

**Detailed Departmental Comments**

**Comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department**

- (a) A copy of the layout plan indicating the parking, L/UL spaces so provided under S.C.13 and approved by the Building Authority shall be registered in the DLO.
- (b) If planning approval is given, the premises owner will need to apply to LandsD for a lease modification/waiver for the proposal. The proposal will only be considered upon receipt of formal application from the Premises owner. There is no guarantee that the application, if received by LandsD, will be approved. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of premium/waiver fee and administrative fee.

**Comments of the Chief Building Surveyor/New Territories West, Buildings Department**

- (a) His department cannot verify the figure of GFA as claimed by the applicant. However, according to the approved plans dated 22.12.1976, the total GFA of the building and GFA of G/F are around 412,288ft<sup>2</sup> and 41,263ft<sup>2</sup> respectively.
- (b) GFA by definition under Building (Planning) Regulation 23(3)(a) shall be the area contained within the external walls of the building measured at each floor level.
- (c) The applicant claimed that the G/F GFA is 3,217.55m<sup>2</sup> only. The discrepancy is probably due to certain areas such as external walls, lift shaft, lift lobby, circulation corridor, etc. have not been included in GFA calculation.

**Comments of the Director Environmental Protection, Environmental Protection Department**

- (a) To further ensure green operation of the proposed VRW, the applicant is advised to take note of the guidelines and references in EPD's Green Garage Webpage.
- (b) Regarding potential noise from vehicle travelling to/from the VRW, please note the followings about vehicle noise emission:
  - 1. All vehicles must comply with the noise standards stipulated under Cap.400I Noise

Control (Motor Vehicles) Regulation, before they can be first registered in Hong Kong. Moreover, Cap.374A Road Traffic (Construction & Maintenance of Vehicles) Regulation requires all vehicles, among other things, to be fitted with silencers, maintained in good and working order, to control noise. It also stipulates that no alteration or replacement shall be made to a vehicles' exhaust silencers resulting in emitting louder noise; and

2. It is also considered that the noise problem is often caused by illegal alteration of silencers, speeding and poor maintenance of vehicles as well as improper driving habits. If illegal alteration is found, the police would take action. Members of the public may also report to TD about any vehicles with altered exhaust pipes that emit excessive noise for their follow up with taking appropriate action under the relevant regulations.”

Extract of minutes of District Management Committee held on 19.12.2017

V 議程四：地區工作報告

(A) 城市規劃

(區管會文件第 51/17-18 號)

12. 羅少傑議員表示，有關 Y/TW/12 的申請為興建靈灰安置所，有關申請已由 8 000 個骨灰龕位減至 3 000 個骨灰龕位，可見對公共交通如巴士等的需求仍殷切，他希望各部門互相配合，規劃署加以規劃，並考慮二零一七年春秋二祭時進行的交通評估結果，讓巴士可直達玄圓學院，疏導交通，以免因交通評估問題而令骨灰龕位無法興建。此外，他收到很多市民反對 A/TW/492 申請的意見。他指出，國瑞路一帶將陸續改為住宅用地，包括國瑞路及傅屋路交界的用地已申請改劃為住宅用地，而 A/TW/492 申請的地點是國瑞路安全貨倉地下，並於該處設置汽車修理工場，相信日後會有更多車輛排隊進入該處，車龍可能會延至傅屋路，使該處附近交通擠塞問題更趨嚴重，而且有關品牌的車輛發出很大噪音，加上該汽車修理工場會 24 小時運作，對附近屋苑及日後落成的屋苑會造成很大影響，因此他希望規劃署再作研究。

(按：鄒秉恬議員於下午三時二十六分到席。)

13. 黃偉傑議員表示，他也收到很多市民對 A/TW/492 申請的意見。若地契沒有列明該處可作汽車修理工場用途，但如該汽車修理工場在未得到城市規劃委員會（下稱“城規會”）的許可下把有關地點用作有關用途並開業時，他詢問地政處及規劃署會如何處理。

14. 規劃署高級城市規劃師／荃灣回應，城規會未批准 Y/TW/12 的申請，而有關的申請人已提交各項評估報告，包括交通評估。該署已把交通評估報告交予運輸署考慮，亦會把運輸署就報告的意見一併交予城規會考慮。此外，該署備悉委員對 A/TW/492 申請的意見，以及對申請地點附近交通的關注。該署亦就這宗規劃申請收到很多公眾意見，並把這宗申請交予相關部門包括運輸署及環保署考慮。該署會把收到的公眾意見及部門的意見一併交予城規會考慮，而公眾提交意見的期限為二零一七年十二月八日。另外，就 A/TW/492 的申請，如申請位置在未取得城規會的批准而作汽車修理工場，規劃署對此沒有執法權，須由地政處或屋宇署按其職權範圍採取執法行動。A/TW/492 的申請需先獲城規會批准，才可向地政處或屋宇署申請作汽車修理工場。

15. 荃灣葵青地政專員回應，若有關用途並非地契容許的用途，有關使用人需申請豁免書，並應在申請豁免書前先得到城規會批准。如申請人沒有獲得相關批准便開業，地政處會採取適當的執行契約條款行動。如業主收到地政處的警告信後沒有在限期內糾正有關違契用途，該處在一般情況下會進行“釘契”。如業主向銀行借貸後其物業遭“釘契”，銀行便有可能會要求業主償還貸款。如業主租出其物業以作汽車修理工場用途，有關業主有責任留意其物業是否有違契的狀況。地政處已透過規劃署告知 A/TW/492 的申請人有關地點只可作工業用途，並會留意事態發展。

Extract of minutes of Community Building, Planning and Development Committee  
held on 9.1.2018

IV 第 3 項議程：規劃申請個案（截至 2017 年 12 月 22 日止）（社區建設第 20/17-18 號文件）

17. 規劃署高級城市規劃師介紹文件。

（按：林琳議員於下午三時二十三分退席。）

18. 委員的意見、建議及提問摘錄如下：

- (1) 反對申請編號 A/TW/492，並收到有關地點附近屋苑的住戶及業主立案法團就這宗申請提出反對意見（黃家華議員）；
- (2) 認為國瑞路每天都出現交通擠塞問題，一旦該處設置汽車修理工場獲得批准，將會導致更多車輛及拖車進出，造成更嚴重的交通擠塞（黃家華議員）；
- (3) 近年國瑞路一帶用地被改劃作住宅用途，設置汽車修理工場將影響該處的居民（黃家華議員）；
- (4) 收到多宗有關國瑞路出現嚴重交通擠塞的查詢及投訴，現正與運輸署商討擴闊道路的可行性，以改善該處的交通情況（羅少傑議員）；
- (5) 關於申請編號 A/TW/492，有關用地已規劃為住宅區，詢問環境保護署（下稱“環保署”）有否就這宗申請進行噪音測試，並認為跑車於靜止或試行時所發出的噪音可達 80 至 180 分貝，因此在住宅區開設汽車修理工場會引致附近住宅居民的投訴，建議規劃署於審批時仔細研究這宗申請引起的交通及噪音影響（羅少傑議員）；
- (6) 關於申請編號 A/DPA/TW-CLHFS/5，過往的會議文件中已反映有關地點交通擠塞問題嚴重，而且有關地點的道路難以擴闊，因此建議規劃署留意有關申請會否令該處交通情況惡化（黃家華議員）；
- (7) 關於申請編號 Y/TW/12，由於近年有關地點的規劃申請陸續提交，為此詢問這宗申請是否屬新申請，以及有關範圍目前涉及的骨灰龕位申請數目為何（譚凱邦議員）；
- (8) 認為老圍路於春秋二祭時會出現交通擠塞問題，他明白區內對骨灰龕位有需求，但關注新申請會令有關地點的交通超出負荷（譚凱邦議員）；
- (9) 關注申請編號 Y/TW/12 及 A/TW/495 中“綠化地帶”的規劃（譚凱邦議員）；以及
- (10) 詢問申請編號 A/TW/495 是否涉及骨灰龕位設置，並認為設置宗教座堂引起的交通影響相對較少，但建議規劃署考慮交通及累積影響（譚凱邦議員）。

19. 規劃署高級城市規劃師回應如下：

- (1) 該署明白委員及公眾非常關注上述四宗規劃申請個案的累積交通影響，而申請人亦需就有關部門的意見作出回應。該署會與有關部門保持聯繫，並會把經徵詢部門意見的規劃申請連同公眾的意見呈交城市規劃委員會，以作審議；
- (2) 關於申請編號 A/TW/492 的環境影響，該署重視有關地點附近居民的意見，現正就這宗申請諮詢環保署的意見；
- (3) 該署知悉老圍路的宗教設施（即申請編號 Y/TW/12）會提供骨灰龕。該署了解有關範圍涉及的骨灰龕位申請數目較多，現正與運輸署聯繫，並會於評估有關申請時一併考慮交通影響；以及
- (4) 申請編號 A/TW/495 擬建一座宗教紀念堂，並不涉及骨灰龕位設置。

（按：黃家華議員及葛兆源議員於下午三時三十分退席。）

**Recommended Advisory Clauses**

- (a) to note all the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, Lands Department that:
- (i) As per Special Condition (S.C.) No. 4 of the NG, the Lot is restricted to general industrial and/or godown purposes excluding offensive trade. No building shall be erected on the lot except a factory and/or a warehouse, ancillary offices and watchmen or caretakers quarters.
  - (ii) According to S.C. 13 of the NG, spaces for parking, loading and unloading of vehicles shall be provided at a rate of not less than 1 vehicle for each 10,000 ft<sup>2</sup> or part thereof of GFA of any building erected on the lot or not less than 1 vehicle for each 5,000 ft<sup>2</sup> or part thereof of the site area, whichever is the greater rate, with half of the spaces for parking of private cars and light vans and the remaining half of the spaces for the simultaneous loading and unloading of lorries. Of the space provided for lorries two-thirds shall be for parking and one-third for L/UL. There is no provision under the NG for flexibility in deviating from such parking requirement.
  - (iii) The proposed number of parking spaces (i.e. 18 car parking spaces and 18 L/UL bays) would contravene the requirement under S.C. 13 of the NG for the existing building having total GFA of 395,722.76ft<sup>2</sup> (i.e. 20 car parking spaces and 20 L/UL bays). The 33 car parking spaces and 1 L/UL bay located within the proposed VRW should not be counted towards internal parking provisions as such are for operation of the VRW.
  - (iv) In view of the above, the proposed VRW is not permissible under lease.
  - (v) As whether the space at 3/F could be used for the purpose of providing an additional L/UL bay, it would be considered by his office in details at building plan processing stage.
  - (vi) A copy of the layout plan indicating the parking, L/UL spaces so provided under S.C.13 and approved by the Building Authority shall be registered in the DLO.
  - (vii) If planning approval is given, the premises owner will need to apply to LandsD for a lease modification/waiver for the proposal. The proposal will only be considered upon receipt of formal application from the Premises owner. There is no guarantee that the application, if received by LandsD, will be approved. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of premium/waiver fee and administrative fee.

- (b) to note all the comments of Director of Fire Services that:
- (i) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans.
  - (ii) The applicant has not submitted any fire service installations proposal in respect of the application to his office and the aggregate commercial floor space will not exceed the maximum permissible limit as the VRW is not counted as commercial uses.
- (c) to note all the comments of the Commissioner of Police that traffic issues including queuing traffic, illegal parking, vehicle obstruction and road safety continue to be a key issue of concern at Kwok Shui Road, Yau Ma Hom Road and Fu Uk Road.
- (d) to note all the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
- (i) He has no comment on the applicant's proposal of using an area on 3/F to provide additional L/UL bay provided that the design would comply with Buildings Ordinance (BO) and allied regulations.
  - (ii) Before any new building works are to be carried out in the Premises, his prior approval and consent should be obtained. Otherwise the works are unauthorised building works. An authorized person should be appointed as the coordinator for the proposed building works in accordance with BO.
  - (iii) Detailed comments under the BO would be provided at the building plans submission stage.
- (e) to note all the comments of the Director of Environmental Protection that:
- (i) To further ensure green operation of the proposed VRW, the applicant is advised to take note of the guidelines and references in EPD's Green Garage Webpage.
  - (ii) Regarding potential noise from vehicle travelling to/from the VRW, please note the followings about vehicle noise emission:
    1. All vehicles must comply with the noise standards stipulated under Cap.400I Noise Control (Motor Vehicles) Regulation, before they can be first registered in Hong Kong. Moreover, Cap.374A Road Traffic (Construction & Maintenance of Vehicles) Regulation requires all vehicles, among other things, to be fitted with silencers, maintained in good and working order, to control noise. It also stipulates that no alteration or replacement shall be made to a vehicles' exhaust silencers resulting in emitting louder noise; and
    2. The noise problem is often caused by illegal alteration of silencers, speeding and poor maintenance of vehicles as well as improper driving habits. If illegal alteration is found, the police would take

action. Members of the public may also report to TD about any vehicles with altered exhaust pipes that emit excessive noise for their follow up with taking appropriate action under the relevant regulations.

- (f) to note all the comments of the Director of Electrical and Mechanical Services that in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organising and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the Code of Practice on Working near Electricity Supply Lines established under the Regulation when carrying out works in the vicinity of the electricity supply lines.