

## **TOWN PLANNING BOARD**

### **Minutes of 415th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 9.4.2010**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Dr. W.K. Lo

Mr. Stephen M.W. Yip

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

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

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

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

Secretary

**Absent with Apologies**

Professor Paul K.S. Lam

Dr. C.P. Lau

Mr. Timothy K.W. Ma

Ms. Anita W.T. Ma

Dr. W.K. Yau

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse

Town Planner/Town Planning Board  
Mr. Wallace W.K. Tang

**Agenda Item 1**

[Open Meeting]

Opening

1. The Chairperson welcomed the appointment of five new Members, namely Dr. C.P. Lau, Dr. W.K. Lo, Ms. Anita W.T. Ma, Dr. W.K. Yau and Mr. Stephen M.W. Yip. She also congratulated Mr. Walter K.L. Chan for being appointed as Vice-chairman of the Committee.

Confirmation of the Draft Minutes of the 414th RNTPC Meeting held on 19.3.2010

2. The draft minutes of the 414th RNTPC meeting held on 19.3.2010 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

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

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-KLH/3            Application for Amendment to the Approved Kau Lung Hang  
Outline Zoning Plan No. S/NE-KLH/11 from “Open Storage”  
to “Residential (Group C)” and “Green Belt”, Lot 1433 in D.D. 9 and  
Adjoining Government Land, Kau Lung Hang, Tai Po  
(RNTPC Paper No. Y/NE-KLH/3A)

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

4. The Secretary reported that Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with Ho Tin & Associates Consulting Engineering Ltd, which was one of the consultants for the applicant. The Committee considered that the interests of Dr. Lau in this item were indirect and agreed that he could remain in the meeting and join the discussion.

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

- Mr. W.K. Hui - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN)
- Ms. Lisa L.S. Cheng - Senior Town Planner/Shu Tin, Tai Po and North (STP/STN)

6. The following applicant's representatives were invited to the meeting at this point:

- Ms. Helen Lung
- Mr. Roger Nissim
- Ms. Ruby Yu

7. The Chairperson extended a welcome and explained the procedures of the hearing. She then invited Ms. Lisa L.S. Cheng, STP/STN, to brief Members on the background of the application.

#### Presentation and Question Sessions

8. Ms. Lisa L.S. Cheng presented the application with the aid of a PowerPoint and covered the following aspects as detailed in the Paper:

##### *The Application*

- (a) the applicant proposed to rezone the application site from "Open Storage"

(“OS”) to “Residential (Group C)” (“R(C)”) and “Green Belt” (“GB”) on the approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11. The applicant stated that the area of flat land in the middle of the site (comprising Lot 1433 in D.D. 9 with an area of about 2,057m<sup>2</sup> and about 1,704m<sup>2</sup> of Government land) was proposed to be rezoned as “R(C)” for development of seven 3-storey houses with a domestic gross floor area (GFA) of about 1,504m<sup>2</sup> at a plot ratio (PR) of 0.4 and a landscaped non-building area. The remaining area of the “OS” zone, comprising Government land of about 6,731m<sup>2</sup>, was proposed to be rezoned as “GB”;

- (b) the applicant also proposed to construct an access road off the existing ingress/egress point at Tai Wo Service Road West and a small sewage pumping station to pump the sewage from the proposed development up to the proposed rising mains to connect to the planned public sewerage system at Nam Wa Po to the south. Implementation of the proposed residential development would be delayed until the permanent sewer connection became available;
- (c) the applicant further claimed that a semi-natural stream running eastwards in the northern part of the site would be preserved and a 3m drainage reserve clearance from each proposed house would be maintained in order to minimise disturbance to the stream;

Departmental Comments

- (d) the departmental comments were summarised as follows:
  - the District Lands Officer/Tai Po (DLO/TP) commented that the private lot involved in the application was restricted to the use for the manufacturing of China and pottery products. Should the rezoning application be approved, the applicant should apply to his office for a land exchange in order to implement the proposed development. However, there was no guarantee that the application would be approved. He had no comment on the rezoning of the remaining area to “GB” should the

“R(C)” zone be approved;

- the Director of Environmental Protection (DEP) had grave concerns over the feasibility of implementation of the proposed mitigation measures to prevent water pollution to the Water Gathering Ground (WGG) from the proposed development and to address the traffic noise impact as per the submission, which had yet to be confirmed with relevant Government departments including Drainage Services Department (DSD) and DLO/TP. He was not in a position to give support to the rezoning application until after there was a practicable mechanism to ensure full implementation of the measures;
- the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application for residential development within lower indirect WGGs in view of its pollution risk and consequence though he noted that the proposal would be an improvement over the existing use;
- the Chief Engineer/Mainland North, DSD (CE/MN, DSD) commented that even though the planned sewerage works in Nam Wa Po area of Kau Lung Hang would be available by 2016, no sewerage connection point would be available in the close vicinity of the application site;
- the Chief Engineer/Project Management, DSD (CE/PM, DSD) had no objection to the application provided that it would not adversely affect the construction works of the rising mains under the Kau Lung Hang Sewerage Works but commented that the proposed village sewerage scheme under North District Sewerage Stage 2 Phase 1 would not be extended to the application site. Nevertheless, public sewerage connection points would be available at about 200m to the south of the application site, which were scheduled to commence in 2012 for completion in 2016/17;
- the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no in-principle objection to the

application provided that the proposed layout of run-in/run-out of Tai Wo Service Road West and the access road should be designed in accordance with the Transport Planning and Design Manual, the existing access should be maintained or reprovisioned suitably, and the traffic impact assessment should include public transport assessment;

- the Director of Agriculture, Fisheries and Conservation had no strong view on rezoning part of an “OS” to “GB” for preservation of existing greenery in the area but requested the imposition of relevant approval conditions regarding the measures proposed by the applicant for water pollution control, protection of stream course and vegetated areas adjacent to the application site; and
- the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had no objection to the application from both urban design and visual perspectives as well as landscape planning point of view. He considered that the proposed low-rise and low-density residential use unlikely have any adverse visual impact on the surroundings, and the proposed amendment was considered an improvement to the existing landscape and more compatible with the existing rural setting;

Public Comments

- (e) during the statutory publication period, which ended on 29.11.2009, one public comment from Tai Po Rural Committee indicating that more consultations should be conducted with the village representatives of the villages in the vicinity of the site was received;
- (f) further information on the application was published for public inspection on 8.1.2010. During the statutory publication period, which ended on 29.1.2010, a total of 16 public comments, 14 of which objecting to and 2 requesting for more detailed consultations with the village representatives and residents, and providing comments on the application, were received. For those objecting to the application, mainly from Tai Po Rural Committee, the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Nam Wa Po Village as well as the local

villagers, they were concerned that the proposed development would affect access to a burial ground in the vicinity and fung shui of the burial ground. The Chairman of Tai Po Rural Committee asked for more detailed consultations with the village representatives and residents as the proposed development would affect the development of Nam Wa Po Village and its vicinity. On the other hand, Kadoorie Farm and Botanic Garden Corporation (KFBGC) commented that the planning gain from the rezoning application would be rather limited and considered that some areas to be rezoned as “GB” had been degraded and was of little landscape value. KFBGC considered that the applicant should restore/rehabilitate the degraded areas and the semi-natural stream in the proposed “GB” zone so as to further enhance the value of the proposed “GB” zone; and

*The Planning Department (PlanD)’s Views*

- (g) PlanD did not support the application based on the assessment made in paragraph 10 of the Paper which was summarised as follows:
- from land use compatibility point of view, the proposed zoning amendments from “OS” to “R(C)” and “GB” zones would facilitate improving the area by phasing out the existing uses which had degraded the environment. The proposed low-density residential and green belt uses were more compatible with the surrounding areas that were predominantly rural in character comprising vegetated slopes with some village houses, agricultural land and a burial ground to its west;
  - in terms of the development intensity for the proposed “R(C)” zone, the proposed development of seven 3-storey houses with a GFA of 1,504m<sup>2</sup> at a PR of 0.4 was considered not unreasonable comparing to similar developments in the vicinity;
  - notwithstanding the above, the proposed “R(C)” zone with ‘House’ use as a Column 1 use would not provide any means for the Town Planning Board (TPB) to ensure that the proposed development could be designed to minimise adverse environmental and sewerage impacts on the future residents of the project and the surrounding area. An alternative



residential zone which could enable better planning control would be more appropriate;

- there was no mechanism to ensure the provision and maintenance of sewerage connection for the development to the satisfaction of relevant departments to avoid the potential pollution risk of the future residential development on the lower indirect WGG;
- regarding the portion of the site proposed to be rezoned from “OS” to “GB”, which mainly covered vegetated slopes on Government land, concerned departments mainly had no adverse comment on/objection to proposed rezoning;

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

- the two degraded areas mentioned by KFBGC were currently occupied by some temporary structures for storage uses. The rezoning to “GB” might encourage the eventual phasing out of the temporary uses. For the strip of land directly abutting Tai Wo Service Road West, it had been formed and was currently used for open storage. While it was desirable for this area to be used for landscaping purpose to serve as a green buffer between the road and the future development, rezoning it as part of the residential portion of the site instead of “GB” would seem more appropriate; and
- regarding the concerns of the local community on the impact of the proposed development on the access to and fung shui of the burial ground, it should be noted that the applicant had confirmed that the access to the burial ground would not be affected.

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

9. The Chairperson then invited the applicant’s representative to give a presentation of the rezoning proposal. Ms. Helen Lung presented the following main points of the proposed amendments with the aid of a PowerPoint:

The Site

- (a) there was a few steel frame temporary structures in the central portion of the site, which was currently used for workshop activities and open storage of construction materials. It was zoned “OS” in 1994 on the OZP mainly to reflect the then existing use but was not a planned or intended use. The areas surrounding the site to the north and west mainly comprised vegetated slopes with a burial ground located in its vicinity;

The Rezoning Proposal

- (b) the proposal was intended to replace the existing open storage use by rezoning the private land to “R(C)” zone so as to provide good quality housing with setback from the road and rezoning the surrounding Government land to “GB” zone to limit its future development and to provide a logical extension to the existing “GB” in the area. It would provide a more orderly control of land use as compared to the existing open storage use in the surrounding area;

Response to Departmental and Public Comments

- (c) it was noted that PlanD basically had no objection to rezone the central part of the application site for residential use. In particular, CTP/UD&L, PlanD indicated that the proposed amendment was an improvement to the existing environment and likely to be more compatible with the existing rural setting. Should the TPB agree to the rezoning proposal, “House” use could be included as a Column 2 use under the “R(C)” zone in order to provide statutory planning control over the future development of the site;
- (d) to address the concerns of CE/MN and CE/PM, DSD and DEP regarding sewerage connection and the possible impacts on water quality, mitigation measures had been proposed in the applicant’s submission and implementation of the residential development would be postponed until the permanent sewer connection was available in 2016/17;
- (e) with respect to the concern of DEP on the feasibility of implementing the

mitigation measures, they could be dealt with in the general building plan submission stage and in the lease. Besides, it should also be emphasised that the proposed residential development represented an improvement in terms of the control of pollution risk in the WGGs as compared to the existing “OS” use of the application site; and

- (f) in response to the comments of KFBGC, the applicant emphasised that nothing could be done to the temporary structures on Government land. Nevertheless, the approval of the rezoning proposal would definitely provide a better opportunity to improve the overall environmental quality of the area. A 3m wide separation had been proposed between the stream and the proposed houses so as to minimise the impact of the development on the stream. Consideration could also be given to rehabilitate the part of the stream and the land fell within the applicant’s lot before surrendering them to the Government.

10. Making reference to a set of information tabled at the meeting, which included a master layout plan and a summary table of the rezoning proposal, Ms Lung summarised that the rezoning proposal could help improve the overall environmental quality and provide a green buffer between the site and Fanling Highway in the east and the village houses in the south.

11. Mr. Roger Nissim made the following points:

- (a) planning control over the development of the site zoned “R(C)” could be effected by translating the planning conditions into lease conditions. The implementation of the proposed residential development would need to undergo land exchange or lease modification processes where Government departments could impose relevant development restrictions, including the use, maximum GFA, site coverage, building height or requirement for submission of layout plan as Special Conditions;
- (b) the houses to be built were on the applicant’s own private lot and the Government land would be used as a landscaped buffer area. The

building area in the “R(C)” portion of the rezoning proposal would be the same as the permissible building area of the private lot owned by the applicant, i.e. 2,057m<sup>2</sup>. The remaining 1,704m<sup>2</sup> of the “R(C)” zone would be used as landscaped buffer. Under the existing lease, the private lot held by the applicant was entitled to a PR of 1 but the applicant only asked for a PR of 0.4 in the current application. There was already a reduction in GFA by 552.6m<sup>2</sup> as compared with the applicant’s lease entitlement; and

- (c) the piece of Government land to the east of the applicant’s private lot abutting Tai Wo Service Road West was required to serve as an important noise buffer screening the traffic noise from Fanling Highway according to the environmental impact assessment undertaken by their consultants. The piece of Government land would be subject to serious noise problem if it was excised for a separate development.

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

12. In response to a Member’s enquiry, Mr. W.K. Hui stated that the vehicular access to the private lot held by the applicant was via the same access road leading from Tai Wo Service Road West. Within the application site, only Lot 1433 was privately held, which was restricted to the use for manufacturing of China and pottery products and subject to a PR of 1. Mr. Hui also said that the temporary structures had existed for many years and they were not covered by any tenancy agreement with the Government. Mr. Roger Nissim, by referring to a plan showing the boundary of the subject lot under Government New Grant lot No. 364, supplemented that the applicant did have a right-of-way for her private lot.

13. In response to a Member’s question, Mr. W.K. Hui explained that PlanD had no objection to rezone the central portion of the site to low-density residential use but noting the concerns raised by a number of Government departments, including WSD, DSD, Environmental Protection Department and TD, “R(C)” was considered not an appropriate zoning as there would be no planning control mechanism on the future house development. In deciding whether the rezoning proposal should be accepted, the Committee might wish to decide if the technical concerns of Government departments should be monitored by the Board through the statutory planning system or could be handled under the lease.

14. Upon the Chairperson's enquiry, Ms. Helen Lung clarified that should the Committee consider it appropriate, the applicant had no objection to put "Flat" or "House" uses under Column 2 of "R(C)" zone as there was no other "R(C)" zone on the same OZP. The suggestion to put "Flat" or "House" uses under Column 2 of "R(C)" zone was not included in the applicant's original submission.

15. Noting that there were objections from the local villagers worrying that the proposed residential development might affect access to the burial ground, the Vice-chairman asked whether the applicant had explained the proposal to the local community. In response, Mr. Roger Nissim said that the burial ground was located to the south of the application site and the access to the burial ground would not be affected. In this regard, the applicant believed that the clarification had been accepted by the District Officer on behalf of the local community. In addition, the respective District Planning Office and District Lands Office had also explained the application to the locals. Mr. Nissim further added that the public would be consulted on the amendment to the OZP under the statutory plan-making process should the rezoning proposal be approved by the Board.

16. In response to a Member's enquiry on why PlanD agreed to the proposal for residential use but did not support the application, Mr. W.K. Hui explained that though there were planning merits to rezone the site for residential use, the proposed "R(C)" zoning was not appropriate and hence the application could not be supported. PlanD would undertake a review with a view to recommending an appropriate land use zoning for the application site. The Secretary further clarified that as there were concerns on the technical aspects of the future residential development, a land use zoning which would allow statutory planning control through the planning application system would be more appropriate. As "R(C)" zoning was intended for residential development and "House" and "Flat" uses should be Column 1 uses, "R(C)" zone was not a suitable zoning for the application site.

17. The Chairperson enquired why some 1,700m<sup>2</sup> of Government land was proposed to be included in the PR and site coverage calculation. Mr. Roger Nissim explained that under the existing lease for the private lot, the applicant was entitled to build up to 2,057m<sup>2</sup>, equivalent to a PR of 1 but the applicant had only sought to develop the site with a maximum GFA of about 1,504m<sup>2</sup> under the current application, representing a reduction of 552.6m<sup>2</sup> of

its entitlement. Mr. Nissim emphasised that the applicant had, in fact, attempted to strike a balance between her entitlement under the lease and the development intensity from the land use planning viewpoint. If the Government land was deleted from the rezoning proposal, the development scheme would become not viable. The Chairperson pointed out that the existing lease had restricted the use of the lot for manufacturing of China and pottery products and not for residential use.

18. Mr. Roger Nissim further pointed out that the piece of Government land abutting Tai Wo Service Road West would only be used as landscaped non-building area in order to shield the future development from the pedestrians and the developments nearby. He admitted that while the Government might consider separate disposal of the Government land under the current policy, this piece of land was not suitable for residential development on its own in view of its close proximity to Fanling Highway and hence was subject to severe traffic noise.

19. Upon the enquiry of another Member on PlanD's view of the appropriate zoning for the residential use, Mr. W.K. Hui explained that "R(C)" zoning was not appropriate because of the lack of effective planning mechanism to ensure the implementation of environmental mitigation measures as proposed by the applicant once the site was rezoned. Alternatively, "Residential (Group E)" ("R(E)") or "Comprehensive Development Area" ("CDA") zones might be considered as under both zonings, the applicant would need to make submission to the TPB to demonstrate that the technical problems could be resolved and approval conditions could be imposed on the planning permission to ensure implementation of mitigation measures. Under the "CDA" zone, the site would be intended for comprehensive development with the submission of a master layout plan for approval of the TPB while under the "R(E)" zone which was intended for phasing out of existing industrial use through redevelopment for residential use, industrial lots could be redeveloped on their own subject to satisfactory resolving the interface problem.

20. In response to another question of the same Member, Mr. Hui confirmed that an access road to the south of the application site which provided access to the burial ground and there was no need for villagers to gain access through the application site. Mr. Hui also stated that no adverse comments had been received from Government departments on this aspect.

21. Mr. Ambrose S.Y. Cheong noted that the parking provision of the residential development did not follow the requirements as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). He asked if there would be any control on the parking requirement should the site be rezoned “R(C)”. Mr. Roger Nissim said that TD’s requirements on car parking provision could be stipulated in the lease. Mr. W.K. Hui replied that there was only minor difference between the parking provision indicated in the proposed development and the requirements of the HKPSG and any future development should follow the requirement of HKPSG. Mr. Hui also said that the proposal submitted by the applicant was only an indicative illustrative scheme for reference of Members.

22. As the applicant’s representatives had no further points to raise and there were no further questions from Members, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would 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 and PlanD’s representatives for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

23. The Chairperson explained that the control of development under lease and planning system was two separate regimes. The statutory plan-making and planning application processes were an open process where the public could make comments for the consideration of the TPB.

24. A Member said that it might not be necessary to zone the Government land as green belt to act as buffer. The Member suggested rezoning the whole application site for residential purpose, rather than just the central portion, to maximise the land resources.

25. Another Member opined that “Flat” or “House” uses could be put under Column 2 of the “R(C)” zone as proposed by the applicant. The Secretary explained that since the planning intention of “R(C)” was for low-rise and low-density residential development, it would be inappropriate to put residential use under Column 2. Should the Committee agree that the site was subject to environmental constraints but suitable for residential use, it might

be more appropriate to rezone it to “R(E)” to ensure that application be made to the Board to demonstrate how the technical concerns could be addressed.

26. The Chairperson said that given the technical issues involved in rezoning the site for residential use and the concern on using the Government land adjacent to the applicant’s lot as a green buffer, further study would need to be taken before an appropriate zoning could be derived for the application site.

27. The Vice-chairman asked why the applicant did not submit an alternative zoning proposal noting that Government departments were agreeable to the residential use and were only concerned about the technical issues. He asked if there had been any communication between departments and the applicant and whether the Committee was allowed to consider any alternative proposal by the applicant at the meeting. The Secretary pointed out that, as indicated in the Paper, there had been a series of discussions between concerned Government departments and the applicant over the key issues of the rezoning proposal. That was why the applicant suggested the use of lease conditions or to include “House” or “Flat” uses as Column 2 uses under “R(C)” zone. The Secretary explained that it was inappropriate for the Committee to rely on the lease to exercise its planning control over the application site as all planning control should be exercised in accordance with the Town Planning Ordinance. She further added that should the applicant propose to change the rezoning proposal under application to “R(E)” or “CDA”, the Committee would not be able to accept the change as it would constitute a material change to the original application and a fresh application had to be made.

28. A Member referred to the recommendation in paragraph 11.2 of the Paper and opined that it would be more appropriate for the Committee to reject the application and instruct PlanD to undertake a review of the application site with a view to coming up with a more appropriate zoning for consideration of the Committee. The views were shared by another two Members.

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

29. The Chairperson concluded that Members generally agreed that the rezoning application should not be supported as the proposed “R(C)” zone was not an appropriate



zoning to ensure that the proposed development could be designed to minimise adverse impacts on the future residents of the project and the surrounding areas and there was no practicable mechanism under the proposed “R(C)” zoning to ensure the provision and maintenance of sewerage connection for the development to the satisfaction of relevant departments to avoid the potential pollution risk and consequence of the proposed development on the lower Water Gathering Grounds. Adding “Flat” and “House” uses in Column 2 of “R(C)” zone would also be inappropriate. Members agreed that PlanD should be asked to undertake a review of the land use with a view to coming up with an appropriate zoning for the site while agreeing that “OS” was not suitable.

30. Mr. Simon K.M. Yu said that the land administration matters could be handled in line with the zoning proposal agreed by the Board and whether rezoned Government land would be disposed separately would be subject to the land administration policy.

31. Members then went through the reasons for not supporting the application as stated in paragraph 11.1 of the Paper and considered that they were appropriate. After further deliberation, the Committee decided not to agree to the application for the following reasons:

- (a) the proposed “Residential (Group C)” (“R(C)”) was not an appropriate zoning to ensure that the proposed development could be designed to minimise adverse impacts on the future residents of the project and the surrounding areas; and
- (b) although connection of the proposed development to the planned sewerage system might be technically feasible, there was no practicable mechanism under the proposed “R(C)” zoning to ensure the provision and maintenance of sewerage connection for the development to the satisfaction of relevant departments to avoid the potential pollution risk and consequence of the proposed residential uses on the lower indirect water gathering grounds.

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

## **Sai Kung and Islands District**

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

### **Agenda Item 4**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/46            Temporary School (Tutorial School) for a Period of 3 Years  
in “Other Specified Uses” annotated “Residential Cum Marina  
Development” zone,  
Shop B10, G/F, Marina Cove Shopping Centre, Sai Kung  
(RNTPC Paper No. A/SK-HH/46)

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

32.            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 (tutorial school) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the 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 11 of the Paper. The application was in line with the Town Planning Board Guidelines No.

40 for 'Application for Tutorial School under Section 16 of the Town Planning Ordinance' (TPG PG-No. 40) in that the tutorial school use was considered not incompatible with the other uses within the commercial block and the surrounding residential development. It would provide supporting education facilities for the children and youngsters in the nearby residential neighbourhood. The application premises were located within a free-standing single storey commercial block which was separated from the residential portion of Marina Cove. It was unlikely that the tutorial school would create disturbance or inconvenience to the residents of Marina Cove. Given the small scale of the tutorial school, it was unlikely that the tutorial school use would cause any adverse traffic and infrastructural impacts to the surrounding areas. Government departments consulted generally had no adverse comment on/objection to the application. Besides, there was no local objection or public comment against the application.

33. Members had no question on the application.

#### Deliberation Session

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.4.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) 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 9.1.2011; and
- (b) if the above planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the requirement of obtaining prior planning permission before

operating the tutorial school at the application premises;

- (b) to liaise with the Secretary for Education regarding the school registration matter under the Education Ordinance;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard; and
- (d) to resolve any land issue relating to the development with the concerned owners of the application premises.

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting]

A/TKO/87                      Proposed Flat in "Residential (Group E)" zone,  
1-3 Shek Kok Road, Area 85, Tseung Kwan O  
(RNTPC Paper No. A/TKO/87)

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36.            The Secretary explained briefly the procedure and the way in which the Board / Committee would handle request for deferment in respect of planning applications according to Town Planning Board Guidelines No. 33 on 'Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance' (TPB PG-No. 33) in that each request for deferment would be considered by the Board / Committee based on its merits, which might include the need to consult relevant Government departments to resolve technical issues, provision of important supplementary information related to the application and awaiting recommendations of major Government planning-related study. Deferment requested by the applicant would normally be granted if

reasonable grounds were given, the proposed deferment period should not be indefinite and the right or interest of other concerned parties would not be affected. Under such circumstances, the applicant would normally be given two months for preparation of submission of further information. No further deferment would be granted unless very strong justifications were given by the applicant and the right and interest of the concerned parties were not affected.

37. The Committee noted that the applicant's representative on 17.3.2010 requested for deferment of the consideration of the application for two months in order to allow more time for the preparation of further information to address concerns raised by concerned Government departments.

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

[The Chairperson thanked Ms. Ann O.Y. Wong, STP/SKIs, for her attendance to answer Members' enquires. Ms. Wong left the meeting and Dr. W.K. Lo left the meeting temporarily at this point.]

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

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

**Agenda Item 6**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/99            Temporary Container Trailer Park for a Period of 3 Years  
in “Other Specified Uses” annotated “Port Back-up Uses” zone,  
Lots 182 RP (Part) and 183 RP (Part) in D.D. 52, Fu Tei Au,  
Sheung Shui  
(RNTPC Paper No. A/NE-FTA/99)

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**Presentation and Question Sessions**

39.            Mr. W.K. Hui, DPO/STN, said that a replacement page for Plan A-4 had been sent to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary container trailer park for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site. However, there was no environmental complaint received in the past three years;
- (d) no public comment was received during the statutory publication period. The District Officer (North) advised that one of the Village Representatives of Wa Shan Village consulted considered that the application should follow the laws of Hong Kong and policies of individual Government departments; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 of the Paper. The development under application was generally in line with the

planning intention of “Other Specified Uses” annotated “Port Back-up Uses” zone in the Fu Tei Au and Sha Ling area. It was not incompatible with the surrounding land uses which comprised open storage yard, lorry/container trailer parks and vacant land. According to the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E), the application site fell within Category 1 areas in which favourable consideration would normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. No major adverse departmental comments had been received on the application. Although DEP did not support the application on grounds that there were domestic structures in the vicinity, no environmental complaint in relation to the application site had been received in the past three years. In this regard, an approval condition to restrict the operation hours was recommended. Although the application site fell within the boundaries of the ‘North East New Territories New Development Areas Planning and Engineering Study’, the temporary use until April 2013 would not pose constraint to the development of the North East New Territories New Development Areas and would not frustrate the long-term planning and development of the area. The Assistant Commissioner for Transport/New Territories, Transport Department considered that the use could be tolerated for a period of 3 years as the application involved only 8 parking spaces and previous planning approvals had been granted for use as a container trailer park with no major traffic problem. Besides, the application site was the subject of three previous applications No. A/NE-FTA/29, 44 and 80 submitted by the same applicant for the same use which were approved with conditions by the Committee on 5.11.1999, 22.5.2002 and 5.1.2007 respectively. The applicant had complied with all the approval conditions of application No. A/NE-FTA/80.

[Dr. W.K. Lo returned to join the meeting at this point.]

40. A Member asked whether container vehicle repairing services were provided at the application site. In response, Mr. W.K. Hui stated that the applicant had submitted a letter on 18.3.2010 clarifying that the application site would not be used as a repair centre and the repairing works would only be limited to container vehicles and trailers within the subject trailer park. Besides, as shown on Drawing A-1 of the Paper, a 26m manoeuvring circle would be provided for the container vehicles to turn around within the application site.

#### Deliberation Session

41. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.4.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no night time operation between 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 trees on the application site should be properly maintained during the approval period;
- (d) the submission of proposals for 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 9.10.2010;
- (e) in relation to (d) 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 9.1.2011;
- (f) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.10.2010;



- (g) in relation to (f) 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 9.1.2011;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

42. 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) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/North, Lands Department's advice that:
  - (i) a portion of a structure, which was outside the application site, was found encroaching onto the Water Reserve Area where no building or structure was permitted under the Short Term Waiver (STW). His office reserved the right to take enforcement action under the STW; and
  - (ii) amendments of the STW conditions should be applied to his office and the southern portion to the structure encroaching on the water reserve area should be demolished within one month of obtaining the planning permission;
- (d) to note the Director of Fire Services' advice that in preparing the

submission for fire services installations for his approval:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (ii) the location of the proposed fire service installations should be clearly marked on the layout plans;
- (e) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that:
  - (i) for provision of water supply to the application site, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his Department's standards;
  - (ii) the application site was located within the WSD flooding pumping gathering ground; and
  - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that at least 1m space should be provided between the trees and the stored materials or parked vehicles/container trailers; and
- (g) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise the potential environmental impacts on the adjacent area.

**Agenda Item 7**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-HT/5                      Temporary Place of Recreation (Barbecue Areas, Play Area, Handicraft Making, Refreshment Kiosk and Fishing Ground) for a Period of 3 Years in “Agriculture” zone, Lots 641RP, 648, 651, 653, 654 (Part), 655 (Part), 656(Part), 658-662, 663(Part), 666 S.A to S.C in D.D.76 and Adjoining Government Land, Hok Tau, Fanling  
(RNTPC Paper No. A/NE-HT/5B)

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Presentation and Question Sessions

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

- (a)    background to the application;
- (b)    the temporary place of recreation (barbecue areas, play area, handicraft making, refreshment kiosk and fishing ground) for a period of 3 years;
- (c)    departmental comments – no objection from concerned Government departments was received;
- (d)    four public comments were received during the statutory publication period, which ended on 11.8.2009. One comment supported the place of recreation use while the other 3 comments objected to the application on grounds of traffic congestion and safety, noise, air and sewage pollution, food hygiene, undesirable sheep rearing and illegal sale of tobacco and alcohol within the application site. On 10.11.2009, the further information of the application was published for public inspection. During the first three weeks of the statutory public inspection period, which

ended on 1.12.2009, three public comments were received. Two including one from the Chairman of North District Council supported the place of recreation use while one commented that the applicant failed to demonstrate a sustainable model for the site which was both financially viable and provided the necessary resources to protect Tan Shan River. The District Officer (North) advised that his office had consulted the concerned locals and the Indigenous Inhabitants Representative of Hok Tau Wai objected to the application on grounds of adverse traffic and environmental impacts while the Residents Representative of Hok Tau Wai had no 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 11 and having taken into account the public comments mentioned in paragraph 10 of the Paper. The application site fell within the “Agriculture” (“AGR”) zone and a major part of the development which would be used for growing of lavender plants and retained for fish ponds did not deviate significantly from the planning intention of the “AGR” zone. The Director of Agriculture, Fisheries and Conservation had no strong view against the application. The proposed use was considered not incompatible with the surrounding area which was rural in character with natural vegetation, woodland, cultivated/fallow agricultural use, unused land and some domestic structures. All the existing planting and natural vegetation within the site would be retained and maintained. The Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application. To address departments' concern, namely the Director of Environmental Protection (DEP) and the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD), on the use of heavy vehicles in the vicinity of the site and using the waterworks access road, it was recommended to impose an approval condition prohibiting the use of medium/heavy vehicles from entering the application site. Regarding the comments from DEP and CE/Dev(2), WSD on the potential water pollution to Tan Shan River, it was recommended to impose an approval condition requiring the submission and implementation of sewerage treatment

proposal. To address the Assistant Commissioner for Transport/New Territories, Transport Department's (AC for T/NT, TD) concern on the possible adverse traffic impacts on Hok Tau Road it was considered appropriate to impose an approval condition prohibiting passenger vehicles with seating capacity exceeding 24 persons from entering the application site; and requiring the submission and implementation of proposal on the design of vehicular access, ingress/egress, carparking and loading/unloading arrangement. The public's concerns could be appropriately addressed by the above relevant approval conditions.

44. In response to a Member's enquiry, Mr. W.K. Hui clarified that the applicant would use 24-seat mini-buses (less than 5.2m long), instead of coach, to carry the visitors to/from the proposed development and AC for T/NT, TD had no objection to such arrangement. Besides, a swept path analysis on the ingress/egress arrangement of the site submitted by the applicant was considered acceptable by AC for T/NT, TD. Mr. Hui also said that an approval condition was included in that respect.

#### Deliberation Session

45. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.4.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) the operation hours of the development should be restricted to (i) between 10:00 a.m. and 7:00 p.m. during weekdays; and (ii) between 10:00 a.m. and 10:00 p.m. during weekends and public holidays, as proposed by the applicant, during the planning approval period;
- (b) no medium/heavy goods vehicles were allowed to enter the application site during the planning approval period;
- (c) no passenger vehicles with seating capacity exceeding 24 persons were allowed to enter the application site during the planning approval period;

- (d) all the existing vegetation on the application site should be maintained at all times during the planning approval period to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission of proposals on the design of vehicular access, ingress/egress (including proposed traffic signs, road marking, sightline distance), car parking, loading/unloading and manoeuvring spaces within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.10.2010;
- (f) in relation to (e) above, the implementation of the proposal on vehicular access, ingress/egress (including proposed traffic signs, road marking, sightline distance), car parking, loading/unloading and manoeuvring spaces within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.1.2011;
- (g) the submission of details for proposed traffic management measures for the application site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.10.2010;
- (h) in relation to (g) above, the implementation of traffic management measures for the application site within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.1.2011;
- (i) 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 9.10.2010;
- (j) in relation to (i) above, the provision of the drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.1.2011;
- (k) the submission of proposals for water supplies for fire fighting and fire

service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.10.2010;

- (l) in relation to (k) 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 9.1.2011;
- (m) the submission of proposals for sewage treatment facilities with 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 9.10.2010;
- (n) in relation to (m) above, the provision of sewage treatment facilities within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 9.1.2011;
- (o) the submission of an action plan to prevent flood pumping gathering grounds from being contaminated by fuel or lubrication oil leaks from vehicles within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 9.10.2010;
- (p) in relation to (o) above, the implementation of the action plan to prevent flood pumping gathering grounds from being contaminated by fuel or lubrication oil leaks from vehicles within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 9.1.2011;
- (q) 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;
- (r) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) or (p) was not complied with by the specified date, the approval

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

- (s) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the application site;
- (c) to apply to District Lands Officer/North, Lands Department for Short Term Waiver and Short Term Tenancy for regularization;
- (d) to note Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that:
  - (i) the applicant should make available free access at all times for staff of Director of Water Supplies or his authorised contactor with necessary plant and vehicles for the purpose of laying, repairing, operation and maintenance of water mains at all times during the planning approval period;
  - (ii) the applicant might need to extend his inside services to the nearest suitable Government water mains for connection;
  - (iii) 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 any private water supply system to WSD's



standards for water supply to the development;

- (iv) as the application site was within flood pumping gathering grounds, all spoils arising from site formation works should be contained and protected to prevent all nearby watercourses from being polluted or silting up;
- (v) the applicant should comply with the latest effluent discharge requirements stipulated in the “Water Pollution Control Ordinance”;
- (vi) surface run-off from the car parks within the site should be collected into oil/petrol interceptors before being discharged into the public storm water drainage system. The oil interceptor should be designed to Highways Department’s Standard;
- (vii) the septic tank and soakaway pit system should be at least 30m away from any water courses 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 regular frequency. The sludge should be carried away and disposed of properly outside the gather grounds;
- (viii) licensing of the septic tank and soakaway pit system was required by EPD if the site fell within a Water Control Zone;
- (ix) no chemicals, including fertilizers, pesticides or herbicides, were allowed to be used without WSD’s prior approval; and
- (x) the access road in the vicinity of the site (i.e. Hok Tau Road) was maintained by WSD. The applicant should comply with

the “Conditions for the use of Waterworks Access Road”;

- (e) to note the Director of Fire Services’ advice that detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans and his recommendations regarding fire service installations proposals:
  - (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
  - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and 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. One 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> Fire Services (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 30 m of hose reel tubing. The FS water tank, FS pumping room and hose reel should be clearly marked on plans; and
  - (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans;
- (f) to note Chief Building Surveyor/New Territories West, Building

Department's comments:

- (i) the granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found;
  - (ii) formal submission of any proposed new works, including any temporary structures, for approval under the BO was required;
  - (iii) if container were used as offices, they were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII;
  - (iv) if the site did not abut a street of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
  - (v) the provision of emergency vehicular access to the proposed development should be addressed;
- (g) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise the potential environmental impacts on the adjacent area;
- (h) to note Director of Agriculture, Fisheries and Conservation's comments that the barbecue pits should be placed as far away as possible from Tan Shan River and to take proper management procedure to avoid causing disturbance/impact to the river and its riparian zone; and

- (i) to liaise with the local villagers to address their concerns.

## **Agenda Item 8**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/418      Temporary Fast Food Shop and Local Provision Shop  
for a Period of 3 Years in “Agriculture” and “Road” zones,  
G/F, No. 2 Kan Tau Leng Tsui Village,  
Lot 1840 S.B RP (Part) in D.D. 76 and Adjoining Government Land,  
Sha Tau Kok, Fanling  
(RNTPC Paper No. A/NE-LYT/418)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary fast food shop and local provision shop for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period indicating no comment on the application. The District Officer (North) advised that the Chairman of Fanling District Rural Committee, Indigenous Inhabitants Representative (IIR) of Kan Tau Tsuen, Residents Representative and IIR of Leng Tsui consulted had no comment on the application, but opined that food hygiene should be strictly monitored; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use under application could be tolerated for a period of 3 years based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 of the Paper. Although the temporary uses under application were not in line with the planning intention of the “Agriculture” zone in Lung Yeuk Tau and Kwan Tei South area, the Director of Agriculture, Fisheries and Conservation did not have strong view against the application as the potential for agricultural rehabilitation was low. Even though a portion of the application premises (about 9%) encroached onto an area shown as ‘Road’ on the OZP, i.e. Sha Tau Kok Road – Ma Mei Ha, Transport Department did not have a definite plan for Sha Tau Kok Road widening in the near future. The temporary uses of fast food shop and local provision shop on the ground floor of an existing village house were not incompatible with the surrounding uses, which were predominantly a mixture of domestic use, Chinese restaurant and active or fallow agricultural land, and could serve the daily needs of local villagers. Other Government departments consulted had no adverse comment on or no objection to the application in view of the nature and small-scale operation of the temporary uses. Moreover, there was no local objection against the application.

48. Members had no question on the application.

#### Deliberation Session

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.4.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no night-time operation between 11:00 p.m and 7:00 a.m., as proposed by the applicant, was allowed on the application premises during the planning approval period;
- (b) 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 9.10.2010;

- (c) in relation to (b) 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 9.1.2011;
- (d) the submission of proposals on 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 9.10.2010;
- (e) in relation to (d) 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 9.1.2011;
- (f) 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
- (g) if any of the above planning conditions (b), (c), (d) or (e) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied uses at the application premises;
- (b) to resolve any land issue relating to the development with other concerned owner of the application site;
- (c) to note the comments of the Director of Food and Environmental Hygiene as follows:
  - (i) operator of any food stall including fast food shop should

apply for a “Food Factory Licence” for the preparation and sale of food for consumption off the premises. However, if food was prepared for sale and served to the customers for consumption with seating accommodation, a restaurant licence was required; and

- (ii) main water supply, ablution facilities, toilet facilities and proper waste discharge system were main licensing pre-requisites for issuing such licences;
- (d) to note the comments of the District Lands Officer/North, Lands Department to apply to his office for a Short Term Tenancy for occupation of Government land;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the application premises was located within the flood pumping gathering ground;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of licensing application referred by the Food and Environmental Hygiene Department; and
- (g) to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances.

[Dr. James C.W. Lau left the meeting temporarily at this point.]

**Agenda Item 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/400      Proposed House (New Territories Exempted House - Small House)  
in “Village Type Development” and “Agriculture” zones,  
Lot 325 S.A in D.D. 9, Kau Lung Hang Village, Kau Lung Hang,  
Tai Po  
(RNTPC Paper No. A/NE-KLH/400)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House-Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment from the village representatives of Kau Lung Hang Village was received during the statutory publication period, who considered that the application site was not suitable for Small House development. No local objection/view was received by the District Officer (Tai Po); and

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

- (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. Though there was no general shortage of land in meeting the demand for Small House development in the concerned “Village Type Development” (“V”) zone, sympathetic consideration could be given to the proposed



Small House development in accordance with the “Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories” in that the application site had a previous planning permission (No. A/NE-KLH/347) which lapsed on 3.3.2010. Its footprint, which remained the same as the previously approved application, fell entirely within the village ‘environs’ (‘VE’) of Kau Lung Hang Lo Wai, Kau Lung Hang San Wai and Yuen Leng. Though falling within the upper indirect water gathering ground, the proposed Small House would be able to be connected to the planned sewerage system in the area via private lots, which either belonged to the applicant’s father or had obtained consent for passing through the lots. Both the Director of Environmental Protection and the Chief Engineer/Development (2), Water Supplies Department had no objection to the application. There was also no change in planning circumstances since the last approval. Although the application site largely fell within the “Agriculture” zone, there was a previously approved application and the proposed Small House was considered generally compatible with the surrounding rural environment. The Director of Agriculture, Fisheries and Conservation, the Chief Town Planner/Urban Design and Landscape, PlanD and other relevant government departments consulted also had no adverse comment/no objection to the application.

52. For Members’ information, the Secretary explained the interim criteria for assessing planning applications for NTEH/Small House development in the New Territories, which was first promulgated in 2000. In 2002, additional criterion requiring that the proposed Small House development within water gathering grounds should be able to be connected to the existing or planned sewerage system in the area was incorporated. To streamline the planning application process on sites straddling “V” zone and other zones on statutory plans, the Board further agreed in 2007 to exempt NTEH/Small House developments from planning application if its footprint fell wholly within the “V” zone or mainly within both the “V” zone and the ‘VE’.

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 9.4.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) 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; and
- (e) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register, before execution of Small House

grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;

- (d) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (e) the applicant should continue to pay attention on the latest development of the proposed sewerage scheme. The Drainage Services Department would also keep all the relevant Village Representatives informed of the latest progress;
- (f) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (g) the applicant should note that water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (h) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department.

[Mr. Rock C.N. Chen left the meeting temporarily at this point.]

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/301            Proposed House (New Territories Exempted House - Small House)  
                                 in “Agriculture” zone,  
                                 Government Land in D.D. 15, Shan Liu Village, Tai Po  
                                 (RNTPC Paper No. A/NE-TK/301)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House - Small House);
- (c)    departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation. The Chief Engineer/Development (2), Water Supplies Department objected to the application for reason of the potential water quality impact on the Water Gathering Ground (WGG) as the site was located about 4m below the trunk sewer to be constructed, and hence the feasibility of sewer connection was doubtful even though the applicant proposed to raise the formation level of the Small House. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) objected to the application from landscape planning point of view as there had been extensive vegetation clearance in the vicinity of the site causing significant damage to the existing landscape quality and it would set an undesirable precedent to other similar applications in the area. Given the inadequate space to implement any effective landscape planting, should the application be approved, approval condition on landscape proposal was not applicable. The District Lands Officer/Tai Po (DLO/TP) commented that the applicant

did not say that he would not make use of septic tank and soakaway pit system before the future sewerage system was completed. Besides, DLO/TP was also concerned that the change of site formation level proposed by the applicant would inevitably affect the Government land in the vicinity;

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

- (d) four public comments were received during the statutory publication period. One of the comments, submitted by Mr. Lo Sham Shing, a Tai Po District Councillor, supported the application. The other three commenters objected to the application. The Designing Hong Kong Limited objected to the application for reason that the area was zoned “Agriculture” and there was the lack of a plan for a sustainable village layout for the area. The third and fourth comments, submitted by Kadoorie Farm & Botanic Garden Corporation and an individual, objected to the application for similar reasons like the application did not comply with the “Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories” (the Interim Criteria), the proposed Small House, located within the WGG, could not be connected to the planned sewerage system in the area, and raised concerns on the “destruction first” approach adopted by the applicant in carrying out site formation before submitting planning application to facilitate the approval of the proposed development. Besides, there was insufficient information to demonstrate that the proposed development located within the WGG would not cause adverse water quality and landscape impacts in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 of the Paper. The site was located within the upper indirect WGG in a relatively low-lying sloping terrain. The Director of Water Supplies objected to the application as the site was about 4m below the proposed trunk sewer to be

constructed and hence the feasibility of sewer connection remained doubtful. He considered that there would be potential water quality impact on the WGG. DLO/TP also advised that there were uncertainties on the proposed site formation works as there was no site formation proposal submitted. In view of the above, although the application site was entirely within the village 'environs' ('VE') of Shan Liu Village and there was a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of Shan Liu Village, the proposed development did not comply with the Interim Criteria as the feasibility in connecting the proposed Small House, being located within the WGG, to the planned sewerage system in the area was doubtful. The applicant failed to demonstrate that the proposed development would not cause adverse impact on the water quality in the area. There were also concerns on the visual effect of raising the formation level of the site by 4m to enable connection to the planned sewerage system. The single elevated house was considered not compatible with the rural character of the surrounding area. Besides, there were reservations by the DAFC, CTP/UD&L, PlanD and the Assistant Commissioner for Transport/New Territories, Transport Department on agricultural, landscape and traffic grounds.

57. A Member enquired about the boundary difference between 'VE' and "V" zone on the OZP. Another Member also asked whether 'VE' was normally larger than the "V" zone on OZP. In response, the Chairperson said that "V" zone was designated taking into account planning considerations such as the land use, topography, access, the proximity to WGGs, rivers/streams, landscape characteristics, and other environmental considerations. The designation of "V" zone on the OZP would have to go through a statutory plan-making process, when the OZP would be published for public inspection and any person could make representations and comments on the zoning amendment and be heard by the Board in accordance with the provisions of the Town Planning Ordinance. Ms. Lisa L.S. Cheng explained that 'VE' boundary was drawn up by the respective DLO in consultation with the local villagers under the Small House Policy. The 'VE' would include an area within 300ft. of the last small house built in 1972 of a recognized village. It would not take into account the site conditions or characteristics or other planning considerations. The Secretary added

that in drawing up the “V” zone boundary, PlanD would take into account the demand, the number of outstanding Small House application and the 10-year Small House demand forecast for the village as well as the land available within the existing “V” zone. While the ‘VE’ boundary would be taken into account in drawing up the “V” zone, area within ‘VE’ that was not suitable for village house development would not be included in “V” zone.

### Deliberation Session

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

- (a) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development as the feasibility in connecting the proposed Small House, being located within the Water Gathering Ground, to the planned sewerage system in the area was doubtful. The applicant failed to demonstrate that the proposed development would not cause adverse impact on the water quality in the area; and
- (b) the applicant failed to demonstrate that the proposed development would not cause adverse landscape impact in the surrounding area resulting in a general degradation of the rural environment and landscape quality in the area.

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

### **Tuen Mun and Yuen Long District**

[Mr. Kepler S.Y. Yuen 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 11**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/489      Proposed Public Utility Installation (Electricity Package Substation) and Excavation of Land in “Village Type Development” zone, Government Land in D.D. 106, Tin Sam Tsuen, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-KTS/489)

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Presentation and Question Sessions

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

- (a)    background to the application;
- (b)    the proposed public utility installation (electricity package substation) and excavation of land;

[Ms. Anna S.Y. Kwong and Mr. Walter K.L. Chan left the meeting temporarily at this point.]

- (c)    departmental comments – no objection from concerned Government departments was received;
- (d)    no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed electricity package substation was required for provision of electricity supply to the existing village and future developments in the vicinity, and was an essential facility to serve the local district. The



proposed electricity package substation involving excavation of land of about 1.6m in depth was of small scale and was considered not incompatible with the surrounding area in rural character predominated by residential dwellings/village house development (under construction), fallow/cultivated agricultural land, a few storage yards and a pond. Relevant Government departments consulted had no adverse comment on the application. To address the potential landscape and visual impacts of the proposed electricity package substation on the surrounding environment, approval condition related to submission and implementation of landscaping proposal to provide landscape treatment to screen the proposed substation from the surroundings was recommended. Besides, there was no local objection against the application

60. Members had no question on the application.

#### Deliberation Session

61. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.4.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission and implementation of landscaping proposal to screen the development from the surroundings to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the Director of Electrical and Mechanical Services's comments that as the electricity package transformer was to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substations as far as possible. Besides, 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;

- (b) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Pat Heung Road;
- (c) to note the Chief Engineer/Mainland North, Drainage Services Department's (DSD) comments that the proposed development should not obstruct the overland flow and the free flow condition should be maintained before and after the proposed works. The applicant should take all precautionary measures to avoid damage of the existing drainage facilities. The applicant should verify the actual site condition by sub-surface explorations before carrying out any works. In the event of any damage to the existing public drainage system arising from the proposed works, the applicant should be held responsible for making good the damage at his own cost and to DSD's satisfaction; and
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the proposed electricity package substation and excavation of land were subject to control under the Buildings Ordinance (BO). The existing structures that apparently had not obtained approval under the BO should be removed. The site should be provided with means of access thereto from a street under Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under the B(P)R 41D. If the site was not abutting a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage. Formal submission under the BO was required for any proposed new works, including any structures and excavation works.

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/607            Proposed Utility Installation for Private Project  
                                 (Electricity Transformer) and Excavation of Land  
                                 in “Village Type Development” zone,  
                                 Lots 91 (Part) and 92 S.A (Part) in D.D. 111, Shui Kan Shek,  
                                 Pat Heung, Yuen Long  
                                 (RNTPC Paper No. A/YL-PH/607)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the proposed utility installation for private project (electricity transformer) and excavation of land;
- (c)    departmental comments – no objection from concerned Government departments was received;
- (d)    no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

[Mr. Walter K.L. Chan returned to join the meeting at this point.]

- (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 transformer was located in the midst of the “Village Type Development” zone amongst Shui Kan Shek village. It was for the electricity supply of Small Houses in the vicinity and an essential

facility to serve the district. As the proposed electricity transformer was of a relatively small scale, it would unlikely cause significant and unacceptable environmental impact such as the noise impact to the surrounding. In that regard, concerned Government departments including the Director of Environmental Protection had no adverse comment on the application. To address the potential landscape and visual impacts of the proposed electricity transformer on the surrounding environment, approval condition on the submission and implementation of landscape proposal to provide landscape treatment to screen the proposed electricity transformer from the surroundings was recommended. Besides, no local objection had been received against the application.

64. Members had no question on the application.

#### Deliberation Session

65. 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 9.4.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission and implementation of landscape proposal to screen the development from the surroundings to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval from his office. The site was accessible to Fan Kam Road through an informal village track on government land and other private land. His office did not provide maintenance works to the track nor guarantee right-of-way. The exact location of the transformer to be erected should avoid encroachment onto the existing footpath as far as possible. The registered owner of the lots should apply for Short Term Waiver for the proposal;

- (b) to 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 also be clarified and consulted with the relevant lands and maintenance authorities accordingly;
- (c) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. The applicant should also aware of the requirements on provision of emergency vehicular access to all the buildings under B(P)R 41D; and
- (e) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) 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.

**Agenda Item 13**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/468      Temporary Open Storage of Recyclable Materials  
(Including Metal and Plastic) for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 287 (Part), 296 (Part), 302 S.A (Part), 303 (Part), 304 (Part),  
305 (Part), 306 (Part) and 307 (Part) in D.D. 119, Tong Yan San Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/468)

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67.            The Committee noted that the applicant’s representative on 16.3.2010 requested for deferment of the consideration of the application for two months in order to allow time for the preparation of further information to address departmental comments.

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

**Agenda Item 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/664      Temporary Goods Vehicle Repair Workshop for a Period of 3 Years in  
“Open Storage (Group 1)” zone,  
Lots No. 1489 RP (Part), 1491 RP (Part), 1492 RP (Part), 1493 (Part),  
1499 RP (Part) and 1501 RP (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/664)

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Presentation and Question Sessions

69. Mr. Anthony C.Y. Lee, STP/TMYL, reported that a replacement page for page 8 had been sent to Members before the meeting and clarified that the site area on page 1 and paragraph 1.4 of the Paper should read 1,284m<sup>2</sup>. He then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary goods vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the nearest one being immediately to its east) and along the access roads (Ha Tsuen Road and Tin Ha Road) and environmental nuisance was expected. She however indicated that no pollution complaint against the site was received between January 2007 and December 2009;

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

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary goods vehicle repair workshop could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. The development was generally in line with the planning intention of "Open Storage (Group 1)" zone which was primarily for the provision of land for appropriate open storage/workshop uses and to regularise the already haphazard proliferation of open storage/workshop uses. The applied use was not incompatible with the surrounding land uses, which had already been occupied by a number of similar workshops, open storage yards and warehouses. Regarding the concern of DEP, no environmental

complaint against the site over the past three years was received despite that the workshop use has been in operation for some time. Nevertheless, approval conditions on restrictions on the operation hours had been recommended. Other Government departments consulted had no adverse comment on the application. There was also no adverse comment from the landscape planning point of view. The technical concerns raised by the Chief Town Planner/Urban Design and Landscape, PlanD and the Director of Fire Services on the submission and implementation of tree preservation and fire service installations (FSIs) proposals could be addressed by approval conditions. Approval of the subject application was in line with the Committee's previous decisions and there had been no material change in the planning circumstances in the surrounding area since the granting of the previous and similar approvals. Since the last approval under application No. A/YL-HT/639 was revoked due to non-compliance with drainage, landscape, FSIs and fencing approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant would be advised that should the applicant fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

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 until 9.4.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no night-time operation from 6:30 p.m. to 8:30 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) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
- (d) the drainage facilities implemented on the site under Application No. A/YL-HT/460 should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities implemented under Application No. A/YL-HT/460 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.7.2010;
- (f) the submission of a tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.7.2010;
- (g) in relation to (f) above, the implementation of the 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 9.10.2010;
- (h) the submission of fire service installations proposal for the office within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2010;
- (i) in relation to (h) above, the provision of fire service installations for the office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.10.2010;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the 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) prior planning permission should have been obtained before commencing the development on the site;
- (b) shorter compliance periods were granted 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) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long 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 to apply to his office for Short Term Waiver (STW) to regularise the unauthorised structures on-site. Should no STW application be received/approved and the irregularities persist on-site, his office would consider taking appropriate lease enforcement action against the registered owner;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (f) to note the comments of the Director of Fire Services on the requirements

of formulating fire service installation proposals as stated in Appendix V of the Paper; and

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department to remove existing structures that apparently had not obtained approval under the Buildings Ordinance (BO). Any temporary buildings were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Provision of emergency vehicular access was applicable under B(P)R 41D, and access to site under B(P)R 5 were also applicable. Formal submission under the BO was required for any proposed new works, including any temporary structures. If the site was not abutting 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.

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/667      Renewal of Planning Approval for Temporary Open Storage of Metal Ware under Application No. A/YL-HT/486 for a Period of 3 Years in “Comprehensive Development Area” zone,  
Lots No. 43 (Part), 192 S.A ss.1 (Part), 192 S.A RP (Part),  
192 S.B ss.1 (Part) and 192 S.B RP (Part) in D.D.128 and  
Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/667)

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

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

- (a) background to the application;

- (b) the renewal of planning approval for temporary open storage of metal ware under Application No. A/YL-HT/486 for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (about 5m to its south) and along the access road (Fung Kong Tsuen Road) and environmental nuisance was expected. She however indicated that the site was not subject to any pollution complaint from January 2007 to January 2010;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of metal ware could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding uses within the subject "Comprehensive Development Area" ("CDA") zone which was predominantly occupied for open storage yards. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the "CDA" zone since there was no known programme to implement the zoned use on the Outline Zoning Plan. The development, which fell within Category 1 areas, was in line with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E) in that there was no adverse comment from concerned Government departments. The technical concern raised by the Chief Town Planner/Urban Design and Landscape, PlanD regarding the replacement of dead/missing trees could be addressed by the approval conditions recommended. Regarding DEP's concerns, no environmental complaint against the site over the past three years was received despite that the applied use had been in operation for some time. To address DEP's concerns and to mitigate any potential environmental impacts, approval conditions restricting the operation hours and workshop activities

on-site had been recommended. Besides, renewal of the application was in line with the Town Planning Board Guidelines No. 34A on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No. 34A) in that there had been no material change in planning circumstances since the previous approval (No. A/YL-HT/486) was granted; the approval conditions had been satisfactorily complied with; the 3-year approval period sought was reasonable; and there was no adverse planning implication arising from the renewal of the planning approval. The Committee had approved two previous applications No. A/YL-HT/339 and 486 for the same use on the same site since 2004 and a number of similar applications within the same "CDA" zone for various temporary open storage/port back-up uses. Since the granting of these approvals, there had been no material change in the planning circumstances. Approval of the subject application was in line with the Committee's previous decisions.

74. Members had no question on the application.

#### Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.4.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no night-time operation from 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) no cutting, cleansing, melting, dismantling or any other workshop activity was allowed to be carried out on the site, as proposed by the applicant, during the planning approval period;

- (d) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved application No. A/YL-HT/486 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.10.2010;
- (g) the submission of tree preservation and landscape proposal, including replacement of dead/missing trees and clearance of dumped materials and weeds from the planting area, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.10.2010;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.1.2011;
- (i) 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;
- (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 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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the site 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 to apply to his office for Short Term Tenancy (STT) to regularise the occupation of Government land on-site. Should no STT application be received/approved and the irregularities persisted on-site, his office would take appropriate land control action against the occupier. The site was accessible through an informal track on government land/private land. His office did not provide maintenance works to the track or guarantee right-of-way;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department to remove existing structures that apparently have not obtained approval under the Buildings Ordinance (BO). Any temporary buildings were subject to control under Building (Planning) Regulation Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures; and
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The

applicant should resolve any land matter (such as private lots) associated with the provision of water supply and 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.

[Mr. Simon K.M. Yu left the meeting temporarily and Mr. C.W. Tse left the meeting at this point.]

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/668            Renewal of Planning Approval for Temporary Open Storage of Metal Ware under Application No. A/YL-HT/485 for a Period of 3 Years in "Comprehensive Development Area" zone, Lots No. 37 (Part), 41 (Part), 42 (Part), 43 (Part), 44 (Part), 45 (Part), 46 (Part), 47 (Part), 49 (Part), 50 (Part) and 51 (Part) in D.D. 128 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/668)

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

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of metal ware under Application No. A/YL-HT/485 for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest being about 7m to its north) and along the access road



(Fung Kong Tsuen Road) and environmental nuisance was expected. She however indicated that the site was not subject to any pollution complaint from January 2007 to January 2010;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of metal ware could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which was predominantly occupied for open storage yards. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the “CDA” zone since there was no known programme to implement the zoned use on the Outline Zoning Plan. The development, which fell within Category 1 areas, was in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) in that there was no adverse comment from concerned Government departments. The technical concern raised by the Chief Town Planner/Urban Design and Landscape, PlanD regarding the replacement of dead/missing trees could be addressed by the approval conditions recommended. Regarding DEP’s concerns, no environmental complaint against the site over the past three years was received despite that the applied use had been in operation for some time. To address DEP’s concerns and to mitigate any potential environmental impacts, approval conditions restricting the operation hours and workshop activities on-site had been recommended. Besides, renewal of the application was in line with the Town Planning Board Guidelines No. 34A on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34A) in that there had been no material change in planning circumstances since the previous approval (No. A/YL-HT/485) was granted; the approval

conditions had been satisfactorily complied with; the 3-year approval period sought was reasonable; and there was no adverse planning implication arising from the renewal of the planning approval. The Committee had approved 6 previous applications for the same use on the same site since 1998 and a number of similar applications within the same “CDA” zone for various temporary open storage/port back-up uses. Since the granting of these approvals, there had been no material change in the planning circumstances. Approval of the subject application was in line with the Committee’s previous decisions.

78. Members had no question on the application.

#### Deliberation Session

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.4.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no night-time operation from 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) no cutting, cleansing, melting, dismantling or any other workshop activity was allowed to be carried out on the site, as proposed by the applicant, during the planning approval period;
- (d) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved application No. A/YL-HT/485 should be maintained at all times during the planning approval period;

- (f) the submission of a condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.10.2010;
- (g) the submission of tree preservation and landscape proposal, including replacement of dead/missing trees and clearance of dumped materials and weeds from the planting area, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.10.2010;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.1.2011;
- (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 9.10.2010;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 9.1.2011;
- (k) 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;
- (l) if any of the above planning conditions (f), (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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the site 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 to apply to his office for Short Term Tenancy (STT)/Short Term Waiver (STW) to regularise the occupation of Government land and unauthorised structures (including converted containers) on-site. Should no STT/STW application be received/approved and the irregularities persist on-site, his office would take appropriate land control/lease enforcement action against the occupier/registered owner. The site was accessible through an informal track on government land/other private land. His office did not provide maintenance works to the track or guarantee right-of-way;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (d) to note the comments of the Director of Fire Services to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. In formulating the FSIs proposal for the structures of aggregated floor area not exceeding 230m<sup>2</sup> and in the form of an open shed without storage or storage of indisputable non-combustibles or standalone container used as office and stores (except Dangerous Goods), portable hand-operated approved appliances should be provided which should be

clearly indicated on plans; and

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department to remove existing structures that apparently have not obtained approval under the Buildings Ordinance (BO). Any temporary buildings were subject to control under Building (Planning) Regulation Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures.

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/180           Renewal of Planning Approval for Temporary Sales Offices and Furniture Showrooms for a Period of 3 Years in “Open Space” zone, Lots 11 (Part) and 12 (Part) in D.D. 101, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/180)

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

81.           Mr. Anthony C.Y. Lee, STP/TMYL, reported that replacement pages for pages 4, 11 and 14 had been sent to Members before the meeting. He then 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 sales offices and furniture showrooms for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period from a member of public who objected to the application mainly on traffic

grounds. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary sales offices and furniture showrooms could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The proposed sales office and furniture showrooms were not incompatible with large-scale residential development to the west and the restaurant under construction to the south. It could also serve the residential development nearby. According to the Town Planning Board Guidelines No. 12B for ‘Application for Developments within Deep Bay Area’ (TPB PG-No.12B), the site fell within the Wetland Buffer Area which was intended to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area and prevent development that would have off-site disturbance impact on the ecological value of fish ponds. As the site was located at some distance from the fish ponds and wetlands in the Deep Bay area and separated by the major residential developments at Royal Palms and that the proposed scale of development was minor, the envisaged off-site impacts on the wetlands and fish ponds would be insignificant. In this regard, the Director of Agriculture, Fisheries and Conservation had no adverse comments on the application. Besides, there had been no material change in planning circumstances since the last approval of the application by the Committee in 2007. The site was currently not on the priority list of open space development by the Yuen Long District Council as advised by the Director of Leisure and Cultural Services. The long-term planning intention of the “Open Space” zone would therefore not be jeopardised. Moreover, all the planning conditions under the previous approval had been complied with. Hence, renewal of the permission for another 3 years could be given favourable consideration. Given the small scale and nature of the proposed development, no major adverse impact concerning other environmental aspects was expected. Government departments consulted generally had no objection to/adverse comment on the application. Technical concerns from concerned Government departments could be addressed by imposing

approval conditions as recommended in the Paper. Previous planning approvals for similar uses in the surrounding areas had been granted by the Committee in the period between 1997 and 2010. Approval of the current application was in line with the Committee's previous decisions. Although one public comment was received from the member of public who objected to the application mainly on traffic grounds, the Assistant Commissioner for Transport/New Territories, Transport Department had no adverse comment on the application.

82. Members had no question on the application.

### Deliberation Session

83. Mr. Ambrose S.Y. Cheong suggested amending the advisory clause in paragraph 13.2(d) by revising line 3 to read "... regarding the land status of the proposed access leading to the site from Castle Peak Road and consult relevant lands and maintenance authorities". Members agreed.

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.4.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (b) the submission of as-built drainage plan within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.10.2010;
- (c) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.10.2010;
- (d) the submission of fire service installations proposals within 6 months from

the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 9.10.2010;

- (e) in relation to (d) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 9.1.2011;
- (f) 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;
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department that the lots within the application site were Old Schedule Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval from his office. A valid Short Term Waiver (STW) No. 1900 had been issued by his office for the purpose of “temporary property sales office and furniture showrooms” with permitted total site coverage and height of structures equal 98.6m<sup>2</sup> and 3.35m respectively. The registered owner(s) of the lot(s) should be reminded to adhere to the terms and conditions of the aforementioned STW. The site was accessible from Palm Springs Boulevard via a hard-paved road located on private land. Palm Springs Boulevard was a right-of-way to Lot Nos. 4750 and 4754 (various



subdivisions) in D.D. 104 (Palm Springs and Royal Palms respectively). This office did not provide maintenance services to the track including its run-in/out nor guarantee right-of-way;

- (b) to note the comments of the Director of Leisure and Cultural Services that the site was presently not on the priority list for development by the Yuen Long District Council;
- (c) to note the comments of Director of Environmental Protection that the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by his office should be followed in order to minimise the environmental nuisance;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the applicant was advised to check with District Lands Officer/Yuen Long regarding the land status of the proposed access leading to the site from Castle Peak Road and consult relevant lands and maintenance authorities;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site to Castle Peak Road – Mai Po;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage;

- (g) to note the comments of the Project Manager/New Territories North & West, Civil Engineering and Development Department that the site was in close proximity to the project No. 7259RS “Cycle Tracks Connecting North West New Territories with North East New Territories” and the applicant should make sure that the site would not encroach onto the project limit; and
- (h) to note the comments of Director of Fire Services 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 RNTPC paper. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration. His detailed comments on the application were in Appendix V of the RNTPC paper.

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/248      Renewal of Planning Approval for Temporary Public Vehicle Park  
(Including Container Vehicles) for a Period of 3 Years  
in “Open Storage” zone,  
Lots 826 RP (Part), 827, 828 and 829 in D.D. 102, Lots 296, 297 RP,  
298 RP, 299 RP, 396 RP (Part) and 397 (Part) in D.D. 105, and  
Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/248)

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

86.            Mr. Anthony C.Y. Lee, STP/TMYL, reported that a replacement page for page 2 of the Paper had been sent to Members before the meeting. He then 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 public vehicle park (including container vehicles) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because according to the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’, there were sensitive receivers in the vicinity of the site, and environmental nuisance was expected. He however indicated that no complaints against the site was received in the past three years;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary public vehicle park (including container vehicles) could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The temporary public vehicle park (including container vehicles) use was generally in line with the planning intention of the “Open Storage” (“OS”) zone. Also, the development was generally not incompatible with the surrounding environment which was mainly occupied by open storage yards and container vehicle parks. Besides, the development, which fell with Category 1 areas, was in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) and there was generally no adverse comment from most of the concerned Government departments consulted. Regarding DEP’s concern, no environmental complaint was received in respect of the site in the past three years. Nevertheless, approval conditions restricting the operation hours had been recommended to address the potential environmental problem. Although ancillary site

offices, which were included in the previous approval, were not included in the current application, the major applied use was still temporary public vehicle park (including container vehicles) and there had been no material change in the planning circumstances since the previous approval by the Committee in 2007. Moreover, the applicant had complied with all planning conditions under the previous approval (No. A/YL-NTM/210) to the satisfaction of relevant Government departments. Hence, renewal of the permission for another three years could be given favourable consideration. Four similar applications for temporary container vehicle park and open storage of containers with ancillary facilities in the locality within the same “OS” zone were recently approved by the Committee in 2009 and 2010 respectively based on similar considerations. Approval of the subject application was in line with the Committee’s or the Board’s previous decisions.

[Mr. Simon K.M. Yu returned to join the meeting at this point.]

87. Members had no question on the application.

#### Deliberation Session

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.4.2013, 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 works limit of the “Drainage Improvement in Northern New Territories – Package A” project as when required by Government departments;
- (b) no night-time operation on weekdays between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no night-time operation on Sundays and public holidays between 6:00 p.m.

and 8:00 a.m., as proposed by the applicant, was allowed on the site 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 existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) only one ingress/egress point via Shek Wu Wai Road, as proposed by the applicant, was allowed at all times during the planning approval period;
- (g) the ingress/egress gate of the application site should be set back to permit at least one vehicle waiting in front of the gate without occupying the spaces of public road and footway outside the gate at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.10.2010;
- (i) 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 9.10.2010;
- (j) in relation to (i) 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 9.1.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

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

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note District Lands Officer/Yuen Long, Lands Department's comments that there were unauthorised structures (including converted containers) on lots within the application site. Besides, some Government land within the application site was also occupied without approval from his office. His Office reserved the right to take enforcement/control action against these irregularities, if indeed found in due course. Part of the site at Lot Nos. 296, 297 RP in D.D. 105 and 826 RP, 827 in D.D. 102 was affected by the resumption limit of a Drainage Services Department's project, namely "PWP Item No. 118CD Drainage Improvement in Northern NT Package B Phase 3 – Shek Wu Wai". Government Land Licence (GLL) No. Y9228 was issued for agricultural purposes. If structures of else purpose were found on the above area, his office would arrange to terminate the GLL as appropriate. Should planning approval be given, the registered owner(s) and occupier(s) of the concerned lots were reminded to apply to his office for Short Term Waiver (STW)/Short Term Tenancy (STT) to regularise the irregularities on site. Should no STW/STT application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement/land control action against the registered owner(s)/ occupier(s) according to the prevailing programme of his office in this regard. The ingress/egress of the site rested on a piece of open government land (GL) abutting Shek Wu Wai Road. His office did not provide maintenance services to the GL involved nor guarantee right-of-way. In addition, an unauthorised bridge structure was previously found erected over a stream on GL leading to the application site. His office reserved the right to initiate land control action

against the unauthorised bridge as deemed appropriate;

- (c) to note Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Shek Wu Wai Road;
- (d) to note Director of Environmental Protection's comments that the applicant was advised to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise potential environmental impacts on the surrounding areas;
- (e) to note Chief Engineer/Mainland North, Drainage Services Department's (CE/MN, DSD) comments that the applicant was fully responsible for the proper maintenance of the drainage facilities on site. The applicant was required to ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public stormwater drainage maintained by CE/MN, DSD was currently available for connection. The area was probably being served by some of the existing local village drains. The village drains 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 CE/MN, DSD was currently for connection. For sewage disposal and treatment, agreement from Director of Environmental Protection should be obtained. The applicant was reminded that the drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside the applicant's jurisdiction. The applicant should consult District Lands Officer/Yuen Long regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future. All proposed drainage facilities should be

constructed and maintained by the applicant at the applicant's own cost;

- (f) to note Director of Fire Services' comments that should the applicant wish to apply for exemption from the provision of certain fire service installations, the applicant should provide justifications to his Department for consideration; and
- (g) to note Chief Building Surveyor/New Territories West'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 this planning approval should not be construed as condoning to any structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices were considered as temporary buildings and were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. Formal submission of any proposed new building works including any temporary structure for approval under the BO was required. If the site was not abutting or accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under the B(P)R 19(3) at building plan submission stage.

[The Chairperson thanked Mr. Kepler S.Y. Yuen and Mr. Anthony C.Y. Lee, STPs/TMYL, for their attendance to answer Members' enquires. Mr. Yuen and Mr. Lee, and Mr. Y.K. Cheng left the meeting at this point.]

90. The Chairperson said that Agenda Item 19 would be conducted under closed meeting as it was processed under the pre-amended Town Planning Ordinance.

### **Agenda Item 19**

[Closed Meeting]



**Agenda Item 20**

**Any Other Business**

91.           There being no other business, the meeting was closed at 5:40 p.m..