

TOWN PLANNING BOARD

Minutes of 463rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 20.4.2012

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr. C.P. Lau

Ms. Anita W.T. Ma

Professor K.C. Chau

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

Chief Traffic Engineer/New Territories East,
Transport Department
Mr. K.C. Siu

Principal Environmental Protection Officer (Strategic Assessment)
Environmental Protection Department

Mr. H.M. Wong

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

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

Secretary

Absent with Apologies

Mr. Rock C.N. Chen

Dr. W.K. Yau

Dr. W.K. Lo

Dr. Wilton W.T. Fok

Chief Engineer (Works), Home Affairs Department
Mr. Frankie W.P. Chou

In Attendance

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

Chief Town Planner/Town Planning Board
Miss H. Y. Chu

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

Agenda Item 1

Confirmation of the Draft Minutes of the 462nd RNTPC Meeting held on 30.3.2012

[Open Meeting]

1. The draft minutes of the 462nd RNTPC meeting held on 30.3.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tuen Mun and Yuen Long District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/YL/6 Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/21 from “Other Specified Uses” annotated “Business” to “Government, Institution or Community” zone, No. 8-12 Hi Yip Street, Yuen Long (Yuen Long Town Lot No. 361) (RNTPC Paper No. Y/YL/6)

3. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with Spence Robinson LT. Limited, one of the consultants of the application. As Ms. Lai did not have direct involvement in the subject application, Members agreed that Ms. Lai could stay in the meeting.

Presentation and Question Sessions

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

Mr. W.W. Chan - District Planning Officer/ Tuen Mun and Yuen Long (DPO/TMYL)
Mr. Vincent Lai - Senior Town Planner/ Tuen Mun and Yuen Long (STP/TMYL)

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

Mr. Kenneth L.K. To,
Mr. David C. W. Fok,
Mr. Felix M. F. Lok,
Mr. Dicky C.W. Lo,

Ms. Grace F. Li, and
Mr. Simon C.F. Lam,

6. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Vincent Lai to brief Members on the background of the application. With the aid of powerpoint, Mr. Lai did so as detailed in the Paper and made the following main points :

Background

- (a) the applicant proposed to rezone the application site (about 926m²) at 8-12 Hi Yip Street, Tung Tau, Yuen Long from "Other Specified Uses" annotated "Business" ("OU(B)") to "Government, Institution or Community" ("G/IC") to facilitate a proposed in-situ conversion of an existing 5-storey industrial building into a residential care home for the elderly (RCHE). The applicant also proposed that the site would be under a sub-zone of "G/IC" in which "Social Welfare Facility" was a Column 2 use. Planning application was required for the proposed RCHE development to ensure that appropriate mitigation measures were in place to address industrial /residential (I/R) interface problems;

[Professor K. C. Chau arrived to join the meeting at this point.]

- (b) an indicative scheme for a RCHE was submitted by the applicant. It had a plot ratio of 4 (about 3700m² GFA) and contained 156 beds with a full range of amenities such as physiotherapy/exercise/occupational therapy area, activity/ training room, multi-sensory room, etc. Residential care beds were provided on 1/F to 4/F. Each floor would have seven bedrooms and each bedroom would have its own shower room and toilets with five to six beds;

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

- (c) the site was the subject of a previous Application No. Y/YL/4 covering the

whole “OU(B)” zone for amending the Notes for the “OU(B)” zone by deleting the words “(excluding those involving residential care)” from the use of “Social Welfare Facility (excluding those involving residential care)” in Column 2 of Schedule I to facilitate RCHE development. The application was submitted by the same applicant and was rejected by the Committee on 18.2.2011;

Departmental Comments

- (d) the Director of Environmental Protection (DEP) had concern on whether effective and practicable mechanism, e.g. planning control through s.16 planning application, was available to ensure that the proposed environmental measures could be materialized in the proposed RCHE development. He noted that the applicant had proposed to rezone the site to a sub-zone of “G/IC” under which social welfare facilities with residential element would require planning permission. He had no objection to the application;

- (e) the Director of Social Welfare (DSW) had no objection to the private sector’s proposal of setting up of a RCHE so as to allow provision of quality RCHE to meet the growing residential care service demand of the aging population in Yuen Long as well as other districts on the condition that it would not incur any capital or recurrent financial implication to the Government. The RCHE should meet all the statutory requirements under the Residential Care Homes (Elderly Persons) Ordinance, Cap. 459 and its regulations, the Code of Practice for Residential Care Homes (Elderly Persons) as well as other related statutory requirements. An in-depth and critical feasibility study on the convertibility of an industrial building to a RCHE was considered essential;

Public Comments

- (f) no public comment was received during the statutory publication periods and District Officer/Yuen Long had no comments;

Planning Department’s views

- (g) the PlanD had no objection to the rezoning application for the following reasons:
- (i) the site was located at the periphery of the Tung Tau Industrial Area. To its immediate east was a sitting-out area zoned “Open Space” (“O”) on the OZP. To its west across Wang Yip Street South was a site zoned “Comprehensive Development Area” (“CDA”) proposed for residential development. To its north-east was a 3-storey public car park (Denker Plaza) with retail shops. The proposed RCHE development was considered not incompatible with the adjacent “O” and “CDA” zones;
 - (ii) the RCHE was a sensitive use involving the elderly and the infirmed. There might be potential industrial/residential (I/R) interface issues with the adjacent industrial uses which were still active at present. The applicant had proposed mitigation measures to address the possible traffic noise and I/R interface problems. While having no objection to the application, DEP had concern on whether effective and practicable mechanism, e.g. planning control through s.16 planning application, was available to ensure that the proposed environmental measures could be materialized. In this regard, the applicant proposed to rezone her own site from “OU(B)” to a sub-zone of “G/IC” zone requiring planning permission from the Board for development of a RCHE. Through the s.16 planning application mechanism, implementation of the environmental mitigation measures could be ensured;
 - (iii) government departments consulted generally had no objection to / adverse comment on the applicant’s indicative conversion scheme and considered that their technical concerns could be dealt with at the s.16 planning application or detailed design stage. The control on the possible I/R interface problems at the s.16 planning application stage was considered an effective mechanism; and

- (iv) the provision of RCHE development at the site would help provide more elderly facilities with residential care services to cater for the increasing demand arising from the aging population in Yuen Long and the territory.

7. The Chairman then invited the applicant's representatives to elaborate on the application. Mr. Kenneth L. K. To, introduced Ms. Grace F. Li (the applicant) and his team of consultants. Mr. David C. W. Fok, with the aid of powerpoint, made the following main points:

Background of the Applicant

- (a) the applicant proposed to operate a RCHE at the application site, which was owned by the applicant. She had more than 30 years of experience in providing nursing and residential care home for the elderly (RCHE);

Policy and Background of RCHE

- (b) according to the Final Report of the Elderly Commission's Study on Residential Care Services for the Elderly issued in December 2009 (Final Report), there would be about 1.8 million of population aged 65 and above in 2026 and this would constitute about one-fifth of the total population. Every 1000 working population were required to take care of 425 people aged 65 and above. The Final Report also revealed that Hong Kong had a high institutionalization rate because of the decreasing ability of the family in shouldering the care responsibility due to reduced family size; the limited spaces available in residential flats; and sudden deterioration in the health conditions of elders due to stroke, dementia, etc.

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

- (c) according to the latest record of the Social Welfare Department (SWD), there were about 75,700 RCHE places in Hong Kong. About 31 % of these places were provided by non-government organisations (NGOs) (with 7% by non-subsidized self-financing or contract homes and 24% by subsidized subvented or contract homes) and 69% by private sector (with

9% under the subsidised Enhanced Bought Place Scheme and 60% by non-subsidized private homes). The waiting time for the care and attention places in the subvented and contract homes run by NGOs was 34 months, whereas the waiting time for the RCHE places provided by the private sector under the Enhanced Bought Place Scheme was 8 months. The waiting time for the nursing home places in the subvented homes and contract homes run by NGOs was about 36 months as estimated by the Final Report. However, there were considerable number of vacancies in the non-subsidised private/self-financing RCHEs. This reflected that the elderly people and their family members had more confidence in the quality of the services provided by subvented and contract homes run by NGOs. While subvented RCHEs were set up in areas located in public housing estates or purpose-built complex provided by the Government, private RCHEs were mostly located in commercial or residential buildings and they were relatively less spacious but more expensive in property/rental cost. This would result either in high level of charges for the private RCHEs or a compromise in the service quality to cope with the high property/rental cost. This had led to a mismatch of demand and supply of RCHE service;

The Characteristics of the Application Site

- (d) the application site was located at the southern periphery of the Tung Tau Industrial Area and was zoned “OU(B)” under the OZP. According to the Area Assessment 2009 of Industrial Land in the Territory, the Tung Tau Industrial Area had the potential for residential use. Strips of land to the west of Wang Yip Street West and north of Tak Yip Street were rezoned to “Residential (Group E)1” (“R(E)1”) in March 2011. This reflected the Government’s intention to gradually transform this area. As the subject site was in proximity to West Rail Long Ping Station and a sitting-out area, it was considered suitable for RCHE development;

Previous Rezoning Application No. Y/YL/4

- (e) the previous rezoning application No. Y/YL/4 for amending the Notes for the “OU(B)” zone by deleting the words “(excluding those involving

residential care)” from the use of ‘Social Welfare Facility’ was rejected by the Committee on 18.2.2011. At the meeting, the Committee generally agreed that the application should not be supported as the applicant had failed to demonstrate that the traffic noise and I/R interface problems with the adjacent industrial development could be resolved. If the applicant could find ways to resolve the technical and environmental problems, the applicant might consider a more appropriate way of rezoning and submit a fresh application to the Board for consideration;

The Major Points of the Development Proposal

- (f) the applicant proposed to put forward a proposal for in-situ conversion of an existing building into a RCHE. The proposal with mitigation measures had addressed the potential traffic noise and I/R interface problems. The proposed RCHE development provided a full range of amenities such as physiotherapy/exercise/occupational therapy areas, activity/training room, multi-sensory room, etc. The development also provided a roof-top garden and bedrooms with its own shower room and toilets on individual floors. The configuration of bedrooms was adjusted to accommodate balconies and set back of openable windows, while fixed windows were proposed at the building facades to address noise problem. The design of the proposed RCHE was considered acceptable by DEP from environmental point of view; and

The Proposed Rezoning

- (g) the applicant proposed to rezone the site from the “OU(B)” to a sub-zone of “G/IC” under which “Social Welfare Facility” was a Column 2 use so that planning application was required for the proposed RCHE development. Through the planning application mechanism, implementation of mitigation measures, where appropriate, to address the potential I/R interface problems could be ensured. Relevant government departments consulted had no objection to the application.

8. In response to the Chairman’s query, Mr. Kenneth L. K. To said that the roof-top garden of the proposed RCHE could be reached by lift. Mr. Kenneth L. K. To also said that

the labour cost of private RCHEs located in commercial or residential buildings would be similar to that of subvented homes located in public housing estates or purpose-built commercial complex. However, the rental cost of private RCHEs would be much higher than that of subvented homes as the operators of the private RCHEs had to compete with other users in renting the premises in the commercial or residential buildings. Nevertheless, the proposed RCHE under application would not have the high rental problem as the applicant owned the building on site. Ms. Grace F. Li said that when compared to selling the site or renovating the building on site for other uses, the conversion of the building on site for RCHE use was much less cost effective. Nevertheless, she had operated a RCHE for more than 30 years and had the passion to provide quality RCHE service to serve elderly people in need. She considered that the subject site was suitable for RCHE use as it was close to the West Rail Long Ping Station and adjacent to an existing open space.

9. A Member enquired whether planning application for RCHE use was required in future if the site was rezoned to “G/IC” as proposed by the applicant. The Chairman responded that if ‘Social Welfare Facility’ use which covered RCHE was a Column 1 use under the Notes of the proposed “G/IC” zone, no planning permission would be required.

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

10. A Member enquired about the occupancy rate of the Tung Tau Industrial Area and whether there was any similar application for RCHE within Tung Tau Industrial Area in the past. The same Member also asked if the application was approved, would there be any implication on the future redevelopment of Tung Tau Industrial Area. Mr. Vincent Lai said that according to the Area Assessment 2009 of Industrial Land in the Territory (the Area Assessments 2009), the vacancy rate was about 4% which was lower than that of the territory (about 8%). There was no similar application for rezoning the “OU(B)” sites in the Tung Tau Industrial Area for RCHE development. Mr. W. W. Chan advised that if the site was rezoned to “G/IC”, the future redevelopment of the Tung Tau Industrial Area would take into account the rezoning of the site. In response to the same Member’s query, the Chairman said that the applicant was the owner of the application site.

11. Noting that some land in the Tung Tau Industrial Area had been rezoned to “R(E)1”, a Member asked about the planning intention for the area in the long term. Mr.

W.W. Chan replied that according to the Area Assessments 2009, the vacancy rate for the Tung Tau Industrial Area was low and it could be retained for industrial use. Taking into account the deficiency in residential land supply, some sites at the periphery of the Tung Tau Industrial Area had been rezoned to “R(E)1”. The Planning Department would continue to review the landuse planning of the industrial area and assess whether rezoning of industrial land was required. The Chairman supplemented that the industrial buildings in Tung Tau Industrial Area were mainly used as logistic centres and warehouses but not manufacturing activities.

12. A Member asked whether the Board had approved any similar planning applications for RCHE use in industrial areas. In response, the Secretary said that as far as she could recall, the Board had not agreed to any similar s.12A application.

[Post meeting note: there is no approved s.12A rezoning application or s.16 planning application for RCHE use in industrial area.]

13. In response to a Member’s query, Ms. Grace F. Li said that she bought the subject site in 2006/2007. The building on site had been rented to HealthWorks for warehouse use, with the tenancy expiring at the end of December 2012.

14. As the applicant’s representatives had no further points to raise and there were no further questions from Members, the Chairman 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 Chairman thanked the applicant’s representatives and the PlanD’s representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

15. A Member sought clarification on the circumstances that might constitute potential conflict of interest. The Secretary explained that a Member had to declare interest based on the ‘sunshine test’ principle, that was, whether the interest would give rise to a public perception that the advice tendered by that Member to the Committee might have been biased or influenced by that interest and Members would decide if that Member should stay

or withdraw from the meeting. The Chairman advised that no declaration was required unless the Member was a close friend of the applicant or his consultants and the public would perceive that the Member's view would be biased toward the application.

16. In response to a Member's enquiry, the Secretary said that the current application would complement the government policy of revitalization of under-utilized industrial buildings. Given the application site was located at the fringe of the Tung Tau Industrial Area and there was no insurmountable I/R problems, the Planning Department had no objection to the application. The Chairman also advised that based on the recommendations of the Area Assessment 2009, several sites at the periphery of the industrial area had been rezoned to "R(E)1" to increase the supply of residential land.

17. In response to a Member's query on the differences between a s.12A rezoning application and a s. 16 application, the Secretary replied that a rezoning application of a site under s.12A would involve the change of the long-term planning intention for the site. Under the current application, if the rezoning of the site from "OU(B)" to "G/IC" was agreed, the site was not allowed for industrial use again upon redevelopment of the RCHE building on site as the site was rezoned for G/IC uses. However, with a s. 16 planning approval under the "OU(B)" zone, the site could be used for industrial use upon redevelopment of the RCHE building on site as long as the "OU(B)" zoning remained unchanged.

18. The Secretary continued to point out that according to the Town Planning Ordinance, a planning application would be submitted to the Committee for consideration within two months upon receipt of the application. The rezoning application would be submitted to the Committee for consideration within three months upon receipt of the application. For a s.16 application, the applicant was required to submit a development scheme for the Committee's consideration. If approved, some approval conditions, where appropriate, would be imposed on the planning permission. The building plans subsequently received from the applicant would be checked against the approved development scheme and the approval conditions. For a rezoning application, the statutory plan needed to be amended and gazetted under the Town Planning Ordinance. This would take a longer time to complete the process when compared to the s.16 application procedure.

19. A Member said that the subject application could be supported on an individual

merits taking into account that the location of the site and the concerned departments had no objection to the proposed RCHE. However, this Member noted that the low vacancy rate of Tung Tau Industrial Area and the application site was currently used for warehouse purpose. The same Member had concern that the approval of the application would reduce the industrial floor space in the industrial area and would not comply with the long-term planning intention of the Tung Tau Industrial Area for industrial use. The Chairman said that the Planning Department would review the industrial land use in the territory every now and then. He further advised that manufacturing industries had been phased out in Hong Kong and industries which still sustained growth in Hong Kong were mainly used for printing, food processing, transport equipment and warehouse uses. In the Area Assessments 2009, several sites at the periphery of the Tung Tau Industrial Area were proposed to be rezoned to “R(E)1” which indicated that some transformation was undergoing.

20. A Member opined that the Committee usually adopted a prudent approach in considering rezoning applications. This Member considered that it was reasonable to approve the subject rezoning application because the applicant had revised the scheme to address the potential traffic noise impact and I/R interface problems and the scheme would complement with the Government’s policy in revitalization of industrial buildings. This Member also considered that the approval of the subject application would set a desirable precedent for similar applications in meeting the demand of RCHE.

21. A Member, who was involved in provision of elderly services, advised that many residents and incorporated owners committees of residential buildings had raised objection against RCHE use within their buildings as such use would affect the prices of their properties. Hence, operators of private RCHEs had encountered great difficulties in renting premises in residential building for providing RCHE services. Some operators had also failed to renew the tenancy agreement in residential premises upon its expiry and the RCHEs had to be moved out and accommodated somewhere else. This Member also advised that the demand for RCHE services in Hong Kong was high.

22. The Chairman said that the Committee should not worry too much on the precedent effect because each case should be considered on its individual merits. In response to a Member’s enquiry, the Chairman said that some basic factors, including traffic, environmental, land use compatibility, etc., were more or less the same in considering

planning application under s.16 and rezoning application under s.12A of the Town Planning Ordinance.

23. A Member asked whether the PlanD had reserved land for RCHE use. In response, the Secretary said that RCHEs would normally be provided on land zoned “G/IC” on OZPs, and the District Planning Officers of the PlanD had identified the GIC sites within their districts to meet the demand for various GIC uses and social welfare facilities including RCHE as set out in the Hong Kong Planning Standards and Guidelines. The demand and supply of GIC sites were shown in the G/IC tables prepared by the DPOs, which served as a basis for district planning.

24. After further deliberation, the Committee decided to agree to the subject application, and that an amendment to the approved Yuen Long Outline Zoning Plan No. S/YL/21 with Notes for the sub-zone of “Government, Institution or Community” would be submitted to the Committee for approval prior to gazetting under section 5 of the Ordinance.

Sai Kung and Islands District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-CWBN/20 Proposed House (Staff Quarters) in “Conservation Area” and “Government, Institution or Community (6)” zones, Lot Nos. 171, 172, 174, 178RP, 180, 184 and 185RP in D.D. 227 and Adjoining Government Land, Tai Po Tsai, Clear Water Bay North, Sai Kung
(RNTPC Paper No. A/SK-CWBN/20)

25. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with Kenneth Ng & Associates Limited, one of the consultants of the application. Mr. Ivan Fu also had declared an interest in this item as he

had current business dealings with Masterplan Limited, one of the consultants of the application. As Ms. Lai and Mr. Fu did not have direct involvement in the subject application, Members agreed that Ms. Lai and Mr. Fu could stay in the meeting.

26. The Secretary reported that on 2.4.2012, the applicant's representative requested for deferment of the consideration of the application for one month in order to allow time for the applicant to prepare the responses to departmental comments and to provide the required information.

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/DPA/SK-TA/1 Proposed House in an area shown as 'Unspecified Use',
Lots No. 201 (Part) and 207 (Part) in D.D. 362 and
Adjoining Government Land, Chau Tsai, Sai Kung
(RNTPC Paper No. A/DPA/SK-TA/1)

28. The Secretary reported that the site involved two old schedule lots designated as 'House' and 'House' & 'Waste', and the Planning Department (PlanD) would require more time to clarify with the Lands Department regarding the specific development restrictions of the site under the lease. The PlanD also needed to further consult relevant departments on the further information submitted by the applicant a few days before the scheduled meeting date. As such, PlanD recommended the Committee to defer a decision on the subject application for one month.

29. After deliberation, the Committee decided to defer a decision on the application as requested by the PlanD. The Committee also agreed that the application should be submitted to the Committee for consideration within one month.

[Mr. C.F. Yum, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/210 Proposed Two Houses
(New Territories Exempted Houses – Small Houses)
in “Agriculture” zone, Lots 546 S.D, 546 S.E, 548 S.A,
548 S.B, 549 S.A and 549 S.B in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/210)

Presentation and Question Sessions

30. Mr. C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two houses;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view. The Commissioner for Transport (C for T) had reservation on the application. He advised that although additional traffic generated by the proposed development was not expected to be significant, permitting such type of development outside the “Village Type Development” (“V”)

zone would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. However, as the application only involved two Small Houses, the application could be tolerated unless it was rejected on other grounds;

- (d) no public comment was received during the first three weeks of 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 – the PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Sympathetic consideration might be given to the application as the site was located within the village 'environs' and there was a general shortage of land in meeting Small House demand in the "Village Type Development" zone. The proposed NTEHs had no adverse drainage, landscape and environmental impacts on the surrounding areas. Although DAFC did not support the application from the agricultural point of view, there were no farming activities at the site. Also, the proposed NTEHs were not incompatible with the surroundings. Similar applications for NTEHs in the vicinity of the site had been approved by the Committee.

31. Members had no question on the application.

Deliberation Session

32. In response to a Member's query, Mr. C. F. Yum advised that the village 'environs' of Ho Chung was shown on Plans A-1 and A-2 of the Paper.

33. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.4.2016, 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; and
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

34. The Committee also agreed to advise the applicants of the following :

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standard;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the subject site was within an area where there was no DSD's sewerage connection available in the vicinity at present; and
- (d) to note the comments of the Commissioner for Transport that there was an existing local track leading to the application site which was not under the Transport Department's management. The status of the vehicular access leading to the application site should be checked with the lands authority. The management and maintenance responsibilities of the same vehicular access should be clarified with the relevant lands and maintenance authorities accordingly.

[The Chairman thanked Mr. C.F. Yum, STP/SKIs, for his attendance to answer Members' enquires. Mr. Yum left the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SLC/124 Proposed Two Houses (New Territories Exempted Houses)
in "Green Belt" zone,
Lot 664 in D.D. 333, Chi Ma Wan Road, Shap Long Kau Tsuen,
Lantau Island
(RNTPC Paper No. A/SLC/124A)

35. The Secretary reported that on 11.4.2012, the applicant requested for deferment of the consideration of the application for two months in order to allow time for the applicant to sort out the landscape issue of the application.

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

Sha Tin, Tai Po and North District

Agenda Item 8

Section 12A Application

[Open Meeting]

Y/ST/14

Application for Amendment to the Draft Sha Tin
Outline Zoning Plan No. S/ST/26 from “Green Belt” to
“Government, Institution or Community (1)”,
Lots 374, 375 S.A (Part) and 375 S.B (Part) in D.D. 186,
To Fung Shan, Sha Tin
(RNTPC Paper No. Y/ST/14B)

37. The Secretary reported that on 3.4.2012, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time for the applicant to consult the Sha Tin District Council (STDC) on the subject application and to address the additional comments of the Environmental Protection Department and the Water Supplies Department. The Secretary stated that the next Development and Housing Committee of the STDC was scheduled on 3.5.2012. Should the Committee agree to defer a decision on the application, the application would be submitted to the Committee for consideration on 18.5.2012 after the applicant’s consultation with STDC. The applicant was given a period of one month for consultation with STDC and preparation of submission.

38. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee also agreed to advise the applicant that one month was allowed for consultation with STDC and preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

Section 12A Application

[Open Meeting]

Y/NE-TK/10

Application for Amendment to the Approved Ting Kok
Outline Zoning Plan No. S/NE-TK/17 from “Agriculture” to “Other
Specified Uses” annotated “Spa Resort Hotel and Nature Preservation”,
Various Lots in D.D. 17 and Adjoining Government Land,
Ting Kok, Tai Po
(RNTPC Paper No. Y/NE-TK/10A)

39. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with AEOM Asia Co. Limited, one of the consultants of the application. As Ms. Lai did not have direct involvement in the subject application, Members agreed that Ms. Lai could stay in the meeting.

40. The Secretary reported that on 13.4.2012, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to supplement the application upon receipt of the government departmental comments.

41. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months, a total of four 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 10

Section 16 Application

[Open Meeting]

A/ST/769

Proposed Two Houses

in “Village Type Development” zone,

Lot 304 RP (Part) in D.D. 177, Lok Lo Ha Village, Sha Tin

(RNTPC Paper No. A/ST/769A)

42. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with Katherine Y. W. Or & Co, the consultant of the application. As Ms. Lai did not have direct involvement in the subject application, Members agreed that Ms. Lai could stay in the meeting.

43. The Secretary reported that on 2.4.2012 and 10.4.2012, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to clarify the requisitions raised by the government departments.

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

[Mr. Anthony K.O. Luk and Mr. Edward W.M. Lo, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/776 Shop and Services (Fast Food Shop)
 in “Industrial” zone,
 Workshop C2, LG/F, Valiant Industrial Centre,
 Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin
 (RNTPC Paper No. A/ST/776)

Presentation and Question Sessions

45. Mr. Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (fast food shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Office (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments given in paragraph 11 of the Paper which were summarized below:
 - (i) the subject shop and services (fast food shop) under application was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding

developments. Similar applications for shop and services use had been approved for other units on the lower ground floor of the subject industrial building abutting Au Pui Wan Street and its vicinity. A range of mixed shop and services uses and workshops could be found on the lower ground floor of the subject industrial building;

- (ii) the application premises was on the lower ground floor of an existing industrial building with separate access at Au Pui Wan Street. According to the Town Planning Board Guidelines No. 25D, the limit on aggregate commercial floor space limits on fire safety concerns did not apply to fast food counter which was sited at street level without seating accommodation and licensed as food factory;
- (iii) the fast food shop under application generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D including the fire safety and traffic aspects. Relevant government departments had no adverse comments on the application; and
- (iv) a temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.4.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within

6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 20.10.2012; 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.

48. 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 premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and floors having a fire resisting period of not less than two hours. Building safety requirements would be formulated upon receipt of food premises licence application, where appropriate;
- (e) to note the comments of the Commissioner for Transport that adequate space should be provided inside the shop for queuing of its customers and the queue should not be obstructing pedestrian flows on public footpath outside the shop;

- (f) to note the comments of the Director of Fire Services that fire service installations should be provided to the satisfaction of his department. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. The proposed “fast food shop” should be licensed as “food factory”. Regarding matters related to fire resisting construction of the subject premises, the applicant should comply with the ‘Code of Practice for Fire Resisting Construction’ which was administered by the BD; and

- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-KTS/320 Proposed Temporary Open Storage of Private Construction Equipment (including Dump Trucks, Excavators and Crane Lorries) and Storage of Construction Materials for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lots 920, 925 and 927 in D.D. 100, Hang Tau, Kwu Tung South (RNTPC Paper No. A/NE-KTS/320)

49. The Secretary reported that with reference to the aerial photo taken in November 2010, the application site was originally a green area covered by vegetation. Nevertheless, with reference to the aerial photo taken in July 2011 and site photos taken in March 2012, it was noted that the vegetation on the application site had been cleared and the land was filled. As advised by the Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD), the application site was subject to the enforcement action against the filling of land. The Planning Authority issued Enforcement Notice to the

concerned parties on 21.2.2012 requesting for the discontinuance of the unauthorized operation. According to the site inspection on 12.3.2012 subsequent to the expiry of the statutory notice, the unauthorized filling of land was discontinued. The Planning Authority was now assessing the site condition and might require the notice recipients to reinstate the site.

50. The Secretary further stated that on 24.6.2011, the Board, in considering the TPB Paper No. 8843 on 'Proposed Measures against the "Destroy First and Build Later" Approach', noted that as the existing state of the site, which might be relevant in a planning application, might be in a state of flux, particularly where a Reinstatement Notice (RN) had been served. The Board would be entitled in such a case to take into account the state of the site after the RN had been duly complied with. The Board also agreed that where the application site was subject to enforcement action and a RN had been served, if the enforcement of the RN impinged on the physical state or "individual characteristics" of the site, the Board could take into account the state of the site as required in the RN in considering the application. As the enforcement action on the application site was still ongoing and the Planning Authority was now assessing the site condition and might require the notice recipients to reinstate the site, it was recommended that a decision on the application be deferred until the application site had been reinstated should a RN be issued in due course.

51. After further deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration within one month upon the issuance of Compliance Notice by the Planning Authority which confirmed the satisfactory completion of the reinstatement work as required under the RN.

Agenda Item 13

Section 16 Application

[Open Meeting]

A/NE-LYT/443 Proposed Columbarium (within a Religious Institution or Extension of Existing Columbarium Only) and Proposed Ancillary Open-air Carpark for Visitors in “Green Belt” zone, 2/F (Part) and 6/F (Part), Lung Shan Temple, Lot 652 in D.D. 85 and Lots 672, 673 and 675 D.D. 85, Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/443)

52. The Secretary reported that on 2.4.2012, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time for the applicant to explore other alternative solutions to address the comments of the Transport Department and the Commissioner of Police specifically on the proposed pick-up and drop-off points and the associated pedestrian management issues of the proposed columbarium.

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

Agenda Item 14

Section 16 Application

[Open Meeting]

A/NE-KLH/437 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Lot 243 S.C in D.D. 9, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/437)

54. The Secretary reported that on 12.4.2012 and 13.4.2012, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time for the applicant to submit further information, i.e. letters of consent from adjoining lot owners of the application site and preparation of sewerage connection plan.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/388 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Green Belt” zones,
Government Land in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/388)

Presentation and Question Sessions

56. Mr. Edward W.M. Lo, 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 departmental comments were detailed in paragraph 10 of the Paper and highlighted below:
 - (i) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site was outside the village ‘environs’ (VE) of Shan Liu;
 - (ii) the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was located within the lower indirect water gathering ground (WGG) and outside the “Village Type Development” (“V”) zone and ‘VE’ of Shan Liu Village. The Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) were not satisfied and the proposed development should not be favourably considered;
 - (iii) the Commissioner for Transport (C for T) had reservation on the application. He advised that such type of development should be confined within the “V” zone as far as possible. Notwithstanding, the subject application only involved construction of a Small House, he considered that this application could be tolerated unless it was rejected on other grounds;
 - (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. The site was separated from the built up area and the quality of the landscape resources in the

surrounding area was high. There were signs of recent site clearance resulting in adverse landscape impacts. Also, felling of two *Macaranga tanarius* (血桐) seemed unavoidable. If the application was approved, it would set an undesirable precedent for other similar Small House applications in the subject “Green Belt” (“GB”) zone, resulting in urban sprawl and further degradation of landscape quality; and

- (v) 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.
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – the PlanD did not support the application based on the assessments made in paragraph 12 of the Paper which were summarized below:
 - (i) the proposed development was not in line with the planning intention of the “GB” zone which were primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
 - (ii) although there was a general shortage of land in meeting the Small House demand in Shan Liu Village, the proposed development did not comply with the Interim Criteria as the site was entirely outside the “V” zone and the ‘VE’ of any recognised villages. In this regard, the DLO/TP, LandsD did not support the application. Approval of the application would set an undesirable precedent for other similar applications in the area;

- (iii) while a trunk sewer would be constructed to serve the Small House development within the “V” zone of Shan Liu Village and the Director of Environmental Protection and the Director of Drainage Services had no objection to the application provided that the proposed Small House could be connected to the planned public sewerage system and the occupation of the Small House would only take place after the public sewerage system was completed in the area, the CE/Dev(2), WSD objected to the application as the site was within the lower indirect WGG and outside the ‘VE’ and “V” zone of Shan Liu Village. The DAFC also did not support the application as the site had high potential for agricultural rehabilitation. Besides, the CTP/UD&L, PlanD objected to the application and raised concern that approval of the application would set an undesirable precedent to similar Small House applications within “Green Belt” (“GB”) zone resulting in urban sprawl and further degradation of landscape quality; and

- (iv) the previous planning application No. A/NE-TK/357 for NTEH/Small House development was also rejected by the Committee on 17.6.2011 on the grounds of not in line with the planning intention of “GB” zone, non-compliance with the Interim Criteria, failure to demonstrate that the proposed development would not cause adverse impact on the water quality in the area and the undesirable precedent effect.

57. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (b) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories as the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages;
- (c) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground would not cause adverse impact on the water quality in the area; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area.

Agenda Item 16

Section 16 Application

[Open Meeting]

A/TP/516 Proposed 2 Houses (Redevelopment)
in “Green Belt” zone,
Lot 2087 in D.D. 6, Pun Chun Yuen Road, Tai Po
(RNTPC Paper No. A/TP/516C)

59. The Secretary reported that the Committee had agreed at the last meeting that the consideration of the application be deferred to this meeting pending departmental comments on the applicant’s further information (FI), which was submitted by the applicant four days before the last meeting. As the FI was about the calculation of accountable gross floor area of the balcony areas of the proposed houses, the Building Department (BD)’s comments would be relevant to the consideration of the application. As BD’s comments on this FI had

not yet been received, the Planning Department requested the consideration of the application be deferred to the next meeting.

60. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee also agreed that the application should be submitted to the Committee for consideration in the next meeting.

[The Chairman thanked Mr. Anthony K.O. Luk and Mr. Edward W.M. Lo, STPs/STN, for their attendance to answer Members' enquires. Mr. Luk and Mr. Lo left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 17

Section 16 Application

[Open Meeting]

A/YL/185 Proposed House Development and Minor Relaxation of Building Height Restriction (Amendments to Approved Scheme under Application No. A/YL/165) in "Village Type Development" zone, Lot No. 4041 in D.D. 120, Fraser Village, Yuen Long (RNTPC Paper No. A/YL/185)

61. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with Kenneth Ng & Associates Limited, one of the consultants of the application. Mr. Ivan Fu had declared an interest in this item as he had current business dealings with C. M. Wong & Associates Limited, one of the consultants of the application. As Ms. Lai and Mr. Fu did not have direct involvement in the subject application, Members agreed that Ms. Lai and Mr. Fu could stay at the meeting.

62. The Secretary reported that on 30.3.2012, the applicant's representative requested for deferment of the consideration of the application for two months in order to allow time

for the applicant to address the departmental comments.

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

Agenda Item 18

Section 16 Application

[Open Meeting]

A/TM/432 Proposed Comprehensive Residential Development and Minor Relaxation of Building Height Restriction from 10 Storeys above Car Park to 10 Storeys above a 1-Storey Basement Carpark with Entrance Lobby and E/M Facilities in “Comprehensive Development Area” zone, Various Lots in D.D. 374 and 375 and Adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/432)

64. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with Scott Wilson Limited, one of the consultants of the application. Mr. Ivan Fu had declared an interest in this item as he had current business dealings with MVA Hong Kong Limited, one of the consultants of the application. Dr. C. P. Lau had declared an interest in this item as he owned a property in the vicinity of the site. As the applicant had requested for a deferment of consideration of the application, Members agreed that Ms. Lai, Mr. Fu and Dr. Lau could be allowed to stay at the meeting.

65. The Secretary reported that on 12.4.2012, the applicant’s representative requested for deferment of the consideration of the application for two months in order to allow time

for the applicant to prepare further information to address departmental comments related to the drainage and traffic issues.

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

[Mr. W.W. Chan, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Mr. C.C. Lau, Mr. K.C. Kan, Mr. Ernest C.M. Fung and Ms. Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/433 Proposed Eating Place for Premises A, Shop and Services for Premises B and C in “Comprehensive Development Area” zone, G/F (Part) of Tower 7, G/F of Single-storey Block to the South of Swimming Pool and G/F of Single-storey Blocks in the Northern Portion, Avignon, 1 Kwun Chui Road, So Kwun Wat, Tuen Mun (Tuen Mun Town Lot 465 and Various Lots in D.D.375 and 379) (RNTPC Paper No. A/TM/433)

Presentation and Question Sessions

67. The Secretary reported that Dr. C. P. Lau had declared an interest in this item as he owned a property in vicinity of the site. As his property was at a location overlooking the application site and his interest in the application was direct, Members agreed that Dr. Lau should leave the meeting. The application was submitted by a subsidiary of Sun Hung

Kai Properties Limited (SHK). Mr. Ivan Fu had declared an interest in this item as he had current business dealings with SHK. Members agreed that Mr. Fu should leave the meeting.

[Dr. C. P. Lau and Mr. Ivan Fu left the meeting temporarily at this point.]

68. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application - the subject residential development with a floor area of 500m² for retail facilities was firstly approved with conditions by the Board on 2.2.2001 (Application No. A/TM/262). Subsequently, amendment submissions were approved and the last amendment scheme for the same residential use with a floor area of 500m² for retail facilities (Application No. A/TM/331-2) was approved by the Director of Planning under delegated authority of the Board on 31.5.2011. Upon completion of the approved development recently, the applicant proceeded with defining different types of retail uses for the purposes of applying relevant licenses for operation and intended to use the retail premises for ‘Shop and Services’ and ‘Eating Place’ uses;
- (b) the proposed ‘Eating Place’ and ‘Shop and Services’ uses;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment indicating no comment from a Tuen Mun District Council Member was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – the PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed ‘Eating Place’ and ‘Shop and Services’ uses were in line with the planning intention of the “Comprehensive Development Area”

("CDA") zone for residential use with the provision of commercial use to serve the residential neighbourhood. Besides, the scale and nature of uses were considered not incompatible with the "CDA" zone which had been comprehensively developed for residential use. Furthermore, the application premises were designated for retail use under the approved scheme (No. A/TM/331-2) and the current application was to specify the use of the application premises for 'Eating Place' and 'Shop and Services' so as to widen the scope of the services. Moreover, the proposed application did not involve any change in the approved total domestic and non-domestic gross floor area of the comprehensive residential development and it would unlikely generate adverse traffic and environmental impacts to the surrounding areas.

69. Members had no question on the application.

Deliberation Session

70. 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 20.4.2016, 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 a revised Master Layout Plan (MLP) and development schedule incorporating the proposed 'Eating Place', 'Shop and Services' uses on the application premises to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.

71. 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 note that the approved MLP together with the set of approval conditions would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (c) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by the Buildings Department;
- (d) to note the comments of the Director of Food and Environmental Hygiene that he offered no objection to the application subject to requisite food licence(s) for conducting food business at the premises was/were obtained; and
- (e) to note the comments of the Director of Environmental Protection that as far as sewerage was concerned, there was public sewer in the vicinity of the site. It was reminded that all wastewaters from the site should comply with requirements stipulated in the Water Pollution Control Ordinance.

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

[Dr. C. P. Lau and Mr. Ivan Fu returned to join the meeting at this point.]

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/227 Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” zone, Lots 33 (Part), 1541 (Part), 1551 (Part), 1552, 1554 (Part), 1555 (Part) and 1556 S.A (Part) in D.D. 130, Tsing Chuen Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/227A)

Presentation and Question Sessions

72. Mr. K.C. Kan, STP/TMYL, informed the meeting that replacement pages for page 8 and page 13 of the Paper to incorporate the comments of the Director of Environmental Protection, were tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that based on the revised Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites (COP), he had no objection to the application. However, appropriate mitigation measures should be carried out as recommended in the revised COP to further minimize environmental nuisance from the site. He also advised that one complaint on waste related to the site was recorded in 2009. The complaint was about dumping of construction waste at the back of Full Win Garden and the village houses to its west. The complaint was not substantiated. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that according to the applicant’s drainage proposal, a 525mm surface U-channel with cast iron grating

would be provided to convey the stormwater from the last catchpit within the site to a culvert located at the south of the site. This proposal was acceptable but he was not sure whether such proposal was feasible from the construction point of view as the proposed surface U-channel might be in conflict with some underground utilities;

- (d) two public comments were received during the first three weeks of the statutory publication period which ended on 9.12.2011. One of the comments from an individual expressed that the application had not been approved by the lot owners and current land managers. Another comment from Mr. To Shek Yuen, a Tuen Mun District Councillor, supported the application without giving any reason. On 6.3.2012, the further information was published for public inspection and one public comment was received during the publication period. The comment was made by Mr. To Shek Yuen who again indicated support to the application without giving any reason; and
- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application based on the assessments made in paragraph 11 of the Paper which were summarised below:
 - (a) while the temporary public vehicle park might serve some of the parking needs of the local villagers, the applicant had to demonstrate that such temporary development was compatible with the surroundings and that any possible negative impacts could be adequately addressed. Although DEP had no objection to the application, the site was located within a dense village cluster and the proposed parking of private car and light goods vehicles might cause adverse environmental impacts on the residents. The mitigation measures proposed by the applicant could not sufficiently mitigate the potential environmental impacts. The applicant failed to demonstrate that the development would not generate adverse environmental impacts on the surrounding area;

- (b) part of the site encroached onto the existing access to the village type houses to the immediate north and west of the site. Approval of the application might affect the access through the site to the surrounding areas;
- (c) the applicant also failed to demonstrate that the temporary development would not cause adverse drainage impacts. The CE/MN, DSD raised concern on the feasibility of the drainage construction as the proposed drainage works might be in conflict with some underground utilities. The proposed drainage channel would run across existing underground water mains. Regarding the approved similar applications No. A/TM-LTY Y/171, 183, 154 and 185, the application sites of these applications were not surrounded by dense residential dwellings and were served by proper road/access; and
- (d) a similar application No. A/TM-LTY Y/222 for temporary private vehicle park (private cars only) for a period of one year was rejected by the Committee on the grounds that the applicant failed to demonstrate that there would be no adverse environmental impacts on the adjacent residential dwellings; and there was no information to address the traffic flow/manoeuvring and road safety concerns. Rejecting the current application was consistent with the previous decision of the Committee on a similar application.

73. Members had no question on the application.

Deliberation Session

74. The Chairman noticed that the temporary public vehicle park would block the existing vehicular access in the area but the rejection reason did not cover this aspect. With the use of Plan A-2 of the Paper, Mr. K. C Kan explained that as clarified by the applicant, the existing north-south access road running through the site would be maintained and there was a 5m-wide vehicular access outside the northern boundary of the site for passage of vehicles. Although the development might not totally block the vehicular access, it might

affect the access through the site to the surrounding areas.

75. A Member opined that area for parking of local villagers' vehicles was required and it would be difficult to prohibit vehicle parking in the village. Approval of the application would also generate revenue to the Government. The Chairman opined that the site was not used by local villagers for parking their vehicles. It was for a public vehicle park with a total of 27 rental parking spaces for private and light goods vehicles provided at the site. Given its close proximity to the surrounding residential development, it might cause adverse environmental impact on the residents. The same Member opined that local villagers required area for parking their vehicles. Even if the Committee did not approve the application, there was a possibility that villagers would still illegally park their vehicles on site. This Member considered that approving the application for one year to monitor the situation could be supported.

76. A Member opined that illegal parking in the village should be treated separately from granting planning permission for a public vehicle park. As the public vehicle park was very close to residential dwellings, it should not warrant favourable consideration. The Secretary said that public vehicle parks for private cars and light goods vehicles at the periphery of a village would normally be given sympathetic consideration by the Committee. However, the site concerned was located in the centre of a "Village Type Development" zone and was close to village dwellings. The applicant had proposed mitigation measures in the submission i.e. limits on operation hours and types of vehicles to be parked, to address the environmental impact on the public vehicle park. In this regard, she enquired whether such measures were accepted from the environmental point of view. In response, Mr. H. M. Wong opined that parking of heavy vehicles or large-scale vehicle park should normally not be allowed within a village. However, there was no open storage in the vicinity of the application site and space was required for villagers to park their own cars. Given the small scale of the public vehicle park and that only parking of private cars and light goods vehicles would be involved in the application, with the proposed mitigation measures, he had no objection. Nevertheless, he noted that this vehicle park was in close proximity to two residential dwellings to its south and he asked whether the applicant had been advised to slightly shift the application site boundary away from the residential dwellings. Mr. K. C. Kan advised that the applicant had not been approached in this regard. However, he considered that the applicant could provide more mitigation measures in respect of paving

and fencing of the site to address the environmental impacts.

77. A Member considered that it would be more prudent to reject the application and let the applicant provide more information in the s.17 review regarding the actual demand of public vehicle park in the area and to demonstrate to the Board that the public vehicle park would not cause adverse environmental and drainage impacts on the area. Other Members agreed.

78. After further deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 12.1 of the Paper and considered that it was appropriate. The reason was :

- the site was located within a densely developed village cluster. The applicant failed to demonstrate that the temporary development would not have adverse environmental and drainage impacts on the adjacent village type houses/residential dwellings and the surrounding area.

Agenda Item 21

Section 16 Application

[Open Meeting]

A/TM-LTY Y/235 Proposed School (Kindergarten and Nursery)
in “Comprehensive Development Area” zone,
Part of G/F of the Retail Podium, The Sherwood,
8 Fuk Hang Tsuen Road, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/235)

79. The Secretary reported that on 3.4.2012, the applicant’s representative requested for deferment of the consideration of the application for two weeks in order to allow time for the applicant to respond to departmental comments.

80. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/198 Proposed Education Centre (Wooden Buffalo Shelter to Facilitate the Education of Wetland Management Techniques) in “Site of Special Scientific Interest” zone, Part of Gei Wai 17, Mai Po Nature Reserve, Government Land, Mai Po, Yuen Long (RNTPC Paper No. A/YL-MP/198)

Presentation and Question Sessions

81. Mr. K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed education centre (wooden buffalo shelter to facilitate the education of wetland management techniques);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of 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 – the PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper which were summarized below:
- (i) the planning intention of “Site of Special Scientific Interest” (“SSSI”) zone was to conserve and protect the features of special scientific interest. No developments were permitted unless they were needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes. The proposed wooden buffalo shelter was to facilitate the introduction of buffaloes into the freshwater pond areas as part of an education process to advance wetland management techniques to education groups and visitors at Mai Po Nature Reserve (MPNR). The proposed wooden buffalo shelter was therefore in line with the planning intention of the “SSSI”;
 - (ii) the proposed wooden buffalo shelter complied with the requirements of the Town Planning Board Guidelines for Application for Developments within Deep Bay Area (TPB PG-No. 12B) in that it helped to support the conservation of the ecological value of the wetland habitat in the MPNR, which formed an integral part of the wetland ecosystem in the Deep Bay Area through public education. Besides, the applicant submitted an Environmental Assessment, which also covered the ecological aspect. The assessment concluded that the construction works for the proposed wooden buffalo shelter was short and no adverse environmental impact was anticipated;
 - (iii) the proposed wooden buffalo shelter was considered not incompatible with the surrounding natural environment, comprising predominantly fish ponds and would not have adverse landscape impacts on the existing landscape resources;

- (iv) the Director of Environmental Protection had no objection to the application from the environmental perspective given the proposed wooden buffalo shelter was an ancillary provision under a project proposal to facilitate education of wetland management techniques to education groups and visitors; and
- (v) since 2005, the Committee had approved a total of three applications for similar uses within the same “SSSI” zone. Approval of the application was in line with the previous decisions of the Committee.

82. Members had no question on the application.

Deliberation Session

83. 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 20.4.2016, 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.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the site was situated on government land within a licence area which had been granted to the applicant since 1 March 1985 for the permission to occupy the said area for the purpose of a nature reserve area of a Wildlife Education Centre. As expressed in the Licence Conditions, the Licence Area should not be used for any purpose other than a nature reserve area of the Wildlife Education Centre established in Mai Po by the Licensee. Moreover, no structure other than those which should have obtained his prior written approval should be erected on the Licence Area. The applicant should apply to his office for the aforementioned written approval for the erection of the proposed wooden buffalo shelter prior to the commencement of work. Should no application be received/approved

and the irregularities persist on-site, his office would consider taking appropriate action against the Licensee pursuant to the relevant provisions of the Licence;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that he had no comment under the Buildings Ordinance (BO) on the application noting that the proposed works would be carried out on government land. Otherwise, formal submission of any proposed new works for approval was required under the BO;
- (c) to note the comments of the Director of Fire Services that no combustibles were to be stored in the proposed wooden buffalo shelter; and
- (d) 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.

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/780 Temporary Warehouse for Storage of Provisions
for a Period of 3 Years in “Comprehensive Development Area” zone,
Lots 850 S.B RP (Part) and 897 S.B RP in D.D. 125 and Adjoining
Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/780)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of provisions for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site (the closest being about 4m from the site) and along the access road (Ping Ha Road) and environmental nuisance was expected. Nevertheless, there was no environmental complaint pertaining to the site over the past three years;
- (d) no public comment was received during the first three weeks of 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 – the PlanD considered that the applied use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. The applied use was not

incompatible with most of the surrounding uses which were predominantly open storage yards. Besides, it was considered that approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “Comprehensive Development Area” (“CDA”) zone on the OZP since there was not yet any programme/known intention to implement the zoned use on the OZP. Regarding DEP’s comments, there had not been any pollution complaint pertaining to the site over the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours had been recommended. The Committee had approved four previous applications No. A/YL-HT/178, 362, 514 and 600 for temporary open storage uses since 2000. Since granting these previous approvals, there had been no material change in the planning circumstances. As compared to the last previous application No. A/YL-HT/600, the present application involved a change from open storage use to warehouse use. It was also considered that the warehouse use under application was generally more environmental-friendly than the previous open storage use. Due to the demand for open storage and port back-up use, the Committee had recently approved similar applications within the same “CDA” zone for similar temporary open storage and logistics uses and the approval of the application was in line with the Committee’s recent decisions.

86. Members had no question on the application.

Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.4.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 9:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant,

was allowed on the site during the planning approval period;

- (c) the setting back of the hoarding of the site from the works limit of the Contract No. CV/2006/01 'Ping Ha Road Improvement – Remaining Works' during the planning approval period;
- (d) in relation to (c) above, the provision of hoarding of the site within 6 months from the date of planning approval to the satisfaction of the Director of Civil Engineering and Development or of the TPB by 20.10.2012;
- (e) the submission of a run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 20.10.2012;
- (f) in relation to (e) above, the implementation of the run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 20.1.2013;
- (g) the submission of landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 20.10.2012;
- (h) in relation to (g) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 20.1.2013;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 20.10.2012;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 20.1.2013;

- (k) the implementation of the drainage facilities proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.10.2012;
- (l) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) planning permission should have been obtained before commencing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government. He was processing the submitted applications for Short Term Waivers and Short Term Tenancy for regularization of the irregularities on-site, but the applicant should apply to him to permit structures to be erected or regularize any irregularities on-site.

Such applications would be considered by the LandsD acting in the capacity as landlord at its sole discretion. If the applications were approved, they would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not guarantee right-of-way for access to the site from Ping Ha Road and provided no maintenance works for the government land involved;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department to construct the run-in in accordance with the prevailing Highways Standard, and that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (g) to note the comments of the Director of Fire Services in Appendix IV of the Paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide

justifications to him for consideration; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Building Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Formal submission under the BO was required for any proposed new building works, including any temporary structures, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The open shed, corrugated metal sheet warehouse, converted container site office and toilet were considered as temporary buildings, and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Prior approval and consent from the BA should be obtained before any new building works were to be carried out on the site. The site should be provided with means of obtaining access from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D.

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/369 Proposed Temporary Public Vehicle Park for Private Cars with Ancillary Office for a Period of 3 Years in "Residential (Group D)" zone, Lot 636 S.B ss.1 RP (Part) in D.D. 110 and Adjoining Government Land, Kam Tin Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/369)

Presentation and Question Sessions

89. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private cars with ancillary office for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of 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 – the PlanD considered that the proposed temporary public vehicle park for private cars with ancillary office could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. The site was located at the fringe area of the “Residential (Group D)” (“R(D)”) zone. The proposed temporary use was considered not incompatible with the surrounding land uses consisting of open storage/ storage yards, a petrol filling station, a clinic and a parking lot. Besides, previous approval for similar parking use was granted by the Committee in 2008. Given its temporary nature and there was not yet any programme/known intention to implement the zoned use on the OZP, the approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “R(D)” zone. Relevant government departments consulted had no adverse comment on the application and there was no local objection received during the statutory publication period and no environmental complaint was received by the Director of Environmental Protection in the past three years. Nevertheless, to avoid nuisance generated by the proposed

temporary use, approval conditions restricting the operation hour, the types of vehicles to be parked and the activities on the site were recommended.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.4.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no night-time operation between 10:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the site to indicate the no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (f) no reversing of vehicles into or out from the site was allowed at any time

during the planning approval period;

- (g) the existing vehicular access/run-in between the site and the public road should be maintained at all times during the planning approval period;
- (h) the implementation of the accepted landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 20.10.2012;
- (i) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.10.2012;
- (j) in relation to (i) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.1.2013;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.10.2012;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.1.2013;
- (m) 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;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) the permission was given to the use under application. It did not condone any other use including the open storage use which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lot held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given for the specified structures as container-converted office, open sheds for storage and toilet and the occupation of the government land (GL) within the site. The site was accessible via a short stretch of GL leading to Kam Tin Road. His office provided no maintenance work for the GL and did not guarantee right-of-way. The lot owner would need to apply to LandsD to permit structure to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was granted, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (d) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition

of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Line” 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;

- (e) to adopt environmental mitigation measures as set out in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works were to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they were Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance

of any existing building works or UBW on the site under the BO. The temporary concerted containers/open shed for storage were considered as temporary buildings which were subject to control under Building (Planning) Regulations Pt. VII; and

- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The usage of sheds should be clarified. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. For other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed above, the applicant should provide justifications to his department for consideration.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/559 Temporary Open Storage of Machinery for a Period of 3 Years
in “Agriculture” zone, Lot 299 RP (Part) in D.D. 113 and
Adjoining Government Land, Kam Tin South, Yuen Long
(RNTPC Paper No. A/YL-KTS/559)

Presentation and Question Sessions

93. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of machinery for a period of three years;
- (c) departmental comments – the departmental comments were detailed in paragraph 10 of the Paper and highlighted below:
 - (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning perspective. She advised that the “Conservation Area” (“CA”) zone was located not far to the west of the site where large area of natural vegetation was preserved. There was an existing village and a greenhouse to the south. The applied use was considered not compatible with the existing landscape character in a rural landscape setting of the surrounding area and might have undesirable impacts on landscape quality, despite that the landscape proposal submitted by the applicant was considered acceptable;
 - (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential structures located to the immediate north and south of the site (with the nearest one about 10m away), and environmental nuisance was expected. However, there was no substantiated environmental complaint received in the past three years; and
 - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view. Although the site had been paved, there were active agricultural activities including greenhouse farming immediately adjacent to the site. Since greenhouse farming had become more popular, the rehabilitation potential of the site had increased.

- (d) two public comments from a Yuen Long District Councillor and the Village Representative of Ma On Kong Tsuen were received during the first three weeks of the statutory publication period. The Yuen Long District Councillor objected to the application as the existing road connecting the site was too narrow for the heavy vehicles travelling into and out the site. Moreover, it would bring nuisances to the residents as the heavy vehicles would generate noise and dust. The Village Representative of Ma On Kong Tsuen also objected to the application as the development should not be carried out until the drainage improvement works in the area were completed to avoid flooding problem. Besides, the office at the site was being used for manufacturing concrete moulds, which would cause pollution; and

- (e) the Planning Department (PlanD)'s views – the PlanD did not support the application based on the assessments made in paragraph 12 of the Paper on the following grounds:
 - (i) the development was not in line with the planning intention of the “Agriculture” zone, which was to retain and safeguard good quality agricultural land for agricultural purpose. This zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. The DAFC also did not support the application from the agricultural point of view as there were active agricultural activities including greenhouse farming adjoining the site and the site had potential for agricultural rehabilitation;

 - (ii) the development was not compatible with the surrounding land uses which were predominated by residential structures/dwellings, plant nursery and vacant/unused land. There were some residential structures located at the immediate north and south of the site with the nearest one being about 10m away. While there were a parking lot and a few open

storage/storage yards to the further south of the site, they were suspected unauthorized developments subject to enforcement action being taken by the Planning Authority. Besides, the proposed development was close to the “Conservation Area” (“CA”) zone to its west; and

- (iii) the development was not in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that there was no previous approval granted at the site for open storage use and there were adverse departmental comments and local objections against the application. All of the previous applications for various open storage or car park uses were rejected by the Committee or the Board on review in 2005/2006 and there was no major change in the planning circumstances that warranted a departure from the Board’s previous decisions. Besides, DEP did not support the application as there were existing residential structures located at the immediate north and south of the site, and environmental nuisance was expected. From the landscape point of view, the development was also not compatible with the existing landscape character and might degrade the landscape quality. In addition, no submission was made to demonstrate that the development would not generate adverse drainage impact. In this regard on the area, CE/MN of DSD had requested the applicant to submit a drainage proposal. The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas. Hence, the current application did not warrant sympathetic consideration.

94. Members had no question on the application.

Deliberation Session

95. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and

considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board PG-No. 13E in that the development was not compatible with the surrounding land uses which were predominated by residential structures/dwellings, a plant nursery and vacant/unused land; there was no previous approval granted at the site and there were adverse departmental comments and local objections against the application;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/561 Proposed Temporary Warehouse (Vehicle Spare Parts and Miscellaneous Goods) for a Period of 3 Years in “Agriculture” zone, Lot 456 RP (Part) in D.D. 103, Ko Po Tsuen, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTS/561)

Presentation and Question Sessions

96. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary warehouse (vehicle spare parts and miscellaneous goods) for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as sensitive receivers, i.e. residential dwellings/structures were located to the north (about 70m away) of the site across Kam Tin Road and environmental nuisance was expected. However, the site was not the subject of any environmental complaint in the past three years;
- (d) no public comment was received during the first three weeks of 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 – the PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. The proposed temporary warehouse for storage of vehicle spare parts and miscellaneous goods was considered not incompatible with the land uses of the surrounding area mainly consisting of open storage/storage yards (with or without workshop) and vacant/unused land. Most of the similar applications for temporary open storage uses in this part of the “Agriculture” (“AGR”) zone were approved with conditions by the Committee. The Director of Agriculture, Fisheries and Conservation had no adverse comment on the application as the site had been paved and had low potential for agricultural rehabilitation. It was considered that the granting of a temporary planning permission

would not frustrate the long-term planning intention of the “AGR” zone on the OZP. Regarding DEP’s comments, the residential dwellings/structures were located in Ko Po Tsuen to the north of the site across Kam Tin Road (about 70m away). Besides, the proposed development was of a relatively small scale with a site area of about 119m² within an entirely enclosed structure. It was unlikely that the proposed development would generate significant adverse environmental impact/nuisance. Furthermore, no environmental complaint had been received by DEP in the past three years. To minimize any possible nuisance generated by the temporary use, approval conditions restricting the operation hours and prohibiting the use of medium or heavy goods vehicles, dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.4.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:30 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) the submission of fire service installations proposal within 6 months from

the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.10.2012;

- (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 20.1.2013;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (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; and
- (h) 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.

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

- (a) the permission was given to the use under application. It did not condone any other use including the open storage use which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprised Old Scheduled Agricultural Lot held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior

approval of the Government. Part of the site was covered by a Short Term Waiver No. 2414 for the purpose of dismantling and storage of vehicles and vehicle parts with permitted structures not exceeding 260m² in built-over-area and 5.7m in height on Lot 456 (Part). The lot owner concerned would need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. The occupier would also need to apply to LandsD for occupation of the GL involved. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. The site was directly accessible to Kam Tin Road via private land and government land (GL). LandsD did not provide maintenance works on this GL nor guarantee right of way;

- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Besides, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage

Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The proposed development should also not obstruct the overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried outside his lot boundary;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for use under the application. Before any new building works were to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they were Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. If the site did not abut on a specified street having a width of not less than 4.5m wide, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The site should be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access should be provided under the B(P)R 41D. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit the relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to

scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the proposed structure, for other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration; and

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/301 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years in “Village Type Development” zone,
Lots 4891 RP (Part), 4892 (Part) and 4893 (Part) in D.D. 116 and
Adjoining Government Land, Tai Tong Road, Yuen Long
(RNTPC Paper No. A/YL-TT/301)

Presentation and Question Sessions

100. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. He advised that based on the aerial photos taken on 28.2.2008 and 10.1.2011, the site was vacant grassland with some trees in 2008 and had been disturbed since then. The site was formed, hard paved and currently used as an office of a real estate agency with only a mature tree along the western boundary. Vegetation cover of the entire site was removed and disturbance to the existing landscape character before the submission of the application was noticed. Approval of the proposed shop and service use for real estate agency in the site would set an undesirable precedent to attract more commercial uses into “Village Type Development” (“V”) zone that would further change or disturb the landscape quality of the area. The Commissioner for Transport (C for T) considered that the proposed provision of 12 car parking spaces was over

provided and the applicant should review and substantiate the number of car parking spaces to be provided. Adequate marking should be provided to delineate the car parking spaces so that vehicle parking and movement within the site could be better controlled. The applicant should ensure that no vehicle queuing and no reverse manoeuvring on public road at the vehicular access was allowed;

- (d) two public comments were received during the first three weeks of the statutory publication period. They were submitted by the Village Representative of Shung Ching San Tsuen and the Shap Pat Heung Hung Tso Tin Tsuen Indigenous Villagers' Welfare Association raising objection to the application. The public comments stated that the applied use did not seem to tally with the current use of the site, which was for displaying private cars for sales; as there were already a number of real estate agencies in the vicinity of the site, there was no need to allow another similar business operation into Tai Tong area; and the applicant did not submit any environmental, noise and traffic report; and
- (e) the Planning Department (PlanD)'s views – the PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper which were summarised below:
 - (i) the development was considered not incompatible with the surrounding land uses which were predominated by residential structures/developments. In view of its small scale and frontage onto Tai Tong Road, the environmental nuisance generated by the development would unlikely be significant. The District Lands Officer/Yuen Long of Lands Department also advised that there was currently no Small House application at the site. It was considered that approval of the application on a temporary basis for a period of three years would not jeopardize the long-term planning intention of the “V” zone;

- (ii) regarding CTP/UD&L's comments, the applicant had submitted tree preservation and landscape proposals on 13.4.2012. Furthermore, approval conditions requiring submission and implementation of tree preservation and landscape proposals were recommended. Besides, the concerns of C for T on the excessive provision of car parking spaces could be addressed by the approval conditions to require the submission and implementation of parking arrangement proposal. To minimize any possible environmental concerns, an approval condition restricting the operation hours, as proposed by the applicant, was also recommended; and

- (iii) regarding the public comments, the applicant would be advised that the planning permission was only given to the applied shop and services use and did not condone the open storage use currently found on-site. Moreover, in view of its small scale and its frontage onto Tai Tong Road, the environmental nuisance generated by the development would unlikely be significant. Relevant approval conditions were recommended to minimize the possible adverse impacts on the environmental, traffic, landscaping, drainage and fire safety aspects.

101. Members had no question on the application.

Deliberation Session

102. In response to the Chairman's enquiry, Ms. Bonita Ho said that the previous application for temporary vehicles trading (open storage of used vehicles for sale with ancillary office), submitted by the same applicant, was rejected by the Committee and enforcement action had been undertaken. A Member enquired whether the applicant would erect any structure on site. Ms. Bonita Ho referred to Drawings A-1 and A-2 of the Paper and advised that the applicant proposed to use two containers as a temporary office on site. The Secretary said that the development needed to be complemented in accordance with the approved scheme as submitted and enforcement action would be undertaken if any contravention was found.

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.4.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the submission of parking arrangement proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 20.10.2012;
- (c) in relation to (b) above, the implementation of parking arrangement proposal within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 20.1.2013;
- (d) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 20.10.2012;
- (e) in relation to (d) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 20.1.2013;
- (f) the submission of landscaping and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.10.2012;
- (g) in relation to (f) above, the implementation of landscaping and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.1.2013;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services

or of the TPB by 20.10.2012;

- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.1.2013;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.10.2012;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.1.2013;
- (l) 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;
- (m) if any of the above planning conditions (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development, including the open storage of vehicles for sale and office which currently existed on the site but were not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;

- (b) to resolve any land issues relating to the development with other concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval had been given for the specified structures as office and toilet use. No permission had been given for occupation of the government land (GL) within the site. Access of the site was open via a short stretch of GL extended from Tai Tong Road. His office provided no maintenance works for this track nor guarantees right-of-way. Should the application be approved, the lot owner and occupier of GL should apply to his office to permit any structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport that the applicant should advise the size of the vehicular access. Adequate marking should be provided to delineate the car parking space so that vehicle parking and movement within the site could be better controlled. Moreover, the applicant should ensure that no vehicle queuing and no reverse manoeuvring on public road at the vehicular access was allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out should be constructed at the access point at Tai Tong Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Besides, the applicant should provide adequate drainage measures at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out. Moreover, his department should not be responsible for the construction of the

maintenance of any vehicular access connecting the site and Tai Tong Road;

- (f) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. Portable hand-operated approved appliance should be provided as required by occupancy. The location of where the proposed FSIs and portable hand-operated approved appliance(s) should be clearly indicated on the layout plans; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant and/ or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the application site. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/302 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years in “Village Type Development” zone,
Lots 4891 RP (Part), 4892 (Part), 4893 (Part) and 4894 in D.D. 116
and Adjoining Government Land, Tai Tong Road, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/302)

Presentation and Question Sessions

105. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. He advised that based on the aerial photos taken on 28.2.2008 and 10.1.2011, the site was vacant grassland with some trees in 2008 and had been disturbed since then. The site was formed, hard paved and currently used as an office of a real estate agency with only a mature tree along the western boundary. Vegetation cover of the entire site was removed and disturbance to the existing landscape character before the submission of the application was noticed. Approval of the proposed shop and service use for real estate agency in the site would set an undesirable precedent to attract more commercial uses into “Village Type Development” (“V”) zone that would further change or disturb the landscape quality of the area. The Commissioner for Transport (C for T) considered that the proposed provision of 12 car parking spaces was over

provided and the applicant should review and substantiate the number of car parking spaces to be provided. Adequate marking should be provided to delineate the car parking spaces so that vehicle parking and movement within the site could be better controlled. The applicant should ensure that no vehicle queuing and no reverse manoeuvring on public road at the vehicular access was allowed;

- (d) no public comment was received during the first three weeks of 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 – the PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper which were summarised below:
 - (i) the development was considered not incompatible with the surrounding land uses which were predominated by residential structures/developments. In view of its small scale and its frontage onto Tai Tong Road, the environmental nuisance generated by the development would unlikely be significant. The District Lands Officer/Yuen Long of LandsD also advised that there was currently no Small House application at the site. It was considered that approval of the application on a temporary basis for a period of three years would not jeopardize the long term planning intention of the “V” zone;
 - (ii) regarding DEP's comments, the applicant had submitted tree preservation and landscape proposal on 13.4.2012. In addition, approval condition requiring submission and implementation of tree preservation and landscape proposals was recommended. Besides, the concerns of C for T on the excessive provision of car parking spaces could be addressed by stipulating the approval conditions to require the submission and implementation of parking arrangement

proposal. To minimize any possible environmental concerns, an approval condition restricting the operation hours, as proposed by the applicant, was also recommended; and

- (iii) the last planning approval for temporary shop and services (real estate agency) under Application No. A/YL-TT/289 submitted by the same applicant was revoked due to non-compliance with the approval conditions that required the submission and implementation of run-in/out, landscaping and tree preservation, drainage and fire service installations proposals. In this regard, shorter compliance periods should be imposed to monitor the progress on compliance with approval conditions. The applicant should be advised that sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.4.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the submission and implementation of parking arrangement proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 20.10.2012;
- (c) the submission and implementation of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 20.10.2012;

- (d) the submission and implementation of landscaping and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.10.2012;
- (e) the submission and implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.10.2012;
- (f) the submission and implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.10.2012;
- (g) 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;
- (h) if any of the above planning conditions (b), (c), (d), (e) or (f) 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
- (i) 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.

108. 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 other concerned owners of the site;

- (c) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (d) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (e) to note the comments of the Commissioner for Transport that the applicant should advise the size of the vehicular access. Adequate marking should be provided to delineate the car parking space so that vehicle parking and movement within the site could be better controlled. Moreover, the applicant should ensure that no vehicle queuing and no reverse manoeuvring on public road at the vehicular access was allowed;
- (f) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval had been given for the specified structures as office and toilet use. No permission had been given for occupation of the government land (GL) within the site. Access of the site was open via a short stretch of GL extended from Tai Tong Road. His office provided no maintenance works for this track nor guarantees right-of-way. Should the application be approved, the lot owner and occupier of GL should apply to his office to permit any structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out should be constructed at the access point at Tai Tong Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Besides, the applicant should provide adequate drainage

measures at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out. Moreover, his department should not be responsible for the construction of the maintenance of any vehicular access connecting the site and Tai Tong Road;

- (h) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. Portable hand-operated approved appliance should be provided as required by occupancy. The location of where the proposed FSIs and portable hand-operated approved appliance(s) should be clearly indicated on the layout plans; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant and/ or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the application site. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply

lines.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/583 Temporary Warehouse for Storage of Construction Materials and Sanitary Ware for a Period of 3 Years in “Undetermined” zone, Lots 1250 (Part), 1256 (Part), 1259 (Part), 1260 (Part), 1261 (Part) and 1267 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/583)

Presentation and Question Sessions

109. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of construction materials and sanitary ware for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he did not support the application as there were sensitive receivers of residential uses to the immediate northeast and south and in the vicinity of the site, and environmental nuisance was expected. However, there was no environmental complaint concerning the site received in the past three years;
- (d) one public comment from a Yuen Long District Council member was received during the first three weeks of the statutory publication period.

He raised objection to the application on the grounds that commencement of the site operation at 7:00 a.m. was too early; and the movement of goods and the travelling of heavy vehicles would generate noise and dust nuisances to the nearby residents; and

- (e) the Planning Department (PlanD)'s views – the PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper which were summarised below:
 - (i) the applied temporary warehouse for storage of construction materials and sanitary ware was not in conflict with the planning intention of the “Undetermined” (“U”) zone, which was intended to cater for the continuing demand for open storage that could not be accommodated in conventional godown premises. Besides, it was not incompatible with the land uses of the surrounding areas, which mainly consisted of warehouses, open storage yards and workshops. Since there was no known programme for permanent development in the area, approval of the application on a temporary basis would not frustrate the long-term use of the area;
 - (ii) regarding DEP's comments, the applied development was for storage purpose mainly within enclosed warehouse and container structures and there had not been any environmental complaint in the past three years. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting open storage and workshop activities and restricting the use of medium and heavy goods vehicles were recommended; and
 - (iii) regarding the public comment concerning the early operation hours and the possible environmental impact of the development, the applicant's proposed operation hours of between 7:00 a.m. and 9:00 p.m. were just the same as the restricted operation hours recently imposed for the adjoining warehouse site to the west under

Application No. A/YL-TYST/580 and they were in line with DEP's Code of Practice. Moreover, relevant approval conditions were recommended to address the environmental concerns.

110. Members had no question on the application.

Deliberation Session

111. In response to a Member's query, Ms. Bonita Ho referred to Plan A-4 and advised that the site was currently used as a warehouse for storage of construction materials and sanitary ware. Mr. W. W. Chan added that as stated in paragraph 4 of the Paper, the warehouse was an unauthorised development and enforcement action had been undertaken by the Planning Authority. The same Member asked whether the structure at the right hand side of the photo 1 on Plan A-4a was for residential use. This Member was concerned that given the close proximity to the application site, the structure might be adversely affected by the activities of the warehouse. Mr. W. W. Chan advised that the structure was for residential use. He explained that the site was zoned "U" on the OZP and the planning intention of the "U" zone was to cater for the continuing demand for open storage, which could not be accommodated in conventional godown premises. Hence, the warehouse use was not in conflict with the planning intention of the "U" zone. The surrounding area was mixed with warehouses, open storage yards, workshop and residential structures. Temporary warehouse use that could satisfy relevant government department's requirements and fulfil approval conditions might be tolerated in the area. The Chairman supplemented that there were no environmental complaints concerning the site received in the past three years.

112. Another Member asked whether the approval of the application would legitimize the unauthorised development on site, which was subject to enforcement action. Mr. W.W. Chan responded that the approval of the application would be granted on the day when the Committee considered the application. It would not legitimize unauthorised development which was previously carried out on the site and was subject to planning enforcement and prosecution actions.

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

temporary basis for a period of 3 years until 20.4.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no storage at the open areas of the application site was allowed at any time during the planning approval period;
- (d) no repairing, dismantling, cleaning and any other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (f) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.10.2012;
- (g) in relation to (f) 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 20.1.2013;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.10.2012;

- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.1.2013;
- (j) the submission of water supplies for firefighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.10.2012;
- (k) in relation to (j) above, the implementation of water supplies for firefighting and fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.1.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned

owner(s) of the site;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that Lot 1256 in D.D. 119 was covered by Letter of Approval No. 15084 to allow maintaining agricultural structure for pigsty purpose with specific dimensions. However, no approval had been given to allow the specific structures including storage of construction materials, storage of sanitary ware, site office, guard room, rain shelter and toilet on the site. The lot owners concerned would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for this track nor guarantee right-of-way. Part of the government land was temporarily allocated to the Drainage Services Department (DSD) for the “PWP Item 4368DS (part upgraded from 4235DS in May 2009) – Yuen Long South Branch Sewers” project;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department (PlanD) that the numbers and locations of the existing trees as shown on the submitted tree preservation and landscape plan (Drawing A-2 of the Paper) did not tally with the actual situation as recorded during his recent site inspection;

- (g) to note the comments of the Chief Engineer/Mainland North, DSD that the sizes of the proposed catchpits, proposed surface U-channel and proposed drainage pipe outside the site boundary, the details of connection between the proposed 900mm drainage pipe and the existing drain, and the location and details of the proposed peripheral fencing should be shown on the drainage plan. The applicant should check and demonstrate that the hydraulic capacity of the existing drain would not be adversely affected by the development. Moreover, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or the applicant's jurisdiction;
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when

necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. If new temporary site offices, warehouses converted-container guardrooms and sheds were proposed, they were considered as temporary buildings subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

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

[The Chairman thanked Mr. W.W. Chan, DPO/TMYL, and Ms. Bonita K.K. Ho, STP/TMYL, for their attendance to answer Members’ enquires. Mr. Chan and Ms. Ho left the meeting at this point.]

Agenda Item 30

Any Other Business

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