

TOWN PLANNING BOARD

**Minutes of 375th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 4.7.2008**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. David W.M. Chan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Dr. James C. W. Lau

Mr. Timothy K.W. Ma

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

Assistant Director/New Territories, Lands Department
Mr. C.S. Mills

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. Y.M. Lee

Deputy Director of Planning/District
Mr. Anthony C.K. Kwan

Secretary

Absent with Apologies

Mr. Alfred Donald Yap

Professor David Dudgeon

Mr. Tony C.N. Kan

Ms. Maggie M.K. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Assistant Director (2), Home Affairs Department
Ms. Margaret Hsia

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

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

[Open Meeting]

Opening

1. The Chairperson and Members congratulated Dr. Michael Chiu for being awarded the Bronze Bauhinia Star and Professor Bernard V.M.F. Lim, Professor Paul K.S. Lam and Mr. David W.M. Chan for being appointed as the Justice of Peace on 1.7.2008 in recognition of their contribution to the community.

Agenda Item 1

Confirmation of the Draft Minutes of the 374th RNTPC Meeting held on 20.6.2008

[Open Meeting]

2. The draft minutes of the 374th RNTPC meeting held on 20.6.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Sha Tin, Tai Po and North (DPO/STN), was invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-TKL/2 Application for Amendment to the Approved Ping Che and Ta Kwu Ling
Outline Zoning Plan No. S/NE-TKL/12 from “Agriculture” to
“Government, Institution or Community (1)”,
Lots 11A(Part) and B in DD 77, Ping Che, Fanling
(RNTPC Paper No. Y/NE-TKL/2)

Presentation and Question Sessions

4. The Committee noted that the applicant requested on 17.6.2008 for a deferment of the consideration of the application to allow time to prepare further traffic assessment and landscape proposal to address departmental comments.

Deliberation Session

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

[Mr Y.M. Lee arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-FTA/85 Proposed House
(New Territories Exempted House - Small House)
in “Agriculture” zone, Lot 192 in DD 52, Fu Tei Au,
Sheung Shui
(RNTPC Paper No. A/NE-FTA/85)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation on the application as the Small House development should be confined within the “Village Type Development” zone and such development if permitted would set an undesirable precedent case for similar application in the future. The resulting cumulative adverse traffic impact could be substantial;
- (d) one public comment indicating no comment was received during the statutory publication period. The District Officer (North) advised that the Chairman of the Sheung Shui District Rural Committee and the North District Council member of the area had no comment on the application. However, the village representatives of Wa Shan Village had raised an objection to the application on the grounds that the land of Wa Shan Village should only be developed for Small House by villagers of Wa Shan; and

- (e) Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The proposed Small House complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that both the application site and the footprint of the proposed Small House fell entirely within the 'VE' of Wa Shan Village, and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the same village. Director of Agriculture, Fisheries and Conservation had no objection to the application from an agricultural development point of view. Even though AC for T/NT had reservation on traffic ground, it should be noted that the application site fell entirely within the 'VE' of Wa Shan Village. Although the village representatives of Wa Shan Village had raised an objection to the application on grounds that land for Small House development in their village should only be reserved for their own villagers, District Lands Officer/North had advised that both Wa Shan Village and Sheung Shui Village fell within the same Sheung Shui Heung. In this regard, sympathetic considerations could be given to the application for the proposed Small House development in Wa Shan Village.

7. Members had no question on the application.

Deliberation Session

8. 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 4.7.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

Fire Services or of the TPB; and

- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

9. The Committee also agreed to advise the applicant to note :

- (a) the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
 - (i) the application site was located within flood pumping gathering ground associated with River Indus and River Ganges pumping stations; and
 - (ii) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (b) that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-LT/382 Proposed House
(New Territories Exempted House - Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 1129RP in DD 7, Kau Liu Ha, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/382)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) no public comment was received during the statutory publication period. District Officer/Tai Po advised that the Indigenous Inhabitant Representatives of Kau Liu Ha Village had been consulted and no adverse comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed NTEH/Small House development complied with the assessment criteria for NTEH/Small House development in that the application site was entirely within the ‘VE’ of Kau Liu Ha Village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Kau Liu Ha and Hang Ha Po Villages. While the application site fell within water gathering ground, the proposed Small House was able to be connected to the planned sewerage system.

11. Members had no question on the application.

Deliberation Session

12. 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 4.7.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

13. The Committee also agreed to advise the applicant :

- (a) that the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;
- (b) that adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;

- (c) that the site was in an area where no public sewerage connection was available;
- (d) that the proposed septic tank (presumed to be the future sewerage connection point) should be located within “Village Type Development” zone for connection to the public sewers; and
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-LT/383 Proposed House
(New Territories Exempted House - Small House)
in “Village Type Development” and “Agriculture” zones,
Lots 260A1 and 260B1 in DD 8, Tai Mong Che,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/383)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – The Chief Engineer/Development(2), Water Supplies Department objected to the planning application as the site was located within the upper indirect gathering grounds and the proposed Small

House development was unlikely to be able to be connected to the public sewerage system. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department advised that the site was located below a steep natural hillsides and would be affected by potential natural terrain hazards. He would have no objection to the application provided that the applicant undertakes a natural terrain hazard study and provided suitable mitigation measures, if found necessary, as part of the proposed development.

- (d) no public comment was received during the statutory publication period. District Officer/Tai Po advised that the Indigenous Inhabitant Representatives and Resident Representative of Tai Mong Che Village had been consulted and no adverse comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed Small House development complied with the assessment criteria for NTEH/Small House development in that the application site was entirely within the 'VE' of Tai Mong Che Village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of Tai Mong Che and Ma Po Mei Villages. While the application site fell within water gathering ground, the proposed Small House was able to be connected to the planned sewerage system. The land available could not fully meet the future Small House demand. While the DWS objected to the application and raises concern on the feasibility of the sewerage connection, the DSD had confirmed that the proposed development was able to be connected to the planned sewerage system and approval condition on the provision of drainage facilities would also be imposed.

15. Members had no question on the application.

Deliberation Session

16. 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 4.7.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (e) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (f) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.

17. The Committee also agreed to advise the applicant :

- (a) that the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;
- (b) that adequate space should be provided for the proposed Small Houses to

be connected to the public sewerage network;

- (c) that the site was located in an area where no public sewerage connection was available. There was also no existing public stormwater drains available for connection in this area;
- (d) that the proposed septic tank (presumed to be the future sewerage connection point) should be constructed within “Village Type Development” zone for connection to the public sewers;
- (e) the public sewers would be laid at the existing nearby footpath under the “Lam Tsuen Valley Sewerage” project scheme. The applicant could extend his sewer, at his own cost, passing through other private lots to the nearest connection points of the planned sewerage system; and
- (f) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/TP/392 Proposed Place of Entertainment
in “Residential (Group A)” zone,
11/F of Tai Po Centre Multi-storey Car Park,
2 On Pong Road, Tai Po
(RNTPC Paper No. A/TP/392)
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18. The application was submitted by Shubbery Co. Ltd. which was a subsidiary of Sun Hung Kai Properties Ltd. The Committee noted that Mr Alfred Donald Yap and Mr Y. K. Cheng had declared interest on this item as they had current business dealings with Sun Hung Kai Properties Ltd. Mr Alfred Donald Yap had tendered apologies for not attending the meeting. As the applicant requested to defer consideration of the application, Members

agreed that Mr Y. K. Cheng should be allowed to remain in the meeting.

Presentation and Question Sessions

19. The Chairperson said that a replacement page of P.3 of the Paper was tabled at the meeting. The Committee noted that the applicant requested on 25.6.2008 for a deferment of the consideration of the application to allow time to prepare further information to address departmental comments.

Deliberation Session

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

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, for his attendance to answer Members' enquires. Mr. Hui left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/YL-PN/16 Temporary Fishing Ground for a Period of 3 Years
in “Coastal Protection Area” zone,
Lot 19 in DD 135 and Adjoining Government Land,
Sheung Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/16)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary fishing ground for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by District Officer(Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The application mainly involved a change of use of an existing fish pond to recreational fishing ground and no pond filling was envisaged. The site was far away from the SSSI at the coastal area and would not affect the natural coastline. Since no major building works had been proposed within the site, the development would unlikely cause significant adverse environmental and drainage impacts on the “CPA” zone. Two similar applications within the Pak Nai were approved with conditions by the Board and approving the application of fishing ground was in line with the

previous decision of the Board on similar case in the area.

22. Members had no question on the application.

Deliberation Session

23. Members considered that passive recreational facilities in “CPA” zone could be favourably considered.

24. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.7.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) 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 4.1.2009;
- (b) in relation to (a) above, the implementation of the approved 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 4.4.2009;
- (c) the submission of a 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 4.1.2009;
- (d) in relation to (c) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.4.2009;
- (e) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2009;

- (f) in relation to (e) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.4.2009; and
- (g) if any of the above planning conditions (a), (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.

25. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) that the site should be kept in a clean, tidy and hygienic condition at all times;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should be reminded to apply for Short Term Waiver and Short Term Tenancy to regularise the irregularities on the site;
- (e) to note the Fire Services Department's comments that the applicant should be advised that the building plans should be drawn to scale and depicted with dimensions and the location of the proposed fire service installations should be marked clearly;
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorized structures existing on the site

under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO, was required;

- (g) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the site encroached upon a 2m wide Waterwork Reserve. No structure should be erected over the waterwork reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize;
- (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 Environmental Protection Department to minimise any possible environmental nuisances. The applicant should comply with all relevant pollution control legislations including the Air Pollution Control Ordinance and the Water Pollution Control Ordinance;
- (i) to note the Director of Agriculture, Fisheries and Conservation's comment that the applicant should be advised to implement appropriate measures to prevent any disturbance or nuisance to the adjacent fish ponds due to the increased number of visitors;
- (j) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comment that the access proposal should be commented by Transport Department (TD). If TD agreed with the proposal, a run-in should be constructed at the access point and in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath. HyD did not maintain the local

access track from the Site to Nim Wan Road; and

- (k) to note the Director of Food and Environmental Hygiene's comments that appropriate licences issued by the Director of Food and Environmental Hygiene should be obtained if food business was carried out. Attention should be drawn to the Food Business Regulation made under section 56 of the Public Health and Municipal Services Ordinance, Cap 132. The operation should not cause any environmental nuisance to the surrounding. The refuse generated by the proposed temporary fishing ground were regarded as trade refuse. The management or owner of the site was responsible for its removal and disposal at their expenses.

[Mr W.M. Lam, STP/TMYL left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-HT/554 Temporary Open Storage of Metal Wares and Machineries with Ancillary Office and Parking Facilities for a Period of 3 Years in "Undetermined" zone, Lots 1803(Part), 1804(Part), 1805(Part), 1806A(Part) and 1806B(Part) in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/554)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of metal wares and machineries with ancillary office and parking facilities for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) no public comment was received during the statutory publication period and no local objection was received by District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 12 of the Paper. The development complied with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses'. The open storage of metal wares and machineries with ancillary office was not incompatible with the surrounding land uses in the subject "U" zone. Similar applications had been approved previously in the same zone. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term use of the "U" zone. Noting the revocation of 3 previous applications at the site, a shorter compliance period was recommended to closely monitor the fulfilment of approval conditions.

[Mr. Edmund K. H. Leung and Dr. C. N. Ng arrived to join the meeting at this point.]

27. Members had no question on the application.

Deliberation Session

28. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.7.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:00 p.m. and 7:00 a.m. should be carried out at the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the existing trees on the site should be maintained at all times during the planning approval period;

- (d) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.10.2008;
- (e) in relation to (d) above, the provision of the drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.1.2009;
- (f) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the ancillary office within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.10.2008;
- (g) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) if any of the above planning conditions (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.

29. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter compliance periods had been imposed in order to monitor the fulfilment of approval conditions;
- (c) that no favourable consideration to further planning application would be given if the current permission was again revoked for non-compliance with the approval conditions within the specified time;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (e) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (f) to note the District Lands Officer/Yuen Long, Lands Department’s (DLO/YL) comments that the site situated on Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply for Short Term Waiver to regularize the structures on site. Otherwise, his office, on review of the situation, would resume or take new action as appropriate according to the established direct lease enforcement programme;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments on the drainage proposal in the application:
 - (i) the details of boundary walls should be submitted to illustrate unobstructed flow of surface runoff from adjacent areas. Open channels of adequate sizes on both sides of the wall or adequate openings at the foot of the wall should be constructed to allow the passage of rainwater from adjacent areas;
 - (ii) the applicant was required to ensure that the existing channels into which the runoff collected by the site would be discharged was adequate to discharge the additional flow from the site. DLO/YL should be consulted and relevant lot owners’ consent should be obtained as regards all proposed drainage works outside the subject lots; and
- (h) to note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status of the track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this access road should be

clarified, and the relevant lands and maintenance authorities should be consulted accordingly.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-MP/167 Temporary Restaurant, Studio and Make-up Room for a Period of 3 Years in “Open Storage” zone,
Lots 2562BRP and 2564RP in DD 104, Mai Po,
Yuen Long
(RNTPC Paper No. A/YL-MP/167)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary restaurant, studio and make-up room for a period of 3 years;
- (c) departmental comments – Chief Building Surveyor/NT West, Buildings Department objected to the application under the Buildings Ordinance (BO) as the proposed change of use from the existing NTEH to the proposed use of make-up room on 2/F, studio on 1/F and a restaurant on G/F would contravene the provisions of the BO in respect of means of escape in case of fire;
- (d) no public comment was received during the statutory publication period. District Officer(Yuen Long) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper. The development was not incompatible with the land uses of the surrounding areas. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the “OS” zone. There was no

sensitive receiver in the immediate vicinity of the site. The applicant would be advised to address Buildings Departments' concern on means of escape in the advisory clause. Two previous planning applications for similar uses on the site by the same applicant had been granted by the Committee. Whilst the previous planning approval (No. A/YL-MP/157) was subsequently revoked on 19.10.2007 for non-compliance with approval conditions, a shorter compliance period was therefore recommended to closely monitor the fulfilment of approval conditions.

31. Members had no question on the application.

Deliberation Session

32. The Chairperson expressed that the revocation of the previous planning application for non-compliance with approval conditions on the provision of a proper emergency vehicular access (EVA) and the objection raised by Buildings Department on the contravention of the Building Ordinance in respect of means of escape might imply that it was difficult for the subject use to obtain necessary approval from the relevant authority. A Member said that the temporary restaurant with the studio and make-up room was intended for holding wedding ceremony. Fire safety was important and the concerned Government departments should explain the requirements to the applicant to facilitate the development. The Chairperson said that PlanD would provide advice to the applicant to comply with the requirements if required.

33. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.7.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing vegetations on the site should be maintained at all times during the planning approval period;
- (b) the drainage facilities implemented on the site under Application No. A/YL-MP/120 should be maintained at all times during the planning approval period;

- (c) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.10.2008;
- (d) in relation to (c) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2009;
- (e) if any of the above planning conditions (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (f) if any of the above planning conditions (c) or (d) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (g) 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.

34. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before continuing the applied use at the application site;
- (b) that shorter compliance period was granted so as to closely monitor the fulfillment of approval conditions imposed;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments that the lots under application were Old Schedule Agricultural

Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. Should planning approval be granted, the applicant should apply to his Office for a Short Term Waiver (STW)/Short Term Tenancy (STT) to regularize the irregularities on site. Should no STW/STT application be received/approved, his Office on review of the situation would resume or take action as appropriate according to the established district lease enforcement/control programme. His Office would not guarantee right-of-way to any proposed STW/STT even if the subsequent regularization proposal was approved;

- (e) to note the Director of Environmental Protection's advice that the applicant was required to apply to their Regional Office (North) for a discharge licence should there be effluent discharge from the site;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Castle Peak Road-Tam Mi section;
- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (h) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's advice that the applicant was required to submit an as-planted plan for record;
- (i) to note the Director of Fire Services' comments that in formulating the Fire Service Installations proposal for 1/F and 2/F, the applicant was advised to submit relevant building plans incorporated with the proposed Fire Service Installations to his Department for approval and to make reference to the requirements as stipulated in paragraph 4.14 "Commercial-Low Rise" of

the current version of the Code of Practice for Minimum Fire Service Installations and Equipment. In this connection, the applicant was also advised that the building plans should be drawn to scale and depicted with dimensions; and the location of where the proposed Fire Service Installations to be installed should be clearly marked on the building plans;

- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that change of use from the existing New Territories Exempted House to the proposed use of make-up room on 2/F, studio on 1/F and a restaurant on G/F would contravene the provisions of the Buildings Ordinance in respect of means of escape in case of fire. Besides, the main staircase of the building should be separated from G/F premises and the main staircase should not be discharged to the kitchen of the restaurant on G/F; and
- (k) to note the Director of Food and Environmental Hygiene's comments that the proposed restaurant had to be granted with a valid restaurant licence issued by the Director of Food and Environmental Hygiene; the operation of the restaurant should not cause any environmental nuisance to the surroundings and the management of the restaurant was responsible for the removal and disposal of the refuse at their expenses.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-NSW/182 Proposed Petrol Filling Station
in "Undetermined" and area shown as 'Road',
Lots 999E, 1001ARP, 1002ARP and 1327RP in DD 115
and Adjoining Government Land, Au Tau, Nam Sang Wai,
Yuen Long
(RNTPC Paper No. A/YL-NSW/182)
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Presentation and Question Sessions

35. The Committee noted that the applicant requested on 25.6.2008 for a further deferment of the consideration of the application from 4.7.2008 to 1.8.2008 to allow time to

prepare supplementary information to address drainage and landscaping comments. The applicant also expressed that the recent rainy days had caused delay on tree survey work.

Deliberation Session

36. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration on 1.8.2008 upon receipt of further submission from the applicant and subject to there being no further information submitted which would require publication for public comments. The Committee also agreed to advise the applicant that the Committee had allowed for the second time another month for preparation of submission of further information, i.e. a total of 2 months since the first scheduled date of consideration on 6.6.2008 and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-NTM/225 Proposed House
(New Territories Exempted House - Small House)
in “Village Type Development” and
“Residential (Group D)” zones,
Lots 1133A and 1135RP in DD 104, Wai Tsai,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/225)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – no objection or no adverse comment from

concerned Government department was received;

- (d) no public comment was received during the statutory publication period. District Officer(Yuen Long) has no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. Since 55% of the application site and 67% of the NTEH/Small House footprint fell within the “V” zone of Wai Tsai Tsuen and Lands Department would consider Small House application for proposed house site which would at least 50% of it falling within a “V” zone encircling a recognized village, favourable consideration could be given to the application. The proposed NTEH/Small House at the site was not incompatible with the surrounding areas. It was also in line with the planning intention of “R(D)” zone for low-rise, low-density residential developments. No technical problems were envisaged in the current application and there was no local objection received during the statutory publication period.

38. Members had no question on the application.

Deliberation Session

39. 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 4.7.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition on the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

40. The Committee also agreed to advise the applicant to :

- (a) note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that the applicant might need to extend his/her inside

service 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 be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (b) note the Director of Fire Services' comments that detailed fire safety requirements on emergency vehicular access, fire hydrant and fire service installations would be formulated upon the receipt of formal application referred by the District Lands Officer/Yuen Long, Lands Department. The applicant was advised to make reference of the latest 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by Lands Department;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance, and Authorised Person had to appointed for the site formation and communal drainage works above;
- (d) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the proposed development should not cause hindrance to the existing overland flow and mitigation measures should be provided if otherwise. Also, the Director of Environmental Protection should be consulted on the sewage treatment/disposal aspect of the proposal;
- (e) note the Director of Agriculture, Fisheries and Conservation's comments that a fish pond was found adjacent to the site. The applicant should maintain water sources and drainage and take other mitigation measures to avoid causing any disturbance to the pond operations;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and

Ngau Tam Mei Road; and

- (g) note the Government Engineer/Railway Development (2), Railway Development Office, Highways Department's comments to avoid any deep foundation and underground construction works which would affect the construction of the tunnel of Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link which was at about -11mPD.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-ST/347 Proposed Temporary Public Vehicle Park
(excluding Container Vehicle) for a Period of 3 Years
in "Green Belt" zone,
Lots 378(Part), 385(Part), 389RP(Part) and
390(Part) in DD 99, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/347)
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41. Dr James Lau C. W. Lau declared an interest in this item as he had current business dealing with Ho Tin & Associates Consulting Engineers Ltd. which was one of the consultants of the application.

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – Director of Agriculture, Fisheries and

Conservation had reservation on the application as the applicant had carried out unauthorized site formation works and an Enforcement Notice had been issued on 27.9.2007 for the unauthorized development at the site. In this regard, he had reservation on the application as it would set an undesirable precedent for unauthorized development;

- (d) no public comment was received during the statutory publication period. District Officer(Yuen Long) had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The use under application could satisfy some of the local parking demand. Besides, the approval of the application on a temporary basis would not frustrate the long term planning intention of the “GB” zone. The proposed temporary public car park was considered not incompatible with the surrounding land uses which comprised mainly vehicle parks and unused land. Government departments consulted including Environmental Protection Department, Transport Department and Highways Department had no adverse comments on or no objection to the application. There were 7 similar applications approved previously by the Committee/Town Planning Board in the zone “GB” zone. Since the application involved 3 small parcels of isolated land and was considered as an extension to the existing temporary public vehicle park under Application No. A/YL-ST/292 for a temporary period up to 17.3.2009, a shorter approval period up to 17.3.2009 was recommended to tie in with the approval period granted under Application No. A/YL-ST/292.

43. Members had no question on the application.

Deliberation Session

44. After deliberation, the Committee decided to approve the application on a temporary basis for a period until 17.3.2009, 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 licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing and vehicle repairing workshop were allowed on the site at any time during the planning approval period;
- (d) the submission of a landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.10.2008;
- (e) in relation to (d) above, the implementation of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.1.2009;
- (f) the submission of revised Drainage Impact Assessment (DIA) within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.10.2008;
- (g) in relation to (f) above, the implementation of the flood mitigation measures and drainage facilities identified in the revised DIA within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.1.2009;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

45. The Committee also agreed to advise the applicant :

- (a) that shorter approval period was granted so as to tie in with the approval period granted to the previously approved temporary public vehicle park under application No. A/YL-ST/292;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that the lots under application were Old Schedule Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. Should planning approval be given, the applicant should be reminded to apply for Short Term Waiver (STW) to regularize the irregularities on site. However, there was no guarantee that the application for STW would be approved/considered by his Office. Should no STW application be received/approved and the irregularities persist on site, his Office would consider taking appropriate lease enforcement action against the concerned registered owners/occupier. For any drainage works carried out within the sites or affecting the adjoining areas, he presumed that the applicant would secure the agreements of the land-owners concerned before works;
- (d) to follow the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" issued by Environmental Protection

Department to minimize potential environmental impacts on the surrounding areas;

- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Castle Peak Road – Chau Tau section;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the proposed drainage system should be provided within the application site boundary. If necessary, upgrading the existing application site boundary was required; and
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant would 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.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-ST/350 Temporary Public Car/Lorry Park with Ancillary Facilities (including Canteen and Site Office) for a Period of 3 Years in "Village Type Development" zone, Lots 232(Part), 302(Part) and 306RP(Part) in DD 102 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/350)
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Presentation and Question Sessions

- 46. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public car/lorry park with ancillary facilities (including canteen and site office) for a period of 3 years;
- (c) departmental comments – no objection or no adverse comment from concerned Government department was received;
- (d) no public comment was received during the statutory publication period. District Officer(Yuen Long) had no comments on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The use under application could satisfy some of the local parking demand. Given its temporary nature and that there was no Small House application received in respect of the concerned lots within the application site, the development would not frustrate the long-term planning intention of the subject “V” zone. The development was considered not incompatible with the surrounding land uses which comprised mainly storages and vehicles parks. Previous planning applications for similar uses had been granted by the Committee and there was no change in planning circumstances to warrant a departure from the previous approval decisions.

47. Members had no question on the application.

Deliberation Session

48. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.7.2011, 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 licences issued under the Road Traffic Ordinance

were allowed to be parked/stored on the site at any time during the planning approval period;

- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing and vehicle repair workshop were allowed on the site at any time during the planning approval period;
- (d) the submission of drainage proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.1.2009;
- (e) in relation to (d) 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 4.4.2009;
- (f) the submission of an as-planted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.1.2009;
- (g) in relation to (f) above, the implementation of the compensatory planting within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.4.2009;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2009;
- (i) in relation to (h) above, the implementation of the 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 4.4.2009;

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

49. The Committee also agreed to advise the applicant :

- (a) that the permission was given to the use(s) under application. It did not condone any other use(s) which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use(s) not covered by the permission;
- (b) that prior planning permission should be obtained before continuing the temporary public car/lorry park with ancillary facilities (including canteen and site office);
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL) comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. Government Land within the site was occupied without approval

from his Office. His Office reserved the right to take enforcement/control against these irregularities. Should planning approval be granted, the applicant should apply to the DLO/YL for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on site. However, there was no guarantee that the application for the STW/STT would be approved/ considered by his Office. Should no STW/STT application be received/approved and the unauthorized structures persisted on site, his Office would consider taking appropriate lease enforcement/control action against the Lot owners/occupier;

- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that no public stormwater drainage/ sewerage maintained by his Office was currently available for connection. The applicant should review his drainage proposal/works as well as the site boundary in order not to cause encroachment upon areas outside his jurisdiction. All existing drains, channels and streams in its vicinity and within the site should not be disturbed and blocked and existing drainage outlets from adjacent existing buildings/lots passing through the site should not be disturbed and blocked. The applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future. If the proposed discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal. All proposed drainage facilities should be constructed and maintained by the applicant at his own cost;
- (f) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas and to observe the requirements under the Water Pollution Control Ordinance in respect of operation of the canteen on the application site;
- (g) to note the Chief Highway Engineer/New Territories West, Highways

Department's comments that Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – San Tin;

- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a 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. An emergency vehicular access should also be provided to comply with B(P)R 41D;

- (i) to note the Director of Fire Services's comments that the applicant should submit relevant building plans incorporated with the proposed fire service installations (FSIs) to his Department for approval. In formulating the FSIs proposal, the applicant was advised to make reference to the requirement as stated in paragraph 4.14 of "Commercial – Low Rise" of the current version of the 'Code of Practice for Minimum Fire Service Installations and Equipment'. The applicant was advised to note that:
 - (i) the building plans should be drawn to scale and depicted with dimensions; and
 - (ii) the location where the proposed FSIs to be installed should be clearly marked on the building plans.

The applicant/operator of the site should approach his regional Office for advice;

- (j) to note the Chief Engineer/Development (2), Water Supplies Department's

(WSD) comments that the applicant should be responsible for resolving any land matters (such as private lots) associated with the laying of water mains in private lots for the supply of water to the premises under the application, and should be responsible for the construction, operation and maintenance of any such water mains to WSD's standards; and

- (k) to note the Director of Food and Environmental Hygiene's comments that the canteen must be used exclusively of the persons employed in the work place (visitors or drivers were not deemed as employee); a conspicuous notice of "Only used for Employee 只供員工使用" had to be displayed at the entrance of the canteen; the canteen had to be operated by the applicant or his agent; the operation of the car/lorry park, site office and staff canteen should not cause any environmental nuisance to the surrounding; and the management of the car/lorry park was responsible for its removal and disposal of the refuse generated by car/lorry park and ancillary facilities.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-ST/351 Temporary Public Vehicle Park
(Excluding Container Vehicle) for a Period of 3 Years
in "Village Type Development" zone,
Lots 3071A, 3071RP, 3073 and 3077 in DD 102 and
Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/351)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) for a period of 3 years;

- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located to the immediate south-west and in the vicinity of the site and environmental nuisance was expected. District Lands Officer/Yuen Long (DLO/YL) advised that there was one Small House (SH) application at the subject site and the approval to the application might be given in 12-18 months. Provided that the temporary land use on this lot would not jeopardize the SH development, he had no objection to the planning application;
- (d) no public comment was received during the statutory publication period. District Officer(Yuen Long) had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The use under application could satisfy some of the local parking demand arising from the local villagers in San Tin area. Whilst DLO/YL had advised that a SH application at the subject site was under active processing and approval would be given in 12-18 months, he would have no objection for a shorter approval period for the temporary use. As such, sympathetic consideration for approval on a temporary basis for 12 months could be recommended for the application and the long term planning intention of the “V” zone would not be frustrated. Similar approach had been adopted by the Board under consideration of previous applications No. A/YL-ST/310 and 331 which were approved for 12 months having regard to the implementation programme of the approved SH on site. The proposed development was considered not incompatible with the surrounding land uses. Regarding the DEP's comments, approval conditions restricting the types of vehicles and activities on site were recommended. 3 previous planning approvals for same use at the site had been granted by the Committee and there was no significant change in planning circumstances to warrant a departure from the previous approval decisions.

51. Members had no question on the application.

Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 4.7.2009, 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 licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing, vehicle repair workshop and canteen were allowed on the site at any time during the planning approval period;
- (d) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/331 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.10.2008;
- (f) the submission of a landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.10.2008;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposal within 6 months from the date of planning approval

to the satisfaction of the Director of Planning or of the TPB by 4.1.2009;

- (h) the provision of a 9-litre water type/3 kg dry powder fire extinguisher in each of the container-converted site offices within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.10.2008;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

53. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should be obtained before continuing the temporary public vehicle park (excluding container vehicle);
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) that shorter approval period and shorter compliance periods were imposed in order not to frustrate the prospective Small House developments on site and for monitoring the fulfillment of relevant approval condition;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL) comments that the lots under application were Old Schedule

Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. The applicant should apply to DLO/YL for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on site. Should no STW/STT application be received/approved, his Office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement and land control programme;

- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that no public stormwater drainage/ sewerage maintained by his Office was currently available for connection. The applicant should review his drainage proposal/works as well as the site boundary in order not to cause encroachment upon areas outside his jurisdiction. All existing drains, channels and streams in its vicinity and within the site should not be disturbed and blocked and existing drainage outlets from adjacent existing buildings/lots passing through the site should not be disturbed and blocked. The applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future. If the proposed discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal. All proposed drainage facilities should be constructed and maintained by the applicant at his own cost;
- (f) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that Highways Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle – San Tin section; and

- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a street having a width of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. An emergency vehicular access should also be provided to comply with B(P)R 41D.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-TT/223 Temporary Public Vehicle Park
(Excluding Container Vehicle) for a Period of 5 Years
in "Village Type Development" zone,
Lot 3563CRP(Part) in DD 116, Tong Tau Po Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TT/223)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) for a period of 5 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did

not support the application as there were residential dwellings located immediately next to the site and environmental nuisance was expected;

- (d) a public comment from a villager of Tong Tau Po Tsuen was received during the statutory publication period. The villager strongly supported the application, as due to the lack of vehicle park, many vehicles were parked along Tai Shu Ha Road adjacent to the village. The obstruction of traffic lanes and pavements posed threat to pedestrians and drivers. District Officer (Yuen Long) had not received any comment, from the local personalities in the vicinity, on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The development was not incompatible with the surrounding land uses. Approval of the vehicle park to meeting the parking need of the local residents of Tong Tau Po Tsuen on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The development was unlikely to generate adverse traffic, drainage and landscape impacts on the surrounding areas. Regarding the DEP's comments, approval conditions prohibiting medium or heavy goods vehicles and the types of activities on site could be imposed. A shorter approval period of 3 years was recommended to monitor the development on site.

55. Members had no question on the application.

Deliberation Session

56. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.7.2011, 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 licences issued under the Traffic Regulations, as proposed by the applicant, were allowed to be parked/stored on the site at any time during the planning approval period;

- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) 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 4.1.2009;
- (e) in relation to (d) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.4.2009;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.1.2009;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.4.2009;
- (h) 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;
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (j) 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.

57. The Committee also agreed to advise the applicant :

- (a) that a shorter approval period of 3 years was granted to monitor the development on site;
- (b) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) that the permission was given to the use under application. It did not condone any other 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;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his office;
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Tai Shu Ha Road East;

- (g) to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by Environmental Protection Department to adopt environmental mitigation measures to minimise any possible environmental nuisances; and
- (h) to note the Director of Electrical and Mechanical Services’ comments that based on the information provided by CLP Power Hong Kong Limited, there were low voltage underground cables in the vicinity of the site. In this respect, he had no objection in-principle to the application subject to 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-TYST/399 Renewal of Planning Approval for Temporary ‘Open Storage of Construction Materials with Ancillary Car Park’ for a Period of 2 Years in “Undetermined” zone, Lots 2815RP(Part) and 2816RP(Part) in DD 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/399)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of construction materials with ancillary car park under Application No. A/YL-TYST/321 for a period of 2 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did

not support the application as there were sensitive receivers to the southwest and in the vicinity of the site and environmental nuisance was expected;

- (d) no public comment was received during the statutory publication period. District Officer(Yuen Long) had no comments on the application; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The application was generally in line with the TPB PG-No.13D. Given that the site was zoned “U” on the OZP, it was considered that approval of the application on a temporary basis for a further period of 2 years would not frustrate the long-term use of the area. The proposed development was not incompatible with the surrounding areas. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting repairing, dismantling and workshop activities and restricting the type of vehicles used were recommended.

59. Members had no question on the application.

Deliberation Session

60. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 7.7.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 8:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Saturdays, Sundays or public holidays was allowed on the application site during the planning approval period;

- (c) no repairing, dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes were allowed for the operation of the application site at any time during the planning approval period;
- (e) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (f) the existing trees and landscape planting on the application site should be maintained at all times during the planning approval period;
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; 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.

61. The Committee also agreed to advise the applicant :

- (a) that the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that Short Term Waiver should be applied for any proposed

structures to be erected on the site. Moreover, the site was accessible by an occupational track from Kung Um Road which ran through Government land without particular maintenance works to be carried out thereon;

- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and the management and maintenance responsibilities of this road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the local access track between the site and Kung Um Road;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department; and
- (g) to note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage supply lines (i.e. underground cables) in the vicinity of the site. Prior to establishing any structure within the site, the concerned parties (i.e. the applicant of the proposed development, his contractors and/or site workers, etc.) should consult CLPP and if diversion of the low voltage overhead line in the vicinity of the structure was deemed necessary, they should liaise with CLPP for arranging diversion as appropriate. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the concerned parties prior to and in the course of any works in the vicinity of electricity supply lines.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-TYST/400 Proposed Public Utility Installation
(Electricity Package Substation)
in “Village Type Development” zone,
Lot 374G in DD 121, 108 Tai Tao Tsuen,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-TYST/400)
-

62. The Committee noted that the applicant requested on 26.6.2008 for a deferment of the consideration of the application for one month to allow time to prepare supplementary information to address departmental comments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-TYST/401 Proposed Minor Relaxation of Building Height Restriction
from 15m to 15.5m for Permitted Warehouse (excluding
Dangerous Goods Godown) Development
in “Industrial” zone,
Lot 1300BRP in DD 121, Ping Tong Street South,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/401)
-

64. Dr James Lau C. W. Lau declared an interest in this application as he had current business dealing with Top Bright Consultants Ltd., which was the consultant for the application. As the applicant requested to defer consideration of the application, Members

agreed that Dr James Lau C. W. Lau should be allowed to remain in the meeting.

65. The Committee noted that the applicant requested on 25.6.2008 for a deferment of the consideration of the application for one month to allow time to prepare supplementary information to address departmental comments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

(xiii) A/YL-TYST/402 Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 752(Part), 755(Part), 756(Part) and 757(Part) in DD 117, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/402)

67. Dr James C. W. Lau declared an interest in this application as he had current business dealing with Top Bright Consultants Ltd., which was the consultants for the application.

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

Presentation and Question Sessions

68. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of construction materials for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection did not support the application as there were sensitive receivers to the north of the site and environmental nuisance was expected. Chief Town Planner/Urban Design and Landscape, Planning Department advised that a *Dimocarpus longan* (龍眼) with a height and spread of 6mx6m was found in close proximity to the site and should be retained. If retained, the tree would suffer from heavy pruning of the root and tree crown, leading to deterioration or even death of the tree. The space between the proposed warehouse and the site boundary was also considered insufficient to implement any effective peripheral tree planting. He therefore had some reservation on the application from the landscape planning point of view;
- (d) no public comment was received during the statutory publication period. District Officer(Yuen Long) had no comments on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The warehouse use was not in conflict with the planning intention of the “U” zone. Besides, the development was considered not incompatible with the surrounding areas. Since there was no known programme for permanent development on this part of the “U” zone, the applied use on a temporary basis for 3 years would not frustrate the long-term use of the area. To address possible concern on the environmental impact, approval conditions restricting operation hours and type of vehicles used and prohibiting open storage and workshop activities were proposed. To address the concern on preservation of the mature *Dimocarpus longan*, relevant approval conditions on tree preservation and landscape proposal were also

recommended.

69. The Chairperson asked whether the *Dimocarpus Longan*, was within the application site boundary. Miss Paulina Y.L. Kwan, STP/TMYL, responded that the tree was not within the site boundary but in close proximity to the site. The subject development might affect the crown and the roots of the tree. Some Members suggested to require the applicant to set back of the proposed warehouse from the northern boundary of the site to allow space for healthy growth of the tree. Miss Paulina Y. L. Kwan, STP/TMYL advised that a condition had been imposed to require the applicant to submit the tree preservation and landscape proposal. The Chairperson pointed out that the as tree was not within the application site, the approval condition (e) in the Paper requiring submission of tree preservation proposal could not ensure the preservation of the tree outside the application site. After discussion, Members agreed to require setting back the northern boundary of the proposed development to avoid causing damage to the crown and roots of the tree.

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

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.7.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holiday, as proposed by the applicant, was allowed during the planning approval period;
- (c) no open storage and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no heavy vehicles (i.e. over 24 tonnes), as proposed by the applicant, were

allowed for the operation of the application site at any time during the planning approval period;

- (e) the proposed warehouse should be set back from the northern boundary of the site to ensure the proper preservation of the *Dimocarpus longan* (龍眼) in close proximity to the site to the satisfaction of the Director of Planning or of the TPB;
- (f) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.1.2009;
- (g) in relation to (f) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.4.2009;
- (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 4.1.2009;
- (i) in relation to (h) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.4.2009;
- (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 4.1.2009;
- (k) in relation to (j) 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 4.4.2009;
- (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.

71. The Committee also agreed to advise the applicant to:

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take appropriate action against the erection of unauthorised structures on the site. The applicant was reminded to apply for Short Term Waiver (STW) to regularise the irregularities on site. Should no STW application be received/approved, his office on review of the situation would resume or take new action as appropriate according to the established district lease enforcement programme. Moreover, the vehicular access from Kung Um Road leading to the site runs through Government land and various private lots without particular maintenance works to be carried out thereon and the applicant should clarify why the existing occupation area was found to be different from that under application;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and the management and maintenance responsibilities of this road/path/track should be clarified

and the relevant lands and maintenance authorities should be consulted accordingly;

- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the local access track between the site and Kung Um Road;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department;
- (f) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant building plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for compliance with approval condition (j) above, the applicant should make reference to the requirements as stipulated in paragraph 4.29 'Industrial/godown buildings – low rise' of the current version of the Code of Practice for Minimum Fire Service Installations and Equipment for the structures used as offices and storage respectively. The applicant should also note that the building plans should be drawn to scale and depicted with dimensions and the location of where the proposed FSIs to be installed should be clearly marked on the building plans;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works, including any temporary structures, for approval under the Buildings Ordinance was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and

- (h) note the Director of Electrical and Mechanical Service's comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were high voltage (11kV) overhead lines, high voltage (11kV) underground cables and low voltage underground cables within and in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLPP and, if necessary, ask CLPP to divert the high voltage (11kV) overhead lines, high voltage (11kV) underground cables and low voltage underground cables away from the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

[The Chairperson thanked Mr. Anthony C.Y. Lee and Miss Paulina Y.L. Kwan, STPs/TMYL, for their attendance to answer Members' enquires. Mr. Lee and Miss Kwan left the meeting at this point.]

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

Agenda Item 6

Any Other Business

A/YL-MP/153-7 Extension of Time for Compliance with Planning Condition –
Temporary Restaurant for a Period of 3 Years in "Open Space" zone,
Lots 5, 6, 7, 8RP, 9RP and 10 in DD 101, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/153-7)

72. The Secretary reported that an application for extension of time for compliance with planning conditions (c), (e), (f) and (g) under application No. A/YL-MP/153 was received on 12.6.2008. While approval conditions (b), (d) and (h) were complied with, the applicant failed to comply with conditions (c), (e), (f) and (g) by the expiry date on 15.6.2008 and the planning permission was revoked on the same day. The application which was received on 12.6.2008, 3 days before the deadline for compliance with conditions (c), (e), (f)

and (g), would not be processed in accordance with the practice adopted by the Town Planning Board due to insufficient time for obtaining departmental comments. In fact, the time limit for compliance with conditions (c), (e), (f) and (g) had already expired at the time of consideration by the Committee.

73. After deliberation, the Committee agreed that the application for extension of time could not be considered for reason that as the time limit for compliance with approval conditions (c), (e), (f) and (g) had already expired on 15.6.2008, the planning approval for the subject application had ceased to have effect and had on the same date be revoked. The Committee could not consider the s.16A application as the planning permission no longer existed at the time of consideration.

74. There being no other business, the meeting was closed at 3:35 p.m..