the proposed traffic arrangement by school bus. TD suggested that a condition to ensure the implementation of the proposed traffic arrangement by school bus to be included in the planning approval. In view of Highways Department's latest programme for commencement of the widening works of Hiram's Highway by the end of 2010, TD suggested that a shorter approval period of 1 year or 2 years instead of 3 years could be considered.

41. In response to TD's position, Members had a lengthy discussion on the application. The main points were summarized as follows :

- while not objecting to the proposed use, a Member shared TD's concern and considered that, in the long run, it would be appropriate to restrict the mode of school transport by school bus and limit the use of private cars to schools, which had been causing traffic congestion on many local public roads during the peak hour throughout the Territory. This Member favoured the imposition of a condition to ensure the implementation of traffic arrangement by school bus;
- a few Members had some reservations on imposition of such approval condition as it was difficult to enforce. The Committee should duly consider the consequences on the school children in case the planning approval was to be revoked due to non-compliance of the condition. A shorter approval period of one year or two years would be disruptive to the school operation;
- a Member considered that adequate parking and picking up/setting down facilities were provided in the shopping centre and the management office was obliged to manage the school traffic within Marina Cove to avoid queuing up of private cars causing adverse traffic impact on Hiram's

Highway;

- Members considered that planning conditions should be reasonable, planning-related and enforceable. Some Members had doubts on the implementability of the proposed traffic arrangement by the applicant, it might be more appropriate to reject the application and request the applicant to come up with more practical measures to ensure implementation of the traffic arrangement by school bus without causing adverse traffic impact on the road network of the area, particularly on Hiram's Highway; and
- Members generally agreed that a prudent approach should be adopted in consideration of the application and there was insufficient information from the applicant to demonstrate that the traffic arrangement as proposed could be satisfactorily implemented. This was particularly relevant given the considerable amount of objections on the application.

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

- (a) there was insufficient information in the submission to demonstrate that the traffic arrangement for school children by school bus as proposed by the applicant could be implemented and enforced; and
- (b) given (a) above, the proposed development might aggravate the existing traffic condition of the area, and might have adverse traffic impact on Hiram's Highway.

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

[Messrs Alfred Donald Yap and Edmund K.H. Leung left the meeting at this point.]

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

[Ms. Stephanie P.H. Lai, and Ms. Lisa L.S. Cheng, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/382      Temporary Private Car Park  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 994 and 995 in D.D. 9,  
Nam Wa Po,  
Kau Lung Hang,  
Tai Po  
(RNTPC Paper No. A/NE-KLH/382)

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**Presentation and Question Sessions**

43.           The Committee noted that the applicant submitted further information on 7.7.2009 which was tabled at the meeting for the Committee’s reference.

44.           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 temporary private car park for a period of 3 years;
- (c) departmental comments – no objection or adverse comments from concerned Government departments were received;

- (d) no public comment was received during the statutory publication period. District Officer (Tai Po) received no adverse comment from a District Council member, the Indigenous Inhabitant Representative and the Resident Representative of Nam Wa Po; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The subject temporary car park site which had been used for parking for some time was considered not incompatible with the surrounding land uses and the village character of the area. It could cater for parking needs in the village. As there was no local objection to the proposed use, sympathetic consideration might be given to the application. Although the application site fell within the “V” zone primarily intended for development of Small Houses by indigenous villagers, there was no record for Small House application at the site. The applicant indicated that he would be prepared to release the site for Small House development should there be such a demand in the future. The temporary use of the site for parking purpose would promote efficient use of land without frustrating the planning intention of the “V” zone. The temporary use of private car park under application was unlikely to have significant adverse environmental, traffic, drainage, landscape or water quality impacts on the surrounding areas.

45. Members had no question on the application.

#### Deliberation Session

46. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles other than private cars and light goods vehicles were allowed to be parked within the application site;

- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities should be permitted within the site during the planning approval period;
- (c) the submission of proposals of preventive measures against water pollution within the water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 10.1.2010;
- (d) in relation to (c) above, the implementation of proposals of preventive measures against water pollution within the water gathering grounds within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 10.4.2010;
- (e) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.1.2010;
- (f) in relation to (e) above, the implementation of the drainage proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.4.2010;
- (g) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.1.2010;
- (h) in relation to (g) above, the implementation of the landscape proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 10.4.2010;
- (i) if any of the above planning conditions (a) or (b) was not complied with at any time 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 (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon 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.

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

- (a) the applicant should resolve any land issues relating to the development with other concerned owner of the application site;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) the applicant should apply to District Lands Office/Tai Po for a short term waiver in case any structure would be constructed;
- (d) the applicant should note that there was no existing Drainage Services Department (DSD) maintained public stormwater drain available for connection in the area. The temporary private car park should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (e) the applicant should note that the site was in an area where no public sewerage connection was available;

- (f) the applicant should pay continuing attention to the latest development of the proposed sewerage scheme in the area. DSD would also keep all the relevant Village Representatives informed of the latest progress;
- (g) the applicant should strictly observe the conditions proposed by the Chief Engineer/Development (2), Water Supplies Department in Appendix II of the Paper;
- (h) the applicant should note that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (i) the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site;
- (j) prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines;
- (k) prior to establishing any structure within the application site, the applicant and his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (l) 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 when carrying out works in the vicinity of electricity supply lines.

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/383      Renewal of Planning Approval for  
Temporary Open Storage of Construction Materials  
under Application No. A/NE-KLH/348  
for a Period of 3 Years in “Green Belt” zone,  
Lots 556 RP (Part) in D.D. 9,  
Nam Wa Po,  
Kau Lung Hang,  
Tai Po  
(RNTPC Paper No. A/NE-KLH/383)

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**Presentation and Question Sessions**

48.            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 renewal of planning approval for temporary “open storage of construction materials” under Application No. A/NE-KLH/348 for a period of 3 years;
- (c) departmental comments – no objection or adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period. District Officer (Tai Po) received no adverse comment from a District Council member consulted, the Indigenous Inhabitant Representative and the Resident Representative of Nam Wa Po; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessment made in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board (TPB) PG-No.13E as it was a renewal application and subject to five previous planning applications approved for the same use since 1998 and there were similar approved applications in the vicinity. Approval of the subject application was in line with the Committee's previous decisions. All the approval conditions of the last application (No. A/NE-KLH/348) had been complied with by the applicant. There was no major change in planning circumstances. No environmental complaint was received by Director of Environmental Protection in the past 3 years and there was no local objection and no adverse departmental comment on the application. The application generally complied with the TPB Guidelines No.34A. The approval period of 3 years sought was not longer than the original validity period of the temporary approval. The development was considered not incompatible with the surrounding areas. An approval condition had been recommended to mitigate any potential environmental impacts.

49. Members had no question on the application.

#### Deliberation Session

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no excavation works should be carried out unless prior written approval from the Director of Water Supplies was obtained, and no sinking of wells, blasting, drilling or piling works were allowed;
- (b) the screen planting along the boundary of the application should be maintained at all times during the planning approval period;
- (c) removal of storage materials, litter and soil heap away from the existing trees to avoid any adverse impact on tree health;

- (d) routine clearance and maintenance works should be carried out to avoid blockage of the drainage facilities;
- (e) the operating hours of the application site should be restricted to 7:00 a.m. to 11:00 p.m. as proposed by the applicant;
- (f) the submission of proposals of preventive measures against water pollution within the upper indirect water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 10.1.2010;
- (g) in relation to (f) above, the implementation of proposals of preventive measures against water pollution within the upper indirect water gathering grounds within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 10.4.2010;
- (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 10.1.2010;
- (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 10.4.2010;
- (j) 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;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have

effect and should on the same date be revoked without further notice; and

- (l) upon 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.

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

- (a) the applicant should resolve any land issues relating to the development with the concerned owner of the application site;
- (b) for provision of water supply to the development, the applicant might need to extend his inside services to the nearest Government water mains for connection at his own cost and to sort out land matters associated with the proposed work and the subsequent maintenance of water main in private lots;
- (c) in the event of any ground subsidence caused by the development, the applicant should indemnify the Government against all actions, claims and demand arising out of any damage or nuisance to private property caused by such subsidence;
- (d) the applicant should note the comments of the Chief Engineer/Development (2), Water Supplies Department at Appendix VII of the Paper;
- (e) the applicant should follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) the applicant should pay continuing attention to the latest development of the proposed sewerage scheme in the area. Drainage Services Department would also keep all the relevant Village Representatives informed of the

latest progress;

- (g) the applicant should note that the works of Stage 2 of ‘Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling’ was gazetted in July 2009 and the existing Tai Wo Service Road West would be within the works limit. The construction works would tentatively commence in the second half of 2010 for completion by 2014;
- (h) the applicant should carry out his own assessments to ascertain that the development would not cause any adverse impact (such as air, noise and traffic) on the road widening project, in particular during the course of construction; and
- (i) the applicant should note that all unauthorized structures on the site should be removed. All building works were subject to compliance with Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/384      Proposed Public Utility Installation (Electricity Package Transformer)  
in “Green Belt” zone,  
Government Land in D.D. 9,  
Nam Wa Po,  
Kau Lung Hang,  
Tai Po  
(RNTPC Paper No. A/NE-KLH/384)

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Presentation and Question Sessions

52. 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 utility installation (electricity package transformer);
- (c) departmental comments – no objection or adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period. District Officer (Tai Po) received no adverse comment from a District Council member consulted, the Indigenous Inhabitant Representative and the Resident Representative of Nam Wa Po; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed electricity package substation was to replace the original package substation located about 30m to the southwest of the application site. It was a mini-type transformer and required for the provision of adequate and reliable power supply to the existing villages and future developments in the vicinity. This small-scale development was considered not incompatible with the village character of the surrounding areas. Although the application site fell within the “GB” zone, relevant Government departments had no objection to the proposed development and Chief Engineer/Development Project of Drainage Services Department strongly recommended the relocation proposal of the package substation which was in conflict with their drainage channels project. In view of the urgency of the flood protection project in the area, there was no alternative other than relocating the package substation. Moreover, the applicant proposed to have 3 planters with tree planting to screen off the proposed package substation. Sympathetic consideration could be given to the



current application. In view of the nature and design of the proposed electricity transformer, it was unlikely to have adverse impacts on the surrounding areas.

53. Members had no question on the application.

#### Deliberation Session

54. 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 10.7.2013, 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 provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the applicant should apply to District Lands Officer for the construction and installation of the electricity package transformer under the Block Licence;
- (b) the applicant should note the comments of Chief Engineer/Development (2), Water Supplies Department as stated in paragraph 9.1.2 of the Paper;
- (c) the applicant should pay continuing attention to the latest development of the proposed sewerage scheme in Nam Wa Po;

- (d) compliance with the International Commission on Non-Ionizing Radiation Protection guidelines should be verified by direct on-site measurements, to be performed by relevant parties, upon commissioning of the package transformer;
- (e) the applicant should note that there was no existing Drainage Services Department maintained public stormwater drain available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems provided properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (f) the applicant should note that the application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development if necessary; and
- (g) landscape treatment should be provided at the periphery of the electricity package transformer to minimize to landscape and visual impacts on the nearby village houses to the west.

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

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/278      Temporary Machinery Repair Workshop and  
Open Storage of Construction Materials  
for a Period of 3 Years in “Green Belt” zone,  
Government Land in D.D. 94  
Tong Kung Leng,  
Kwu Tung South,  
Sheung Shui  
(RNTPC Paper No. A/NE-KTS/278)

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**Presentation and Question Sessions**

56.            Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary machinery repair workshop and open storage of construction materials for a period of 3 years;
- (c)    departmental comments – Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) could not offer his support to the application at this stage and requested the applicant to provide transport-related information for his consideration. Though there was no environmental complaint received in the past 3 years, Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site and environmental nuisance was expected. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) had reservation on the application from the landscape planning point of view;

- (d) 2 public comments were received during the statutory publication period. One commenter who was a local resident objected to the application on environmental, landscaping and fire safety grounds, whereas the other commenter had indicated “no comment”. District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee, the concerned North District Council member, Indigenous Inhabitants’ Representative and Residents’ Representative of Tong Kung Leng had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The application did not comply with the Town Planning Board Guidelines (TPB PG-No. 13E) in that there was no exceptional circumstance in the submission to warrant approval of the application, no previous planning approval had been granted for the application site and there were adverse departmental comments against the application from AC for T/NT, DEP and CTP/UD&L, PlanD on transport, environmental and landscape grounds. The application was not in line with the planning intention of the “GB” zone in Kwu Tung South area and not quite compatible with the surrounding areas. Approval of this application would encourage more incompatible uses in and undermine the intactness of the “GB” zone. There was local objection to the application.

57. In response to the enquiry from the Chairperson, Ms. Lai clarified that the site was not related to any previous planning application and the current machinery repair workshop and open storage of construction materials on the site had been in operation for a year without valid planning permission.

#### Deliberation Session

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

- (a) the uses under application were not in line with the planning intention of

the “Green Belt” (“GB”) zone for the area which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification for a departure from the planning intention, even on a temporary basis;

- (b) the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that there was no exceptional circumstance in the submission to warrant approval of the application. There was no previous planning approval granted to the application site, and there were adverse departmental comments on the application and local objection against the application;
- (c) the uses under application would cause adverse environmental and landscape impacts to the surrounding areas;
- (d) there was no submission of transport-related information to demonstrate that the uses under application would not cause adverse traffic impact to the surrounding areas; and
- (e) the approval of the application would set an undesirable precedent for other similar applications within the “GB zone. The cumulative impact of approving such similar applications would result in a general degradation of the environment of the area.

**Agenda Item 11**

**Section 16 Application**

[Open Meeting]

A/NE-LYT/395      Minor Relaxation of Plot Ratio and Building Height Restrictions  
for a House (New Territories Exempted House) Development  
in “Residential (Group C)” and “Village Type Development” zones,  
Lot 896 S.C ss.2 in D.D. 83,  
Ma Liu Shui San Tsuen,  
Fanling  
(RNTPC Paper No. A/NE-LYT/395)

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59.            The Committee noted that on 24.6.2009, the applicant wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for 2 months as his eligibility for a Small House concessionary grant had yet to be ascertained by the Rural Committee and more time was required to submit the approved document to the TPB for consideration.

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

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/319      Proposed Temporary Dog Club and Plant Nursery  
for a Period of 3 Years in “Agriculture” zone,  
Lot 1342RP and Taxlord Lot T14 RP(Part) in D.D. 82,  
Ping Che Road,  
Fanling  
(RNTPC Paper No. A/NE-TKL/319)

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**Presentation and Question Sessions**

61.            Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed temporary dog club and plant nursery for a period of 3 years;
- (c)    departmental comments – Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application in view of the high agricultural rehabilitation potential of the application site and its vicinity;
- (d)    1 public comment was received during the statutory publication period supporting the application on the grounds that a multi-range of facilities should be provided for animals or dogs in North District and they would also improve the environment. District Officer (North) advised that the Residents’ Representatives (RR) of Tai Po Tin and RR of Lei Uk supported the application as the proposal would neither have environmental impact nor cause inconvenience to the residents; and the incumbent North District Councillor, the Vice-Chairman of Ta Kwu Ling District Rural Committee, Indigenous Inhabitants Representative (IIR) of Tai Po Tin, IIR of Lei Uk and RR of Tong Fong had no comment; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. There were improvements in the current proposal as compared with the previously rejected application (No. A/NE-TKL/312) for proposed temporary animal boarding establishment. The current proposal would not provide dog caring or boarding service, whereas plant nursery would be provided within the site with swimming pool water used for irrigation purpose. The application period had been reduced from the original 5 years to 3 years and the dog recreation club would be operated in restricted hours from 10:00am to 6:30pm. The proposed development was revised in order to reduce the potential environmental impact to the surrounding land uses. DEP had no objection to the application. While DAFC did not support the application from an agricultural development point of view, the application, however, was only of a temporary period of 3 years and landscape measures had been proposed to improve the environment. Chief Town Planner/Urban Design & Landscape, Planning Department had no objection from the landscape perspective. There were local public support to the application.

62. Members had no question on the application.

#### Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operating hours of the proposed development on the application site should be restricted from 10:00 a.m. to 6:30 p.m. during the planning approval period;
- (b) the submission of a layout plan showing the car parking, loading/unloading and vehicle manoeuvring spaces within 6 months from the date of planning



approval to the satisfaction of the Commissioner for Transport or of the TPB by 10.1.2010;

- (c) in relation to (b) above, the provision of car parking, loading/unloading and vehicle manoeuvring spaces within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 10.4.2010;
- (d) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.1.2010;
- (e) in relation to (d) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.4.2010;
- (f) the submission 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 10.1.2010;
- (g) in relation to (f) above, the implementation of tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.4.2010;
- (h) the submission of proposals on 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 10.1.2010;
- (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 10.4.2010;
- (j) if the above planning condition (a) was not complied with during the

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

- (k) 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 on the same date be revoked without further notice.

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

- (a) to resolve any land issue relating to the development with the concerned owners of the application site;
- (b) to apply to the District Lands Officer/North, Lands Department for a Short Term Waiver for the regularization of structures erected on the application site;
- (c) to note the Director of Environmental Protection's comments on the following :
  - (i) as the operation noise from noisy equipment/plant was subject to control under the Noise Control Ordinance, proper design of such equipment/plant to avoid noise impact to nearby sensitive receivers was essential; and
  - (ii) the proposed septic tank would be subject to licensing requirements under the Water Pollution Control Ordinance and the development should not discharge sewage into the open channel nearby via the septic tank;
- (d) 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). Authorised Person had to be appointed to coordinate all building works. The granting of planning

approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future;

- (e) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments on the following :
  - (i) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourses from being polluted or silting up;
  - (ii) the applicant should comply with the latest effluent discharge requirements stipulated in the Water Pollution Control Ordinance;
  - (iii) U-channels should be constructed to circumscribe each dog activity area to intercept runoff from within the area. The runoff should be led to a manhole and be discharged through a pipe system to a septic tank and then to a soakaway pit. Gratings, desilting and fine screening facilities should be provided to prevent ingress of solids. An overflow weir should be provided to cater for periods of heavy rain;
  - (iv) the septic tank and soakaway pit system should be at least 30m away from any watercourses and should be designed and constructed in accordance with the latest requirements of the Environmental Protection Department (EPD). The whole system should be properly maintained and desludged at a regular frequency. The sludge should be carried away and disposed of properly outside the gathering grounds;
  - (v) the whole of the foul drainage from the dog swimming pool should be conveyed to the septic tank and soakaway pit system;
  - (vi) licensing of the septic tank and soakaway pit system was required by

EPD if the site fell within a Water Control Zone;

- (vii) no chemicals, including fertilizers, pesticides or herbicides, were allowed to be used without WSD's prior approval; and
  - (viii) 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;
- (f) to note the Director of Fire Services's following comments :
- (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part I and BS EN 1838;
  - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part I and the Fire Services Department (FSD) Circular Letter 5/2008;
  - (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and FSD Circular Letter 1/2002. On actuation point and one audio warning device to be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
  - (iv) a modified hose reel system supplied by a 2m<sup>3</sup> FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans;

- (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; and
- (vi) in case the aggregate floor area of any structure exceeds 230m<sup>2</sup>, sprinkler system should be provided in addition to the above-mentioned provisions (i) to (v), to the entire building in accordance with BS EN 12845: 2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet, sprinkler control valve group should be clearly marked on plans.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/681                      Proposed Shop and Services (Fast Food Shop)  
in “Industrial” zone,  
Unit 2 (Part), G/F,  
Hopeful Factory Centre,  
10-16 Wo Shing Street,  
Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/681)

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

65.            Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (fast food shop);

- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period. District Officer (Sha Tin) had not received local objection; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed fast food shop was in line with the Town Planning Board Guidelines No. 25D in that it would not adversely affect the traffic conditions in the local road network, it was small in scale (about 30 m<sup>2</sup>) with direct discharge to street and there would be adequate space inside the shop for queuing of customers without obstructing pedestrian flow on public footpaths. The limit on aggregate commercial floor space limits on fire safety concerns did not apply to the application. The proposed fast food shop was considered not incompatible with the adjoining units on the ground floor of the same industrial building, and it would not result in a significant loss of industrial floor space. No adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated. Notwithstanding the presence of other vacant commercial units in the Fo Tan Industrial Area, the proposed fast food shop at the subject premises could provide a more convenient service to cater for the needs of the workers in the vicinity. A temporary approval of three years would allow monitoring of the compliance of the approval conditions and the supply and demand of industrial floor space in the area;

66. Members had no question on the application.

#### Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2010;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 10.4.2010; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (b) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (c) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements of the Buildings Ordinance. For instance, the shop should be separated from other workshops by compartment walls having a fire resisting period of not less than two hours;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that customers should only be queued up inside the subject premises and should not obstruct pedestrian flow on public footpaths;

- (e) to note the comments of the Director of Fire Services that the proposed fast food counter should only be licensed as a ‘food factory’ or as a ‘factory canteen’, and detailed fire service requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority; and
- (f) refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’, which was promulgated by the TPB in September 2007, for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

#### **Agenda Item 14**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/682                      Proposed Shop and Services (Fast Food Shop)  
in “Industrial” zone,  
Workshop 10 (Part), Level 1,  
Wah Yiu Industrial Centre,  
30-32 Au Pui Wan Street,  
Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/682)

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

69.            Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (fast food shop);



- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) 1 public comment was received during the statutory publication period from another canteen operator at the same industrial building objecting to the application on ground of over-provision of eating places in the vicinity. District Officer (Sha Tin) had given relevant information to the relevant consultees and no comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed fast food shop was in line with the Town Planning Board Guidelines No. 25D in that it would not adversely affect the traffic conditions in the local road network, it was small in scale (about 19.06 m<sup>2</sup>) with direct discharge to street and there would be adequate space inside the shop for queuing of customers without obstructing pedestrian flow on public footpaths. The limit on aggregate commercial floor space limits on fire safety concerns did not apply to the application. The proposed fast food shop was considered not incompatible with the adjoining units on the ground floor of the same industrial building, and it would not result in a significant loss of industrial floor space. No adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated. Notwithstanding the presence of other vacant commercial units in the Fo Tan Industrial Area, the proposed fast food shop at the subject premises could provide a more convenient service to cater for the needs of the workers in the vicinity. Concerning the local concern on over-provision of eating facilities in the area, it was considered that the applied use was small in scale and by nature of its operation, all the Government departments had no adverse comments or objection to the application. A temporary approval of three years would allow monitoring of the compliance of the approval conditions and the supply and demand of industrial floor space in the area.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2010;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 10.4.2010; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

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

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

- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that customers should only be queued up inside the subject premises and should not obstruct pedestrian flow on public footpaths;
- (e) to note the comments of the Director of Fire Services that the proposed fast food counter should only be licensed as a ‘food factory’ or as a ‘factory canteen’, and detailed fire service requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority; and
- (f) refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’, which was promulgated by the TPB in September 2007, for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

[The Chairperson thanked Ms. Stephanie P.H. Lai and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

**Tuen Mun and Yuen Long District**

**Agenda Item 15**

**Section 16 Application**

[Open Meeting]

A/TM/386                      Proposed Houses  
   in “Green Belt” zone,  
   Lot No. 33 R.P. in D.D. 300,  
   Area 45, Tuen Mun  
   (RNTPC Paper No. A/TM/386)

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73.            The Secretary reported that the application was submitted by Wing Tung Yick Investment Co. Ltd. Mr. Tony C. N. Kan and Professor David Dudgeon had declared an interest in this item. Mr. Kan had current business dealings with the applicant, while Professor Dudgeon was a member of the Mai Po Management and Development Committee of World Wide Fund for Nature (WWF) Hong Kong, who had submitted comments on this item. The Committee noted that Mr. Kan had already left the meeting. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Professor Dudgeon could be allowed to stay at the meeting.

74.            The Committee noted that on 18.6.2009, the applicant’s agent wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the application for 2 months so as to allow time for him to prepare supplementary information to respond to the comments from various Government departments on his application.

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

granted unless under very special circumstances

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

## **Agenda Item 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/304          Temporary Public Vehicle Park for Private Cars and  
Light Goods Vehicles for a Period of 3 Years  
in “Village Type Development” and “Undetermined” zones,  
Lots 390 (Part), 391, 392, 394 (Part),  
395 (Part) and 403RP(Part) in D.D. 122  
and Adjoining Government Land,  
Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/304)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period.

District Officer (Yuen Long) had not received any comment from the locals on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. There was currently no Small House application at the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Village Type Development” zone. The proposed public car park at the site would help meet the parking demand of local villagers in the area and visitors to the Ping Shan Heritage Trail. The proposed use was not incompatible with the surrounding land uses. The site was the subject of three previous planning applications approved for the same use submitted by the applicant and the approval conditions had already been complied and there was no environmental complaints against the site over the past 3 years. Therefore, there was no change in planning circumstances since last approval that warranted a departure from previous decisions of the Committee. To address potential environmental nuisances, relevant conditions restricting the type of vehicles and the operation hours of the vehicle park had been recommended for the planning approval. Any non-compliance with the approval conditions would result in revocation of the planning permission and enforcement action. Given the nature of the development and with implementation of the landscape proposals and drainage facilities of the previous approvals, the development was unlikely to create significant adverse traffic, drainage and landscape impacts on the surrounding areas.

77. Members had no question on the application.

#### Deliberation Session

78. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no goods vehicles exceeding 5.5 tonnes, coaches, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) the provision of warning notice and other measures to remind drivers on pedestrian safety on the access road to the site at all times during the planning approval period;
- (e) the existing vegetation on site should be maintained at all times during the planning approval period;
- (f) the drainage facilities implemented under Application No. A/YL-PS/275 on the site should be maintained at all times during the planning approval period;
- (g) the submission of the condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.1.2010;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2010;
- (i) in relation to (h) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.4.2010;

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

79. 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 applicant should apply to his office for Short Term Tenancy (STT) to regularise the unlawful occupation of Government land. Should no STT application be received/approved and the irregularities persist on site, his office would consider taking appropriate control action against the occupier according to the prevailing programme of his office;
- (c) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;



- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comment that the access track connecting Tsui Sing Road and the site were not maintained by his department;
- (f) note the Director of Fire Services's comments on the requirements on formulating fire service installations proposal in Appendix IV of the Paper; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorised structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. Use of containers as shroff and guardroom were considered as temporary buildings and were subject to control under B(P)R Part VII.

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

**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/369          Temporary Retail Shop to Sell Vehicle Parts and Accessories  
for a Period of 3 Years in “Residential (Group D)” zone,  
Lots 46 (Part) and 47 (Part) in D.D. 105  
and Adjoining Government Land,  
San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/369)

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**Presentation and Question Sessions**

80.          Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary retail shop to sell vehicle parts and accessories for a period of 3 years;

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

- (c)    departmental comments – no adverse comments from concerned Government departments were received;
- (d)    no public comment was received during the statutory publication period. District Officer (Yuen Long) had not received any comment from the locals on the application; and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The retail shop for vehicle parts and accessories was considered not incompatible with the surrounding land uses. Approval of the application

on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “Residential (Group D)” zone as there was no immediate development proposal for this part of the “R(D)” zone. To address the technical concerns of relevant departments, relevant conditions and advisory clauses had been recommended for the planning approval. There were four previous approvals for retail shop at the site and similar applications in the vicinity had been approved since 1996. There was no major change in the planning circumstances in the area. Approval of the subject application was in line with the Committee’s or the Board’s previous decisions. Since the last approval (Application No. A/YL-ST/303) was revoked due to non-compliance with the approval condition, shorter compliance periods were proposed to monitor the progress of compliance of conditions. The applicant would be advised that any non-compliance with these approval conditions would result in revocation of the planning permission and enforcement action, and sympathetic consideration might not be given to any further application.

81. Members had no question on the application.

#### Deliberation Session

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no car washing, dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing were allowed on the site at any time during the planning approval period;
- (c) the drainage facilities on the site should be maintained at all times during

the planning approval period;

- (d) the submission of a photographic record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.10.2009;
- (e) the implementation of the compensatory planting within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.1.2010;
- (f) the submission of a run-in proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 10.10.2009;
- (g) in relation to (f) above, the provision of a run-in within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 10.1.2010;
- (h) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.10.2009;
- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2010;
- (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.

83. 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) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) note the District Lands Officer/Yuen Long, Lands Department's comments that the site was located on several Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. The applicant proposed to construct non-domestic structures occupying a total area of about 170m<sup>2</sup> within the site. Furthermore, it included adjoining Government land (of about 372 m<sup>2</sup>) ought not to be occupied unless permission from his Office was given. His Office reserved the right to take enforcement action against these irregularities, if indeed found in due course; part of the site encroached on GLA-TYL 802 (Plan A-2 of the Paper). Should planning approval be given, his Office would process the Short Term Tenancy and Short Term Waiver application to regularize the irregularities;
- (e) note the Chief Highway Engineer/New Territories West, Highways

Department (HyD)'s comments that a run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath;

- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (g) note the Chief Engineer/Mainland North, Drainage Services Department's detailed comments were indicated in Appendix IV of the Paper;
- (h) note the Director of Fire Services' comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix V of the Paper. The applicant should also note other advices of the Fire Services Department in Appendix V of the Paper;
- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of the 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; containers used as offices or storage were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; and the applicant's attention was drawn to the provision of emergency vehicular access to the building under B(P)R 41D; and
- (j) note the Director of Electrical and Mechanical Services' comments that the

applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the measures as prescribed in Appendix VI of the Paper.

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/370          Temporary Sales Office for Container Tractors/Medium Goods Vehicles and Retail Shop for Building Materials for a Period of 3 Years in “Residential (Group D)” zone, Lots 204 RP (Part), 331 S.B RP, 332 S.B RP, 333 S.B RP (Part), 356 (Part), 357 (Part), 358 (Part), 359 (Part) and 361 S.B in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/370)

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

84.          Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary sales office for container tractors/medium goods vehicles and retail shop for building materials for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;

- (d) no public comment was received during the statutory publication period. District Officer (Yuen Long) had not received any comment from the locals on the application; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application was considered in line with the Town Planning Board Guidelines No. 13E. The sales office for container tractors/medium goods vehicles and retail shop for building materials was considered not incompatible with the surrounding land uses. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “Residential (Group D)” zone as there was no immediate development proposal for this part of the “R(D)” zone. To address the technical concerns of relevant departments, relevant conditions and advisory clauses had been recommended for the planning approval. Any non-compliance with these approval conditions would result in revocation of the planning permission and enforcement action. There were three previous approvals for similar use at the site and similar approvals in the vicinity since 1999 and there was no major change in the planning circumstances in the area. For the last planning permission granted under Application No. A/YL-ST/296, conditions had been complied. The current application was intended to convert the area for maintenance workshop under the last application to a retail shop for sale of building materials and the continuation of basically similar use at the site could be given sympathetic consideration. Approval of the subject application was in line with the Committee's or the Board's previous decisions.

85. Members had no question on the application.

Deliberation Session

86. After deliberation, the Committee decided to approve the application on a



temporary basis for a period of 3 years up to 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no car washing, dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing were allowed on the site at any time during the planning approval period;
- (d) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of a photographic 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 10.1.2010;
- (g) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2010;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.4.2010;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately

without further notice;

- (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) note the District Lands Officer/Yuen Long, Lands Department's comments that the site was located on several Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. Furthermore, it included adjoining Government land ought not to be occupied unless approval from his Office was given. His Office reserved the right to take enforcement/control action against these irregularities, if indeed found in due course; the applicant proposed to construct non-domestic structures occupying a total area of about 234.5m<sup>2</sup> within the application site. According to his records, Short Term Waiver (STW)

No. 2986, 2987 and 2988 permitting structures for the use of motor vehicle repair workshop (tyre and electronic parts only) with maximum height limited to 5m and Built-over-area (BOA) of 75m<sup>2</sup> on Lot 332S.BRP, 20m<sup>2</sup> on Lot 357(part) for STW 2986; 60.67m<sup>2</sup> on Lot 333S.BRP, 20m<sup>2</sup> on Lot 356(part) for STW 2987; and 11.71 m<sup>2</sup> on Lot 358(part) for STW 2988 respectively were approved by his Office. Short Term Tenancy (STT) No. 1929 with area of about 885m<sup>2</sup> without BOA was also approved for adjoining Government land. Based on the information provided, the structures exceed the permitted BOA under the STWs and might encroach upon Lots 204RP and 331S.BRP; and should planning approval be granted, the registered owner concerned would apply for regularization of the irregularities under the respective STT/STWs. Should no application be received/approved and the irregularities persist on-site, his Office would consider taking appropriate lease enforcement/control action according to the prevailing programme of his Office in this regard;

- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (f) note the Chief Engineer/Mainland North, Drainage Services Department's detailed comments were indicated in Appendix V of the Paper;
- (g) note the Chief Town Planner/Urban Design and Landscape, Planning Department's advice that the existing trees were located very close to the parking spaces which might be affected by the vehicles. As such, the applicant was encouraged to provide fence and/or kerb or bollard at minimum distance of 1m between the trees and the parking spaces to guard against damage to the trees and shrubs;
- (h) note the Director of Fire Services' comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit

relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix VI of the Paper. The applicant should also note other advices of Fire Services Department in Appendix VI of the Paper;

- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that he had no in-principle objection to the application under the Buildings Ordinance (BO). However, the 'no objection' should not be construed as condoning to any unauthorized building works carried out on the site. They were subject to enforcement action under section 24 of the BO; the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut and was accessible from a street having a width not less than 4.5m wide, the development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at building plan submission stage;
- (j) note the Chief Engineer/Development (2), Water Supplies Department's comments that to ensure that the existing fire fighting installations were not disturbed by the development, the application site should not encompass the existing fire hydrant (Plan A-2 of the Paper) and the applicant should bear the cost of any necessary diversion of the fire hydrant and associated works if the existing fire hydrant and associated water mains were found to be located within the application site; and
- (k) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable

plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the measures as prescribed in Appendix VII of the Paper.

[The Chairperson thanked Ms. S.H. Lam, STP/TMYL, for her attendance to answer Members' enquiries. Ms. Lam left the meeting at this point.]

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/330      Temporary Furniture Warehouses  
for a Period of 3 Years  
in "Agriculture" zone,  
Lots 750 S.A4 ss.2, 750 S.A4 ss.3 and 750 S.A8 ss.4 (Part) in D.D. 110,  
Tai Kong Po Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-KTN/330)

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

88.            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 furniture warehouses for a period of 3 years;
- (c) departmental comments – District Lands Officer/Yuen Long (DLO/YL) did not support the application. The two existing structures with balconies on the application site were apparently domestic rather than goods warehouses. The two domestic structures with total floor area of 382.2m<sup>2</sup> were not exempted under the Buildings Ordinance (Application to New Territories)

Ordinance. DLO/YL would reserve the right to take lease enforcement against the irregularities. Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) advised that statutory orders under section 24 of the Buildings Ordinance had been served to the owners of the two unauthorized structures within the site. The subject application would no longer be applicable upon removal of the unauthorized structures;

- (d) 1 public comment was received during the statutory publication period from a villager of Tai Kong Po Tsuen objecting to the application on traffic congestion and road safety grounds. District Officer (Yuen Long) had not received any comment from the locals on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support to the application based on the assessment made in paragraph 11 of the Paper. Contrary to the applicant's claim that the two on-site structures were for warehouse purpose, they were akin to village houses for domestic purpose. As such, 'House' use (except New Territories Exempted House (NTEH), rebuilding of NTEH or replacement of existing domestic building by NTEH) was not permitted within the "Agriculture" ("AGR") zone. DLO/YL did not support the application and BD had ordered the removal of the unauthorized structures on-site. The applicant had not provided evidence to demonstrate that there was a genuine intention to use the site for the applied use. Even so, the applied use was not in line with the planning intention of the "AGR" zone and there was no strong planning justification for a departure from the planning intention, even on a temporary basis. The applied use was also not compatible with the surrounding land uses. In particular, the approved village houses to the east of the site would be subject to the potential nuisance caused by the operation of the warehouses. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such application would result in general degradation of the rural environment of the area.

89. Members had no question on the application.

Deliberation Session

90. A Member noted that judging from the on-site conditions, there was doubt that the applied use was for warehouse purpose.

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

- (a) the structures on the site were akin to domestic structures. No strong evidence had been given in the submission to demonstrate that the site was genuinely intended for the applied use;
- (b) the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to safeguard good quality agricultural land for agricultural purpose. This zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purpose. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;
- (c) the applied use was not compatible with the surrounding land uses which were rural in character predominated by residential structures/village houses and scattered farm/vacant structures and orchards; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in general degradation of the rural environment of the area.

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/464 Proposed Houses (New Territories Exempted Houses - Small Houses)  
in “Agriculture” zone,  
Lot 462 S.B RP in D.D. 103,  
Ko Po Tsuen, Kam Tin,  
Yuen Long  
(RNTPC Paper No. A/YL-KTS/464)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed three houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – in considering the three proposed NTEHs (Houses A, B and C), District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) (DLO/YL, LandsD) had no adverse comment on Houses A and B on the western side of the site, subject to the proposed Small House sites were entirely within or at least 50% of them were within the defined ‘village environs’ (‘VE’), planning approval had been obtained and other requirements under the current Small House Policy could be fulfilled. However, DLO/YL considered that the remaining proposed Small House site (House C) was outside the ‘VE’ boundary of Ko Po Tsuen and was unacceptable to be a proposed site for Small House application. Director of Environmental Protection (DEP) considered that the site was surrounded by open storage yards which might induce Industrial/Residential (I/R) interface problem on the future residents of the



proposed houses and it was desirable to remove such open storage yards before occupation of the proposed houses from the environmental planning perspective;

- (d) no public comment was received during the statutory publication period. District Officer (Yuen Long) had not received any comment from the concerned Village Representatives on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed Small Houses were incompatible with the surrounding environment. The site was situated in an area being mainly occupied by various open storage (OS) uses whereby such uses would very likely be continued and intensified. The proposed Small Houses would be susceptible to adverse environmental impact from the open storage / workshop / parking lot uses and major roads. DEP indicated that the nearby open storage yards might induce I/R interface problem on the future residents of the proposed Small Houses. There was insufficient information/technical assessment in the submission to demonstrate that the proposed Small Houses would not be subject to adverse environmental impact. The application did not comply with the Interim Criteria in that there was no general shortage of land in meeting the demand of Small House development in the related “Village Type Development” (“V”) zone, and there was insufficient information to demonstrate why suitable sites within the “V” zone could not be made available for the proposed development. DLO/YL considered that the House C site was unacceptable as a site for Small House application.

93. Members had no question on the application.

#### Deliberation Session

94. Members agreed that the proposed Small Houses were not compatible with uses in the surrounding area. In particular, the application site was located between two open

storage sites with approvals valid until 2012.

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

- (a) the proposed development was incompatible with the surrounding area predominated by open storage yards, workshops, parking lots and roads. There was insufficient information/technical assessment in the submission to demonstrate that the development would not be subject to adverse environmental impact; and
- (b) the proposed development did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted Houses/Small House development in that there was no shortage of land to meet the demand for Small House development in the “Village Type Development” (“V”) zone of Ko Po Tsuen. There was insufficient information in the submission to demonstrate why suitable sites within the areas zoned “V” could not be made available for the proposed development.

## **Agenda Item 21**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/467      Renewal of Planning Approval for  
Temporary “Open Storage of Electricity Generators  
and Compressors with Maintenance Work”  
under Application No. A/YL-KTS/383 for a Period of 3 Years  
in “Other Specified Uses” annotated “Rural Use” zone,  
Lots 391 RP (Part), 392 RP,  
398 S.A (Part) and 1356 RP (Part) in D.D. 106,  
Shek Wu Tong,  
Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/467)

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Presentation and Question Sessions

96. 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 electricity generators and compressors with maintenance work” under Application No. A/YL-KTS/383 for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the presence of sensitive residential use in the vicinity and potential environmental nuisance;
- (d) 1 public comment was received during the statutory publication period from a member of Yuen Long District Council who considered that consideration of the application should take into account the increasing population along Kam Sheung Road and any impact on the environment and the residents, as well as the view of the village representatives. District Officer (Yuen Long) had not received any comment from the locals on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The development was not incompatible with the surrounding land uses. As there was no known development programme for the subject “Other Specified Uses (Rural Use)” (“OU(RU)”) site, continuation of the open storage/workshop use on a temporary basis would not frustrate the planning intention of the “OU(RU)” zone. The development was generally in line with Town Planning Board Guidelines No. 13E. Since previous approvals for the same applied use (with/without maintenance work) had been granted since 1995, there was no major change in planning circumstances that warranted a deviation from the Committee’s previous approval of the

applied use at the site. No environmental complaint for the site in the past three years was received. The site was adjacent to Kam Sheung Road with direct access to the road and would not pass through major village settlement in the area. To address DEP's concern, approval conditions restricting operation hours, operation and maintenance of the site had been recommended for the planning approval. Any non-compliance with the approval conditions would result in revocation of the planning permission and enforcement action.

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 10.7.2012, 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., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no paint spraying activity should be carried out at the open area of the site, as proposed by the applicant, at any time during the planning approval period;
- (d) the peripheral fence wall of 2.5m high should be maintained at all times during the planning approval period;
- (e) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (f) the drainage facilities implemented on the site (under Application

No.A/YL-KTS/297) should be maintained at all times during the planning approval period;

- (g) 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 10.1.2010;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.4.2010;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon 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 other concerned owners of the site;
- (b) note the District Lands Officer/Yuen Long's comments that Short Term Waiver (STW) No. 2504 was approved to the whole Lot Nos. 391 RP and 392 RP in D.D. 106 permitting structures for the purpose of an office and a workshop ancillary to the open storage of electricity generators and compressors with total Built-over Area (BOA) not exceeding 495m<sup>2</sup> and

height not exceeding 5.2m. According to earlier information, the total BOA on the site well exceeded the permitted BOA. The applicant should clarify if all these irregularities had been self-rectified. Yet still, the submitted BOA of 540m<sup>2</sup> also exceeded the total permitted BOA. His office reserved the right to take enforcement action under STW if there was any breach of the pertaining conditions. The site was accessible to Kam Sheung Road through a short stretch of Government Land (G.L.). His office did not carry out maintenance works of the G.L.;

- (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 to minimize any potential environmental nuisances;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that all unauthorized structures on the site which were liable to action under section 24 of the Buildings Ordinance (BO) should be removed. The granting of this planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including 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 the Building (Planning) Regulation 19(3) at building plan submission stage;
- (e) note the Director of Fire Services’s comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirements in Appendix VI of the Paper. If the applicant wished to apply for

exemption from the provision of certain FSIs, justifications should be provided to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and

- (f) note the Director of Electrical and Mechanical Services's comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (the Director of Electrical and Mechanical Services and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/583      Temporary War Game Centre with Ancillary Resting Area  
for a Period of 3 Years in “Agriculture” zone,  
Lots 1209 (Part), 1210 (Part), 1214 (Part), 1226, 1241(Part)  
and 1244(Part) in D.D. 111,  
Fan Kam Road,  
Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/583)

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**Presentation and Question Sessions**

100.      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 war game centre with ancillary resting area for a period of 3 years;
- (c) departmental comments – Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view;
- (d) no public comment was received during the statutory publication period. District Officer (Yuen Long) had not received any comment from the locals on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed war game centre was a kind of place of entertainment for the public. According to the applicant, the proposed war game centre made use



of the structure previously used as a pigsty. Although the development was not fully in line with the planning intention of the “Agriculture” (“AGR”) zone, the development could provide additional entertainment/recreation services to serve the public. A short-term approval could be considered before utilization of the site for rehabilitation for cultivation and it would not frustrate the long-term planning intention of the “AGR” zone. Although the applied use might generate some environmental impacts on the surroundings, the centre had been in operation for some time and no environmental complaints had been received. To minimize potential environmental nuisance, relevant approval conditions had been recommended for the planning approval. Any non-compliance with the approval conditions would result in revocation of the planning permission and enforcement action.

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

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 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 5:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) no war game activities were allowed to be carried out outside the site during the planning approval period;
- (c) no further paving and/or concreting of the site should be carried out at the site during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying and other

workshop activities should be carried out at the site during the planning approval period;

- (e) no medium and heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;
- (f) the provision of protective boundary fence on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.1.2010;
- (g) 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 10.1.2010;
- (h) in relation to (g) 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 10.4.2010;
- (i) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.1.2010;
- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.4.2010;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2010;
- (l) in relation to (k) 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 10.4.2010;

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

103. 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 issue relating to the development with the concerned owners of the application site;
- (c) note the District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval from his office. Letter of Approval (L of A) Nos. MT/LM10838 and MT/LM14572 were issued for Lots 1209 and 1210 for erection of structures thereon for agricultural purposes. His office reserved the right to take enforcement action against unauthorized change of use of the structures for non-agricultural purpose. The registered owners of the relevant lots should apply for Short Term Waiver (STW) to regularize the irregularities on-site. Should no STW application be received/approved and any irregularities persist on-site, his office would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme. The site

was accessible to Fan Kam Road via an informal track over other private land and open Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way for the site and the proposed parking space outside the site;

- (d) follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to adopt environmental mitigation measures to minimize any possible environmental nuisances. Should there be any effluent discharge from the proposed use, a valid discharge licence under the Water Pollution Control Ordinance (WPCO), Cap. 358, should be obtained for the approval period. The applicant should carry out his obligation under the WPCO;
- (e) note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements as stated in Appendix II of the Paper;
- (f) note the Director of Electrical and Mechanical Services’ comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the

underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;

- (g) note the Chief Engineer/Development(2), Water Supplies Department (WSD)’s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
  
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that all unauthorized structures on the site should be removed. Unauthorized structures on the site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations 19(3) at building plan submission stage.

[Professor David Dudgeon left the meeting at this point.]

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/584      Temporary Office  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lot 1663 RP (Part) in D.D.111,  
Leung Uk Tsuen,  
Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/584)

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**Presentation and Question Sessions**

104.      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 office for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period. District Officer (Yuen Long) had not received any comment from the locals on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Although the site fell within the “Village Type Development” (“V”) zone, there was no Small House application at the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. Previous planning approval (No. A/YL-PH/522)

had been granted for the same use by the Committee up to 2009. The approval conditions had been complied with by the applicant. There had been no change in site circumstances since the last planning approval. The proposed temporary office was not incompatible with the neighbouring use in the area and would unlikely induce adverse environmental impact to the immediate surroundings. The applicant undertook that the site would be used for office only and that no repairing works would be carried out on-site. To minimize potential environmental nuisance, relevant approval conditions had been recommended for the planning approval.

105. Members had no question on the application.

#### Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) the application site should only be used as office and no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site during the planning approval period;
- (c) no medium and heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;
- (d) the existing trees and landscape plantings on the application site should be maintained at all times during the planning approval period;
- (e) 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 10.1.2010;

- (f) in relation to (e) 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 10.4.2010;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2010;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.4.2010;
- (i) 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;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

107. 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) resolve any land issue relating to the development with the concerned



owners of the application site;

- (c) note the District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval from his office. Short Term Waiver (STW) No. 3123 was granted for Lot 1663 RP in D.D. 111 permitting structures for office and greenhouse use with total Built-over Area not exceeding 91.34m<sup>2</sup> and height not exceeding 6.1m. His office reserved the right to take enforcement action under STW if there was indeed any breach of the pertaining conditions. The site was accessible to Kam Tin Road through other private land and a short stretch of Government Land (G.L.). His office did not carry out maintenance works of the G.L. nor guarantee right-of-way;
- (d) follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to adopt environmental mitigation measures to minimize any possible environmental nuisances. In particular, a good house keeping of the site should be maintained all times;
- (e) note the Chief Engineer/Mainland North, Drainage Services Department's comments that it was noted that there were two drainage proposals both titled "existing drainage system" attached to the planning application. He presumed that one of the drainage proposal was intended to show the existing drainage arrangement for Lot 1663 RP (part) in D.D. 111, Leung Uk Tsuen for the application. It was advised that the existing stormwater drainage system of the adjacent Lot 1663 S.J was connected to the application lot. The applicant should clarify in a drainage proposal whether the existing drainage arrangement of both lots would be maintained without causing adverse drainage impact on the adjacent area and the existing drainage facilities;
- (f) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to

submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures which was/were less than 230m<sup>2</sup>, the applicant was advised to make reference to the requirements as stated in Appendix III of the Paper;

- (g) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
  
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. Unauthorized structures on the site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be

determined under Building (Planning) Regulations (B(P)Rs) 19(3) at the building plan submission stage. Use of containers as temporary office was considered as temporary building and subject to control under B(P)Rs Part VII.

**Agenda Item 24**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/240          Temporary Open Storage of Electronic Parts  
with Ancillary Recyclable Workshop  
for a Period of 3 Years in “Open Storage”,  
“Village Type Development” and “Agriculture” zones,  
Lots 1506(Part), 1509 S.A (Part), 1510 (Part), 1511 (Part), 1512 (Part)  
and 1513 (Part) in D.D. 117 and Adjoining Government Land,  
Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/240)

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**Presentation and Question Sessions**

108.          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 electronic parts with ancillary recyclable workshop for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the nearby sensitive receivers, possible noise nuisance, water pollution and land contamination, notwithstanding that no complaint against the use on-site in the past 3 years was received;

- (d) 2 public comments were received during the statutory publication period from 5 residents in the vicinity and 2 Yuen Long district councillors who objected to the application in view of the proximity of the proposed use to the residential uses, pollution and health issues. District Officer (Yuen Long) had not received any comment from the village representatives in the vicinity on the application; and
  
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. Although there was no Small House application received in respect of the site, the development was not in line with the planning intention of the “Village Type Development” (“V”) and “Agriculture” (“AGR”) zones. Approval of the application would frustrate the planning intention of the “V” and “AGR” zones and there was no strong planning justification for a departure from the stated planning intention, even on a temporary basis. The development was not compatible with the residential dwellings located in the vicinity of the site within the “V” zone and the “AGR” zone. Most of the open storage yards in the vicinity were within the “Open Storage” (“OS”) zone to its southeast. There was no strong planning justification for the applied use to proliferate outside the “OS” zone and to extend onto the “V” and “AGR” zones. The development did not comply with the Town Planning Board Guidelines No. 13E in that the site was partly located within Category 3 and 4 areas where open storage and port back-up uses would normally not be supported, there was no previous planning approval granted on-site and there was adverse departmental comment against the application. In this regard, DEP did not support the application on environmental grounds. Approval of the application would set an undesirable precedent for other similar uses in the zones and the cumulative effect would lead to a general degradation of the environment of the area.

109. Members had no question on the application.

Deliberation Session

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

- (a) the development was considered 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. Also, the zoning boundary of the “Agriculture” (“AGR”) zone in this area had been broadly delineated to reflect the rural character and to provide a buffer for the stream course and the nearby dwellings from undesirable impacts due to the adjoining open storage/port-backup activities. Approval of the application would frustrate the planning intention of the “V” and “AGR” zones. There was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was considered not compatible with the residential dwellings located in the vicinity of the site to the immediate north within the “V” zone and southwest within the “AGR” zone. There was no strong planning justification given to explain why the applied use needed to extend outside the “Open Storage” zone. The development would cause adverse environmental impacts on the surrounding areas and no assessment had been conducted to address the issues;
- (c) the development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that part of it fell within Category 3 and 4 areas. There was no previous planning approval granted on-site and there were adverse departmental comment and local objections against the application; and
- (d) approval of the application would set an undesirable precedent for other similar uses in the “V” and “AGR” zones. The cumulative effect of

approving such similar applications would result in a general degradation of the environment of the area.

**Agenda Item 25**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/435 Proposed Temporary Florist Shop for a Period of 3 Years  
in “Residential (Group B) 1” zone,  
Lots 2508 RP (Part) and 2509 S.A (Part) in D.D. 124,  
Hung Shun Road,  
Hung Shui Kiu, Yuen Long  
(RNTPC Paper No. A/YL-TYST/435)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary florist shop for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period. No local objection was received by District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed temporary florist shop (about 202 m<sup>2</sup>) operated by the side of a public road in a converted-container structure was relatively small in

scale. The proposed shop would not be incompatible with the surrounding environment, but would provide a convenient service to the local residents. There were a number of similar local shops and service trades along Hung Shun Road and Tan Kwai Tsuen Road to its west. As there was no current programme for residential development at the site, the proposed use on a temporary basis for 3 years would not frustrate the planning intention of the “Residential (Group B)1” (“R(B)1”) zone. The proposed use would not generate adverse environmental impact on the surrounding areas.

112. Members had no question on the application.

#### Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no loading/unloading activities by vehicles, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (c) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.1.2010;
- (d) in relation to (c) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.4.2010;
- (e) 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 10.1.2010;

- (f) in relation to (e) 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 10.4.2010;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2010;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.4.2010;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issue 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 his office reserved the right to take enforcement action against the converted/unauthorized structures on the Old Schedule Agricultural Lots under the conditions of Modification of Tenancy No. MNT 18688 and the lease. The lot owners should apply for Short Term Waiver (STW) to regularize the structures to be erected on the site. Should no STW application be received/approved and the irregularities persist on the site, his office on review of the situation would take appropriate action according to the established district lease enforcement programme;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the applicant should be responsible for his own access arrangement;
- (d) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) note that the *Macaranga tanarius* located at the southern part of the site should be retained;
- (f) note the Director of Fire Services' comments on the requirements on formulating fire service installations (FSIs) proposal in Appendix II of the Paper;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the 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 (B(P)R) 19(3) at the building plan submission stage. Use of containers as office and store were considered as temporary structures and subject to control under B(P)R Part VII; and

- (h) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/437 Temporary Open Storage of Construction Machinery and Materials,  
and Vehicle Repair Workshop  
for a Period of 3 Years in "Undetermined" zone,  
Lots 2366 RP, 2367 and 2386 RP (Part) in D.D. 120,  
Tong Yan San Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/437)

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Presentation and Question Sessions

115. 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 materials, and vehicle repair workshop for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of nearby sensitive receiver, i.e. residential structure, and potential environmental nuisance;
- (d) 1 public comment was received during the statutory publication period from two Yuen Long District Council members raising objection to the application in view of the proximity of the site to residential dwellings, the noise and dust nuisance to the nearby residents. No local objection was received by District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines No.13E. There were similar approved applications in this part of the “Undetermined” (“U”) zone which was generally intended for open storage use. Approval of the application on a temporary basis for not more than 3 years would not frustrate the long-term use of the area. The development was not incompatible with the surrounding areas. Although DEP did not support the application, there had not been any environmental complaint in the past 3 years. To address the technical concerns from the relevant departments, relevant approval conditions and advisory clauses had been recommended for the planning approval. Any non-compliance with the approval conditions would result in revocation of the planning permission and enforcement action.

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 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 existing landscape planting implemented under Application No. A/YL-TYST/166 on the application site should be maintained at all times during the planning approval period;
- (d) the implementation of the replacement tree planting within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.1.2010;
- (e) 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 10.1.2010;
- (f) in relation to (e) 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 10.4.2010;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2010;

- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.4.2010;
- (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.

118. 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 issue 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 the registered lot owners should apply to his office for regularization of the excessive built-over-area which was in breach of the conditions of the Short Term Waivers. His office reserved the right to take lease enforcement action against the irregularities, if indeed found in due course;
- (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 with the relevant lands and maintenance authorities accordingly;

- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) note that 3 numbers of *Melaleuca quinquenervia* previously planted on the northeast of the southern portion of the site were found dead and should be replaced;
- (h) note the Chief Engineer/Mainland North, Drainage Services Department's comments that surface channel should be provided along the western boundaries of the 2 portions of the site;
- (i) note the Chief Engineer/Development(2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (j) note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix V of the Paper;
- (k) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied

regulations. Actions appropriate under the 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 (B(P)R) 19(3) at the building plan submission stage. Use of containers as office was considered as temporary structures and subject to control under B(P)R Part VII; and

- (1) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[The Chairperson thanked Miss Paulina Y.L. Kwan, STP/TMYL, for her attendance to answer Members' enquiries. Miss Kwan left the meeting at this point.]

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/628          Temporary Open Storage of Scrap Metal and Plastic  
for a Period of 3 Years  
in “Comprehensive Development Area” zone,  
Lots 2938 RP, 2939 RP (Part), 2946 and 2950 S.B (Part) in D.D. 129  
and Adjoining Government Land,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/628)

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**Presentation and Question Sessions**

119.          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 and plastic for a period of 3 Years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of nearby sensitive uses, and potential environmental nuisance and one noise pollution complaint against the site was received in 2009;
- (d) 4 public comment was received during the statutory publication period from the residents of Sha Kong Wai, who strongly objected against the application on environmental, hygiene and health grounds and the workshop activities on the site operated beyond the restricted operation hours. District Officer (Yuen Long) had not received any local objection to the application; and



- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The applied use was not incompatible with most of the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone. Approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/ known intention to implement the zone. To address the environmental concern by DEP and the public, no workshop use was included in the application and the applicant had committed to remove workshop activities from the site. To address DEP's concern, relevant conditions and advisory clauses had been recommended for the planning approval. Any non-compliance with these approval conditions would result in revocation of the planning permission and enforcement action. The Committee had approved 3 previous applications for similar temporary open storage uses on the site and other similar applications in the vicinity since 2001. There had been no material change in the planning circumstances. Approval of the subject application was in line with the Committee's previous decisions. As the last application was revoked due to non-compliance with approval conditions, a shorter approval period of 1 year was recommended to monitor the situation and shorter compliance periods were proposed to monitor the progress of compliance. The applicant would be advised that sympathetic consideration might not be given to any further application should the applicant fail to comply with the approval condition(s) again.

120. Members had no question on the application.

#### Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 10.7.2010, instead of 3 years, 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., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) no handling (including loading, unloading and storage) of used car batteries and electronic waste should be permitted on the site during the planning approval period;
- (e) no cutting, dismantling, melting, cleansing, repairing and other workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (f) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/551 should be maintained during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities implemented under Application No. A/YL-HT/551 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.10.2009;
- (h) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.10.2009;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.1.2010;

- (j) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.10.2009;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the development on-site;
- (b) the permission was given to the use/development under application. It did not condone the workshop and any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) shorter approval and compliance periods were granted in order to monitor the situation on site and the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;

- (d) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office, and included Government land for which no permission from his office had been given for its occupation; to apply for Short Term Waiver (STW) to regularize any structures erected on the site, and Short Term Tenancy (STT) to regularize occupation of Government land. Should no STW/STT application be received/approved and the irregularities persist on-site, his office, on review of the situation, would take appropriate action against according to the established district enforcement and land control programme;
- (f) note the comments of the Chief Engineer/Sewerage Projects, Drainage Services Department that a proposed trunk sewer would be laid along Lau Fau Shan Road under Public Works Programme Item 4235DS and the site should not encroach upon the Government land alongside the public road;
- (g) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (h) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the access arrangement to the site from Lau Fau Shan Road should be agreed by Transport Department, and to provide adequate drainage measures to prevent surface water flowing from the site to the nearby public roads/drainage;
- (i) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the landscape plan attached with the

application was considered not practical as some proposed trees would be in conflict with the storage yard operation and the location of the yard entrance; and to clearly marked the existing trees on-site and the proposed trees with 2 different symbols in the revised tree preservation and landscape proposals in order to avoid confusion; and

- (j) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as offices or store were considered as temporary structures and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; provision of emergency vehicular access was applicable under B(P)R 41D.

## **Agenda Item 28**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/629      Temporary Centre for Inspection of New Vehicles  
with Ancillary Offices and Storerooms  
for a Period of 3 Years in “Open Storage (Group 1)” zone,  
Lots 4(Part), 5(Part), 6(Part) and 7(Part) in D.D. 124,  
Lot 1498 S.B RP(Part) in D.D. 125 and Adjoining Government Land,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/629)

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Presentation and Question Sessions

123. 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 centre for inspection of new vehicles with ancillary offices and storerooms for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive uses in the vicinity and the access road, and potential environmental nuisance;
- (d) no public comment was received during the statutory publication period. District Officer (Yuen Long) had not received any comment from the locals on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The development was generally in line with the planning intention of “Open Storage (Group 1)” (“OS(1)”) zone and it was not incompatible with the surrounding land uses. Hence, it was generally in line with the Town Planning Board Guideline No. 13E. According to the applicant, no vehicle repairing and painting would be involved. Notwithstanding DEP did not support the application, no environmental complaint was received for the site in the past 3 years. To address the concerns raised by DEP, relevant conditions and advisory clauses had been recommended for the planning approval. Any non-compliance with the approval conditions would result in revocation of the planning permission and enforcement action. The Committee had approved the previous application for the same use on the site and other similar applications in the vicinity. Since granting the previous approvals, there had been no material change in the planning circumstances in the area. Approval of the application was in

line with the Committee's previous decisions. As the last approval (No. A/YL-HT/562) was revoked owing to no submission by the applicant to comply with the conditions, shorter compliance periods were proposed to monitor the situation. The applicant would be advised that sympathetic consideration might not be given to any further application should he fail to comply with the approval condition(s) again.

124. Members had no question on the application.

### Deliberation Session

125. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 6:00 p.m. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle repairing, painting and other workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the existing trees within the site should be maintained during the planning approval period;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 10.10.2009;
- (f) in relation to (e), the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 10.1.2010;

- (g) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 10.10.2009;
- (h) in relation to (g), the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 10.1.2010;
- (i) 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;
- (j) if any of the above planning conditions (e), (f), (g) or (h) 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.

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

- (a) prior planning permission should be obtained before continuing the development on the site;
- (b) shorter compliance periods were imposed in order to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the comments of District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected



without prior approval from his Office, and to apply to his office for Short Term Wavier (STW) and Short Term Tenancy (STT) to regularize the structures on-site and the unlawful occupation of Government land. Should no STW/STT application be received/approved and the irregularities persist on-site, his office, on review of the situation, would take appropriate action against according to the established district enforcement and land control programme;

- (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 from a public road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) note the comments of Chief Engineer/Mainland North, Drainage Services Department as stated in Appendix V of the Paper;
- (g) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (h) note the Director of Fire Services' comments on the requirements of formulating fire service installation proposals as stated in Appendix VI of the Paper; and
- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as offices or store were considered as temporary buildings and were subject to control under

Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; provision of emergency vehicular access was applicable under B(P)R 41D.

**Agenda Item 29**

**Section 16 Application**

[Open Meeting]

A/YL-HT/633      Temporary Place of Recreation, Sports or Culture  
for a Period of 3 Years  
in “Green Belt” and “Conservation Area” zones,  
Lots 1373, 1374, 1375, 1376, 1377, 1378, 1380 (Part), 1381, 1382,  
1383, 1384, 1385, 1386, 1387, 1389, 1390, 1391 and 1392 in D.D.125  
and Adjoining Government Land,  
Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/633)

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127.      The Committee noted that on 18.6.2009, the applicant’s agent wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for a period of 2 months in order to allow time for him to address some technical issues and submit further information to substantiate his case.

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

**Agenda Item 30**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/191 Proposed Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” and “Village Type Development” zones,  
Lots 2660 S.D, 2661 S.W, 2662 S.F, 2662 S.H, 2662 S.I, 2663 S.G,  
2663 S.H, 2663 S.I, 2663 S.J, 2663 S.L and 2663 S.M in D.D. 129,  
Sha Kong Wai,  
Lau Fau Shan,  
Yuen Long  
(RNTPC Paper No. A/YL-LFS/191)

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**Presentation and Question Sessions**

129. The Committee noted that replacement page 7 of the Paper correcting a typo error under item 3 in paragraph 10.1 was tabled at the meeting.

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

- (a) background to the application;
- (b) the proposed houses (New Territories Exempted Houses (NTEH) - Small House);
- (c) departmental comments – Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had some reservations on the development on grounds of adverse landscape impact in the “Green Belt” (“GB”) area, the lack of information on the landscape mitigation measures and the undesirable precedent effect on the “GB”;
- (d) no public comment was received during the statutory publication period. District Officer (Yuen Long) had not received any comment from the locals

on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. Majority of the site was within the “GB” zone and covered with grass with a gentle knoll to its west. The proposed development with seven NTEHs (Small Houses) was not in line with this planning intention. No strong planning justification had been given to support a departure from such planning intention. According to the Town Planning Board Guidelines No. 10, there was a general presumption against development within the “GB” zone. As there was land available within the “V” zone for NTEH development, a more prudent approach should be adopted in consideration of Small House applications outside the “V” zone. The applicant had not demonstrated why he could not acquire land in the “V” zone for Small House development. The proposed Small Houses were incompatible with the surrounding environment and there was no technical assessment to demonstrate that there would be no adverse landscape impact on the surrounding areas. The Board/Committee had rejected similar applications in the same “GB” zone previously. Rejection of the present application was in line with the Board's/Committee's previous decisions. The approval of the application would set an undesirable precedent for similar applications in the vicinity with cumulative adverse landscaping impact on the area.

131. Members had no question on the application.

#### Deliberation Session

132. Members agreed to adopt a prudent approach in considering the application and did not support the application.

133. After further 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 “Green Belt” (“GB”) zone which was primarily 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. No strong planning justification had been given in the submissions for a departure from such planning intention;
- (b) the proposed development was not in line with the Town Planning Board Guidelines for Application for Development within “GB” Zone Under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) as there was a general presumption against development within this zone;
- (c) as over 16 ha of land was still available within the “Village Type Development” (“V”) zone for Small House development, there was insufficient information in the submission to demonstrate why suitable sites within the areas zoned “V” could not be made available for the proposed development. The Small House development should be concentrated within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (d) the proposed development was incompatible with the surrounding rural area. There was insufficient information/technical assessment in the submission to demonstrate that the development would not generate adverse landscape impact on the surrounding areas.

**Agenda Item 31**

**Section 16 Application**

[Open Meeting]

A/YL-NSW/188 Proposed Four Houses (New Territories Exempted Houses)  
in “Undetermined” zone,  
Lot 757 in D.D. 115, Tung Shing Lei,  
Nam Sang Wai,  
Yuen Long  
(RNTPC Paper No. A/YL-NSW/188A)

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134. The Secretary reported that Dr. James C.W. Lau had declare an interest in this item as he had current business dealings with Ho Tin and Associates Consulting Engineers Ltd., a member of the consultancy team for the applicant. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Dr. Lau could be allowed to stay at the meeting.

135. The Committee noted that on 15.6.2009, the applicant’s agent wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the application for a period of 2 months so as to allow time for him to prepare a noise impact assessment for the proposed development to address the concerns raised by the Director of Environmental Protection.

136. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that the Committee had allowed a total of 3 months since the application was deferred by the Committee on 17.4.2009 for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 32**

**Section 16 Application**

[Open Meeting]

A/YL-NTM/235      Proposed Comprehensive Low-density Residential Development  
in “Comprehensive Development Area” zone,  
Various Lots in D.D. 104, and Adjoining Government Land,  
East of Sheung Chuk Yuen,  
Ngau Tam Mei,  
Yuen Long  
(RNTPC Paper No. A/YL-NTM/235A)

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137.        The Committee noted that on 19.6.2009, the applicant’s agent wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer making a decision on the application for a period of 2 months so as to allow additional time for him to prepare supplementary information to address the latest departmental comments related to the environmental assessment as well as urban design and landscaping aspects.

138.        After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that the Committee had allowed a total of 3 months since the application was first deferred by the Committee on 17.4.2009 for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 33**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/238      Temporary Container Vehicle Park  
with Ancillary Repairing Workshop Use  
for a Period of 3 Years in “Open Storage” zone,  
Lots 2327, 2328 (Part), 2329, 2330 (Part), 2348 (Part), 2349 (Part),  
2844 RP, 2845 (Part), 2849 (Part), 2850, 2851 RP, 2854,  
2855, 2856, 2857, 2858 RP, 2859 RP, 2861 (Part), 2874 (Part),  
2875 (Part), 2893 (Part), 2895 (Part), 2896 (Part), 2897, 2898 (Part)  
and 2899 (Part) in D.D. 102, and Adjoining Government Land,  
Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/238)

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**Presentation and Question Sessions**

139.      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 container vehicle park with ancillary repairing workshop use for a period of 3 years;
- (c) departmental comments – District Land Officer/Yuen Long, Lands Department (DLO/YL, LandsD) did not support the application on grounds of non-compliance with the lease conditions and illegal occupation of Government land. DLO/YL reserved the right to take lease enforcement action against these irregularities. Director of Environmental Protection (DEP) did not support the application in view of the nearby sensitive uses and potential environmental nuisance;
- (d) no public comment was received during the statutory publication period.



District Officer (Yuen Long) had received no local comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The temporary container vehicle park with ancillary repairing workshop was generally in line with the planning intention of the “Open Storage” (“OS”) zone. The development was not incompatible with the surrounding uses and was in line with the Town Planning Board Guidelines No. 13E. To address the concerns of DLO/YL and DEP, relevant approval conditions and advisory clauses had been recommended for the planning approval. Any non-compliance with the approval conditions would result in revocation of the planning permission and enforcement action. Notwithstanding the last two approvals (Nos. A/YL-NTM/199 and 222) were revoked due to non-compliance with the approval conditions, the applicant had made endeavour to implement the approval conditions and sympathetic consideration could be given to this application. As such, shorter compliance periods were proposed to monitor compliance with approval conditions. The applicant would also be advised that should he fail to comply with the approval conditions again, sympathetic consideration would not be given to any further application. As the Committee had also approved other similar applications in the same “OS” zone, approval of the subject application was in line with the Committee's previous decisions.

140. Members had no question on the application.

#### Deliberation Session

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 10.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the site boundary to avoid encroachment on the

resumption boundary of Contract No. DC/2007/01 - Drainage Improvement Works in Ki Lun Tsuen, Kwu Tung, Ma Tso Lung and Sha Ling as and when required by the Drainage Services Department;

- (b) no night-time operation between 11:00 p.m. and 8:00 a.m. was allowed on the site during the planning approval period;
- (c) no operation on Sundays or public holidays between 5:00 p.m. and 10:00 a.m. was allowed on the site during the planning approval period;
- (d) the existing trees on the site should be maintained at all times during the planning approval period;
- (e) a clearance of at least 1.5m from the centerline of the existing water mains at the site should be maintained at all times during the planning approval period;
- (f) the submission of vehicular access proposals including swept path analysis for the site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 10.10.2009;
- (g) in relation to (f) above, the implementation of the accepted vehicular access proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 10.1.2010;
- (h) the submission of a Drainage Impact Assessment within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.10.2009;
- (i) in relation to (h) above, the implementation of flood mitigation measures and provision of drainage facilities as identified in the Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by

10.1.2010;

- (j) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.10.2009;
- (k) in relation to (j) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2010;
- (l) the provision of paving and fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 10.10.2009;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (n) if any of the above planning conditions (f), (g), (h), (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.

142. 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) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;

- (c) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) note the District Land Officer/Yuen Long, Lands Department's comment that the applicant should ensure that the registered owner concerned would apply for regularisation of the irregularities under the respective Short Term Tenancy and Short Term Waiver. Should no application be received/approved and the irregularities persist on the site, his Office would take appropriate lease enforcement/control action according to the prevailing programme of his Office in this regard;
- (e) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection in order to minimise any possible environmental nuisance;
- (f) note the Director of Agriculture, Fisheries and Conservation's comments that the existing access roads, water sources and drainage should be maintained and other disturbance should be avoided in order not to affect any fish pond farming activity operating in the vicinity;
- (g) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the application site should not impose any restriction to the drainage project Contract No. DC/2007/01 - Drainage Improvement Works in Ki Lun Tsuen, Kwu Tung, Ma Tso Lung and Sha Ling, which commenced in November 2008 for completion in 2011 (scheduled). The applicant should review his drainage proposal/works arising from the Drainage Impact Assessment report as well as the site boundary in order not to cause encroachment upon areas outside his jurisdiction. No public stormwater drainage maintained by his Office was currently available for connection. The area was probably being served by some of the existing local village drains which were probably maintained by District Officer/Yuen Long (DO/YL). The applicant should approach DO/YL if the applicant wished to know more about these drains. If the proposed

discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal. No public sewerage maintained by his Office was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained. All existing drains, channels and streams in its vicinity and within the site should not be disturbed and blocked and existing drainage outlets from adjacent existing buildings/lots passing through the site should not be disturbed and blocked. The applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future. All proposed drainage facilities should be constructed and maintained by the applicant at his own cost;

- (h) note the Chief Engineer/Development (2), Water Supplies Department's comments that the developer should bear the cost of any necessary diversion works affected by the development. 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 authorise;
- (i) note the Director of Fire Services' comments that the applicant was advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. In formulating the FSIs proposal, the applicant should observe his requirements on provisions of emergency lighting, directional and exit sign, fire alarm system, hose reel system and portable hand-operated approved appliances as stated in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration;
- (j) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorised structures on site which were

liable to action under section 24 of the Buildings Ordinance (BO) should be removed. The granting of the planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Use of containers as offices or store were considered as temporary buildings and subject to control under Building (Planning) Regulations (B(P)Rs) Part VII. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at building plan submission stage. Each portion of the application site should be self-sustainable under the BO and formal submission of any proposed works for approval under BO was required for the two sites separately; and

- (k) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site. For the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

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

**Agenda Item 34**

Any Other Business

143. There being no other business, the meeting was closed at 5:30 p.m..