

**TOWN PLANNING BOARD**

**Minutes of 383rd Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 7.11.2008**

**Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Dr. C.N. Ng

Ms. Maggie M.K. Chan

Dr. James C. W. Lau

Professor Edwin H.W. Chan

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

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

Assistant Director/New Territories, Lands Department

Mr. C.S. Mills

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

Secretary

**Absent with Apologies**

Mr. Edmund K.H. Leung

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Assistant Director (2), Home Affairs Department  
Mrs. Ann Ho

**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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 382nd RNTPC Meeting held on 24.10.2008

[Open Meeting]

1. The draft minutes of the 382nd RNTPC meeting held on 24.10.2008 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) Approval of Draft Plans

2. The Secretary reported that on 4.11.2008, the Chief Executive in Council approved the following outline zoning plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance. The approval of the Plans would be notified in the Gazette on 14.11.2008:

- Kennedy Town & Mount Davis OZP (to be renumbered as S/H1/16);
- Shek Kip Mei OZP (to be renumbered as S/K4/23);
- Ma Tau Kok OZP (to be renumbered as S/K10/20); and
- Kwun Tong North OZP (to be renumbered as S/K14N/11).

(ii) Reference Back of Approved Plans

3. The Secretary reported that on 4.11.2008, the Chief Executive in Council referred the following approved OZPs to the Town Planning Board for amendments under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the Plans would be notified in the Gazette on 14.11.2008:

- Wan Chai OZP No. S/H5/25;
- Kai Tak OZP No. S/K22/2;

- Cheung Chau OZP No. S/I-CC/3; and
- Wo Keng Shan OZP No. S/NE-WKS/8.

### **Sai Kung and Islands District**

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

#### **Agenda Items 3 and 4**

##### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/166            Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lots 378 S.A ss.1 and 426 S.A in D.D. 244, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/166)

---

A/SK-HC/167            Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lot 429 RP in D.D. 244 and Adjoining Government Land,  
Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/167)

---

4.            Noting that the two applications were similar in nature and the application sites were close to each other and within the same “Agriculture” zone, Members agreed that the applications could be considered together.

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

5.            Ms. Ann O.Y. Wong, STP/SKIs, presented the two applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (b) proposed two houses (New Territories Exempted House - Small House) one for each application;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the planning applications since the application sites fell within the “Agriculture” zone in Ho Chung Valley which was a major agricultural area in Sai Kung. Although the application sites were currently overgrown with grass and shrubs, the potential for agricultural rehabilitation was high;
- (d) For Application No. A/SK/HC167, one public comment from a District Councillor expressing concern on the provision of access for villagers was received during statutory publication period. No public comment was received for the Application No. A/SK-HC/166; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Papers. The applications complied with the interim criteria for consideration of application for NTEH/Small House in the New Territories in that the application sites were located within the ‘village environs’ and there was a general shortage of land in meeting Small House development in the “V” zone. Although DAFC did not support the planning applications, there were no farming activities in the area. The proposed Small Houses were compatible with the surrounding rural and village environment.

6. Members had no question on the applications.

#### Deliberation Session

7. After deliberation, the Committee decided to approve the application Nos. A/SK-HC/166 and A/SK-HC/167, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 7.11.2012, and after the said date, the permissions should cease to have effect unless before the said date, the

developments permitted were commenced or the permissions were renewed. Each permission was subject to the following conditions :

- (a) the submission of archaeological survey before the commencement of any construction works and rescue excavation should be undertaken should archaeological remains be found to the satisfaction of Director of Leisure and Cultural Services 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; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

8. The Committee also agreed to advise the applicants to note the comments of the Director of Water Supplies that for provision of water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants should resolve any land matter associated with the provision of water supply and should be responsible for construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards. The water main in the vicinity of the sites could not provide the standard fire-fighting flow.

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/160            Proposed 2-storey House in "Green Belt" zone,  
Lot 82 in D.D. 213, Sai Kung  
(RNTPC Paper No. A/SK-PK/160)

---

**Presentation and Question Sessions**

9. Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

- (b) proposed 2-storey houses;

[Miss. Ophelia Y.S. Wong left the meeting temporarily at this point.]

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the application since the proposed development in “Green Belt” zone would set an undesirable precedent for other similar applications and the cumulative traffic impact had not been assessed. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application since the site was characterised by its rural setting and there was insufficient information in the submission to demonstrate that the proposed development was compatible with the surrounding landscape. Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had in-principle objection to the application as the site was located below a steep natural hillside requiring a Natural Terrain Hazard Study (NTHS). The requirements of NTHS and provision of mitigation measures, if found necessary, could incur significant cost implication to the proposed development and rendered it not economically viable;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development was considered not in line with the planning

intention of the “Green Belt” (“GB”) zone. There was a general presumption against development within this zone. Furthermore, the proposed development did not meet the TPB Guidelines No. 10 in that application within “GB” zone would only be considered in exceptional circumstance and had to be justified with very strong planning grounds. There was no strong justification provided in the submission to warrant the approval of this application under exceptional circumstances. The proposed development was incompatible with the surrounding landscape setting. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse landscape and visual impacts on the rural landscape of the surrounding area. As the proposed house would be located below a steep natural hillside, H(GEO), CEDD raised objection to the application unless the applicant would undertake a NTHS and would provide suitable mitigation measures. The approval of the application would also set an undesirable precedent for other similar applications within the "GB" zone. The cumulative impacts of approving such similar applications would result in a general degradation to the environment of the area and adverse landscape and traffic impacts.

10. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed residential development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission for a departure from the planning intention;

- (b) the proposed residential development did not meet the TPB Guidelines in that the application would only be considered in exceptional circumstances and had to be justified with very strong planning grounds. There was no strong justification to warrant the approval of this application under exceptional circumstances; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative impacts of approving such similar applications would result in a general degradation to the environment of the area and adverse landscape and traffic impacts.

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

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

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

### **Agenda Item 6**

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

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/7                      Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/23 from “Open Space” to “Other Specified Uses” annotated “Open Space with Historic Building and Hotel Development”, Lots 533 S.E, 533 S.F RP, 533 S.G, 533 S.H, 533 S.J RP and 533 S.J ss.1 in D.D. 184, STTL 310 and Adjoining Government Land, Sha Tin  
(RNTPC Paper No. Y/ST/7)

---

**Presentation and Question Sessions**

12. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd (SHKP). The Committee noted that Messrs. Alfred Donald Yap and Y. K. Cheng had declared interests in the item as they had current business dealings with SHKP. Mr Y.K. Cheng had tendered apologies for not attending the meeting and Mr Alfred Donald Yap had not yet arrived to join the meeting.

13. The Committee noted that on 22.10.2008, the applicant requested for deferment of the consideration of the application for two months in order to allow time for preparation of supplementary information to address the outstanding departmental comments.

#### Deliberation Session

14. 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.

#### Agenda Item 7

##### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/180                      Proposed Wholesale Trade (Fresh Provision) in “Industrial” zone,  
Workshop N, 1/F, Good Harvest Centre, 33 On Chuen Street, Fanling  
(RNTPC Paper No. A/FSS/180)

---

##### Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed wholesale trade (fresh provision);
- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application since the proposed location of the wholesale trade, which was considered as commercial use, on upper floor of the subject industrial building was not acceptable from the fire safety point of view;
- (d) District Officer (North), Home Affairs Department (DO(N)) advised that the Owners' Committee Chairman of Fanling Industrial Centre supported the application whereas the Chairman of New Territories North District Manufactures Association of Hong Kong raised objection to the application on the ground of food hygiene impact to the adjacent users on the same floor of the industrial building. One public comment indicating 'no comment' was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The application did not comply with the Town Planning Board Guidelines for 'Use/Development within "Industrial" Zone' (TPB-PG-No. 25D) in that commercial uses would only be permitted in the purpose-designed non-industrial portion on the lower floors of an existing building, provided that such uses were separated from the industrial uses located above by a buffer floor of non-hazardous occupancy. However, the subject industrial building had no purpose-designed non-industrial portion on the lower floors where commercial uses were separated from the industrial uses located above by a buffer floor. In this regard, D of FS also objected to the application.

16. Members had no question on the application.

#### Deliberation Session

17. After deliberation, the Committee decided to reject the application and the reason

was that the proposed wholesale trade at the application premises was considered not acceptable from the fire safety point of view.

[Miss. Ophelia Y. S. Wong returned to join the meeting at this point.]

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/73                      Proposed 8 Houses  
   (New Territories Exempted Houses - Small Houses)  
   in “Green Belt” and “Village Type Development” zones,  
   Government Land in D.D. 167, Sai O Village, Ma On Shan  
   (RNTPC Paper No. A/MOS/73)

---

**Presentation and Question Sessions**

18.            Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed 8 houses(New Territories Exempted Houses - Small Houses);
- (c) departmental comments – The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as approving the application might set an undesirable precedent for similar applications. The resulting cumulative adverse traffic impact could be substantial;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper.

Although the proposed Small House development was not in line with the planning intention of the “Green Belt” zone, the proposed NTEHs (Small Houses) complied with the interim criteria for consideration of application for NTEH/Small House in the New Territories in that the footprints of 7 of the 8 proposed Small Houses fell entirely within the ‘village environs’ (‘VE’) and the remaining one had over 90% of its footprint within the ‘VE’. Sympathetic consideration might be given if not less than 50% of the proposed NTEH/Small House footprint fell within the ‘VE’ of a recognized village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the village. Although AC for T/NT, TD had traffic concern, the proposed Small Houses located within the ‘VE’ were compatible with the surrounding rural environment and were not envisaged to have adverse impact on the surrounding area nor overstrain the capacity of existing and planned infrastructure. Part of the site had been given planning approval for Small House development under A/MOS/52. Sympathetic consideration could be given to the application.

19. Members had no question on the application.

#### Deliberation Session

20. The Chairperson remarked that since the subject development was in line with the interim criteria for consideration of application for NTEH/Small House in the New Territories and part of the site had been approved for Small House development before, sympathetic consideration could be given to the application.

21. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.11.2012, 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.

22. The Committee also agreed to advise the applicant :

- (a) that there were no existing public stormwater drains available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas;
- (b) that public sewerage connection was not available for the application site. The applicant should consult the Environmental Protection Department regarding the sewage treatment/disposal aspects of the proposed development and the provision of septic tank; and
- (c) 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 applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/269      Temporary Staff Canteen for a Period of 3 Years  
in “Residential (Group C) 2” zone,  
Lot 1984RP (Part) in D.D. 95, Kwu Tung South, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/269)

---

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

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

- (a) background to the application;

- (b) temporary staff canteen for a period of 3 years;

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

- (c) departmental comments – concerned Government departments had no objection or adverse comments on the application;
- (d) District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Chairman of Sheung Shui District Rural Committee was in support of the application. The concerned North District Council member, Residents' Representatives of Kwu Tung (North and South) raised objections to the application. A local restaurant and the Association of Business Tenants of Kwu Tung Market Shopping Centre also objected to the planning application. The objections were mainly on the grounds of illegal occupation of private land by the applicant, availability of cooked food and dry goods stalls nearby, and adverse impacts on the environment and public hygiene. During the statutory publication period, 3 public comments from a member of the public, the Tsang Yick Lun Tong and the Chairman of the Association of Business Tenants of Kwu Tung Market Shopping Centre were received. Except one, all other public comments objected to the application. The reasons of objections were similar to those received by DO(N). In particular, the objection from Tsang Yick Lun Tong stated that the owner's consent had not been obtained as both the registered land owner and estate administrator had died and the temporary canteen should have been built inside the construction site and should not encroach on private properties; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The staff canteen provided an eating place for the workers in the adjacent large scale residential development under construction. The canteen was small in scale and the operation hours were restricted from 7 a.m. to 8 p.m.. It was considered not incompatible with the surrounding areas which were predominantly construction sites. Regarding the objections from the

locals on the grounds of illegal occupation of private land after the decease of both the registered land owner and estate administrator, the availability of cooked food and dry goods stalls nearby, and impacts on the environment and public hygiene, the applicant had notified owner by way of registered mail in accordance with the Town Planning Board Guidelines (TPB PG-No. 31) and the 'owner's consent/notification requirement' was considered to have been satisfied. Relevant Government departments had no adverse comments on the application.

24. Members had no question on the application.

#### Deliberation Session

25. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.11.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. to 6:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2009;
- (d) in relation to (c) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2009;
- (e) the submission of firefighting access, water supplies for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of

the TPB by 7.5.2009;

- (f) in relation to (e) above, the implementation of firefighting access, water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2009;
- (g) the implementation of landscaping proposal as submitted by the applicant within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2009;
- (h) 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;
- (i) if any of the above planning conditions (c), (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.

26. 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 note the Director of Environmental Protection's comments that the application site was not served by public sewer. The applicant was reminded to follow the legal requirements under the Water Pollution Control Ordinance to ensure discharges from the operation would not result in water pollution problem;

- (c) to note the Chief Engineer/Development(2), Water Supplies Department's comments that the application site was located within the flood pumping gathering grounds associated with River Indus and River Ganges pumping stations; and
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that:
  - (i) the granting of this 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; and
  - (ii) formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. Also, the applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the proposed development.

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/389            Filling of Land for Vehicular Access in "Agriculture" zone,  
Lots 619 (Part), 620 S.B (Part) and 621 (Part) in D.D. 10 and  
Adjoining Government Land, Ng Tung Chai Village, Tai Po  
(RNTPC Paper No. A/NE-LT/389)

---

Presentation and Question Sessions

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

- (a) background to the application;
- (b) filling of land for vehicular access;
- (c) departmental comments – concerned Government departments had no adverse comment on the application;
- (d) one public comment objecting to the application on fung shui and ecological grounds was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The filling activity involved a thin layer of tarmac surface. In view of the level difference between the applicant’s plant nursery and the steep and narrow local track that provided access to the site, the size of the paved-over area was considered reasonable for vehicular access and manoeuvring within the site. The subject resurfacing activity did not contravene the planning intention of the “Agriculture” zone.

28. Members had no question on the application.

#### Deliberation Session

29. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 7.11.2012, 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 that no heavy goods vehicles/container vehicles/lorries should be parked/ stored on the site.

30. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the land filling activities on the site;
- (b) to resolve any land issue relating to the development with the other concerned landowner of the application site;
- (c) that a short-term tenancy, in respect of the Government land involved, should be obtained from District Lands Officer/Tai Po, Lands Department;
- (d) that there were no existing public stormwater drains and sewerage system available for connection in the area;
- (e) that no further disturbance to the nearby stream and its banks was allowed; and
- (f) that any new slopes/retaining walls formed as a result of the formation of the vehicular access were required to be constructed up to the current geotechnical standards. Geotechnical submissions to the relevant Government departments were also required should the proposed development affect or be affected by the existing slopes or walls. In such case, the applicant was required to appoint an Authorised Person/Registered Structural Engineer/Registered Geotechnical Engineer to submit any works to the relevant Government departments and the Geotechnical Engineering office of Civil Engineering and Development Department for checking.

**Agenda Item 11**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/265            Temporary Barbecue Site and Ancillary Carpark  
for a Period of 3 Years in “Agriculture” and “Open Space” zones,  
Various Lots in D.D. 17, Ting Kok Road, Tai Po  
(RNTPC Paper No. A/NE-TK/265)

---

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) temporary barbecue site and ancillary carpark;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the agricultural land was of high potential of rehabilitation for green house or plant nursery purpose and the subject application was not in line with the general planning intention for the area which was to conserve the natural environment and to protect it from intensive urban development;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for a period of two years based on the assessments given in paragraph 11 of the paper. The use was not incompatible with the predominantly agricultural and recreational uses in the surrounding areas. Although the DAFC did not support the application, the proposed barbecue site would unlikely cause adverse environmental, drainage and sewerage impacts on the areas. Relevant

Government departments consulted had no adverse comment on the application. Approval conditions on provision of access and car parking spaces, submission and implementation of drainage as well as landscape and tree preservation proposals were imposed so as to properly monitor the operation of the temporary barbecue site and the ancillary car park. Instead of granting a temporary approval for a period of three years as applied, a temporary approval for a period of two years was recommended, so as to tally with the approval period and expiry of the temporary barbecue site in the vicinity (i.e. Application No. A/NE-TK/157) which would expire in July 2010 and that any impacts of the recreational uses of the coastal area could be closely monitored.

32. In response to a Member's query on whether DEP had been consulted on the sewage treatment/disposal aspects, Ms. Lisa L. S. Cheng responded that DEP was consulted and he had no comment on the application. Mr. H. M. Wong advised that sewage disposal was controlled under Water Pollution Control Ordinance and there were a number of measures to handle the sewage generated and no insurmountable sewage disposal impact for the subject development was envisaged. The same Member further asked whether relevant condition would be imposed to control the sewage disposal in view of the proximity of the application site to the area zoned "Site of Special Scientific Interest". Mr. H. M. Wong said that as sewage disposal was controlled under the Water Pollution Control Ordinance and there was an advisory clause (g) included in the Paper to advise the applicant to consult EPD on the sewage/disposal issue, there was no need to impose a similar approval condition.

33. Mr Y.M. Lee said that the comments from Transport Department at paragraph 9.1.2 (a) to (c) should be included in the advisory clause.

#### Deliberation Session

34. A Member said that the boundary of the application site encroached onto a fishpond to the east and advised that a condition should be added to prohibit pond filling activity. The Chairperson agreed that an approval condition to prohibit pond filling would be imposed to protect the fishpond to the east.

35. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 7.11.2010, 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 after 11:00 p.m. was allowed on the site during the planning approval period;
- (b) no pond filling activities was allowed on the site;
- (c) the submission of vehicular access and parking proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.5.2009;
- (d) in relation to (c) above, the implementation of vehicular access and parking proposals within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.8.2009;
- (e) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2009;
- (f) in relation to (e) above, the implementation of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2009;
- (g) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2009;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2009;
- (i) 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;

- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified dates, the approval hereby given should cease to have effect and should be revoked on the same date 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.

36. 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 a temporary approval for a period of 2 years was granted to the applicant with a view to monitoring the operation of the barbecue site;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) that the applicant should seek consents from the owner(s) of the lots concerned and required them to apply to the Tai Po District Lands Office for a Short Term Waiver for the structures, shades and covered area upon implementation of the barbecue/carpark on the site;
- (e) that any food business conducted at the site should be covered by relevant licence/permit issued by the Food and Environmental Hygiene Department;
- (f) that the applicant might need to extend his inside services to the nearest Government water mains for connection, and to resolve the land matters associated with the provision of water supply and should be responsible for

the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;

- (g) that the applicant should consult Environmental Protection Department regarding sewage treatment/disposal aspects of the proposed development; and
- (h) that formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut on a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at building plan submission stage; and
- (i) to note Assistant Commissioner for Transport/New Territories, Transport Department's comment as follows :
  - (a) a plan of scale 1:500 showing the access arrangement from Ting Kok Road to the site and the layout of car park and parking space arrangement should be submitted;
  - (b) the layout of the vehicular access at Ting Kok Road should be in accordance with Transport Planning and Design Manual (TPDM) Volume 2 Chapter 3 Clause 3.6.2, in particular the visibility area at the run-in as given in the Diagram 3.6.3.4 of TPDM Volume 2 Chapter 3; and
  - (c) to avoid any traffic complaint and problems, the land status of the access road and car park should be clarified. The access road should not affect any existing vehicular/pedestrian access to/from Ting Kok Road.

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/673                      Proposed Single House Development  
   in “Green Belt” and “Government, Institution or Community” zones,  
   Lots 379 and 380 RP (Part) in D.D. 186, Sha Tin  
   (RNTPC Paper No. A/ST/673)

---

**Presentation and Question Sessions**

37.            Mr W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed single house development with plot ratio of 0.034;
- (c) departmental comments –concerned Government departments had no adverse comment on the application;
- (d) District Officer/Shan Tin, Home Affairs Department advised that his office had received an objection from Mr. Yau Hon Bor, the indigenous Inhabitant Representative of Tung Lo Wan Village which was the same as that received by the Secretary of Town Planning Board. Two public comments from Mr. Kwan Shu Ching and Mr. Yau Hon Bor, member of Sha Tin West 1 Area Committee, were received during the statutory publication period. Mr. Kwan opined that To Fung Shan was the only green lung in Sha Tin worthy of conservation and had potential for tourism development. The proposed residential development would damage the existing environment. Mr. Yau representing the Sha Tin Tung Lo Wan Village Office objected to the application on the ground that substantial works would have adverse impacts on the village’s fung shui and life, health and property of the villagers; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper and the unique history of the case. The application was previously zoned “Residential (Group B)” in the outline zoning plan. It was rezoned, together with other sites, to “GB” in 1983 because of the findings of the assessment completed by the Inter-Departmental Working Group on To Fung Shan Development, which concluded that the major part of To Fung Shan would not be suitable for large scale residential development on accessibility and landscaping grounds. Regarding the building entitlement of the application site, District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD) advised that the Lot 379, part of the site, had building land area and development restrictions equivalent to 158.5m<sup>2</sup> of GFA, claimed by the applicant. For Lot 380RP, though the DLO/ST, LandsD had no record of approval for the erection of these structures under the lease, some were recorded for domestic purposes (e.g. dwelling, bath, kitchen, etc.) by the Squatter Control Unit of the Lands Department and the 9 structures were in existence in 1984 or earlier. The domestic structure accounted for 359.67m<sup>2</sup>. However, DLO/ST, LandsD would not ascertain whether the 359.67m<sup>2</sup> of domestic structures was building entitlement. The proposed single house would be built on the existing platform which had been formed before 1983 and did not involve any additional clearance of natural vegetation or effect the existing natural landscape. Within the proposed development site, only 4 trees in fair/poor condition would be affected and the wooded area inside “application site” would be enhanced and rehabilitated with some 8000 numbers of trees. The currently proposed plot ratio of 0.034 with a total GFA of 518.17m<sup>2</sup> for a single house of 3 storey over 1 storey carport was considered low and acceptable and the scale and intensity of development was compatible with the surrounding area. It would not cause major impacts on conservation, visual, environmental, geotechnical, landscape, traffic and infrastructural grounds and would not set an undesirable precedent for other similar application. Regarding the local objections on the environment, conservation and fung shui issues, the concerned Government departments had no objection to the application on the environmental and conservation

aspects and fung shui issue was not regarded as a planning consideration.

38. In response to a Member's question on the difference between the planning application No. A/ST/455 to the northwest of the site and the current application, Mr W.W. Chan responded that the planning application No. A/ST/455 proposed to develop 55 houses with a plot ratio of 0.4 whereas the current planning application was proposed for one house with a plot ratio of 0.268. The scale and intensity of development of the current proposal was very small compared with the planning application No. A/ST/455. The same Member opined that approval of the subject planning application in "GB" zone would set an undesirable precedent for similar applications causing substantial clearance of vegetation. Mr. W.W. Chan, making use of an aerial photo, explained that the built up area in the current application was mainly occupied by domestic structures and there would not be additional clearance of natural vegetation.

#### Deliberation Session

39. A Member opined that given the application site fell within "GB" zone and the road leading to the site was narrow, he could not support the application though he had no objection to it.

40. A Member asked the location of the tourist spot as mentioned in a public comment. Mr. W.W. Chan responded that the Lutheran Theological Seminary up the To Fung Shan Road was a popular spot.

41. Members noted the special background of the site and considered that special consideration could be given to the application as the proposed development intensity was low and compatible with the surrounding environment and no extensive clearance of vegetation was involved. Members considered that the application was a unique case and approval of it would not set an undesirable precedent.

42. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.11.2012, 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 a landscape proposal with tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of water supply to the development to Water Supplies Department standard of any private water supply system to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the provision of on-site sewage treatment facility to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) note the comments of the District Lands Officer/Shia Tin, Lands Department on land exchange application for the proposed development on the site;
- (b) note the comments of the Chief Building Surveyor/New Territories East, Buildings Department on the proposed development;
- (c) note the comments the Chief Geotechnical Engineer/Mainland East, Geotechnical Engineering Office, Civil Engineering and Development Department on the remedial works to deal with the Dangerous Hillside Orders; and
- (d) liaise with the Chief Engineer/Development (2), Water Supplies Department should there be interface problem with the “Replacement and Rehabilitation of Water Mains Stage 3 – Mains in New Territories” along Tung Lo Wan Hill Road to the application site.

**Agenda Item 13**

**Section 16A Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/228-6 Proposed Houses (Amendments to Approved Scheme)  
in “Agriculture”, “Government, Institution or Community”,  
“Green Belt”, “Open Space” and “Residential (Group C) 2” zones,  
Kwu Tung South, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/228-6)

---

44. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd (SHKP). The Committee noted that Messrs. Alfred Donald Yap and Y. K. Cheng had declared interests in the item as they had current business dealings with SHKP. Mr Y.K. Cheng had tendered apologies for not attending the meeting and Mr Alfred Donald Yap had not yet arrived to join the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed houses (amendments to approved scheme);
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that comparing with the last approved application (No. A/NE-KTS/228-5), more houses under the current proposed scheme were located closer along the heavily trafficked Fanling Highway and more houses would be subject to excessive traffic noise impacts. Thus, it was not a preferred scheme. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD & L, PlanD) had reservation on

the application since the proposed noise barrier walls along the northern boundary would have significant adverse visual impact when viewed from Fanling Highway side and were considered undesirable and the 7m to 10m high noise barriers would occupy landscape areas for plantings, reducing the width of the landscape buffer;

- (d) District Officer (North), Home Affairs Department advised that the Chairman of Sheung Shui District Rural Committee raised objection to the application on ecological, environmental, 'fung shui', visual and traffic grounds. The concerned North District Council member and the Residents' Representative of Kwu Tung (South) had no comment on the application but raised concern on the nuisance to the local villagers during the construction stage; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 9 of the Paper. Compared to the previously approved application (No. A/NE-KTS/228-5), the major differences were minor adjustments to the internal road, disposition and layout of the club house, disposition and form of houses which were not the subject of environmental mitigation measures, and addition of 12 ancillary swimming pools to 12 proposed houses falling within the part zoned "Residential (Group C)2" on the application site. The amendments were considered minor in nature and there were no changes in the major development parameters, including plot ratio, site coverage and number of storeys. Regarding DEP and CTP/UD&L, PlanD's concerns, they could be addressed at the detailed design stage when implementing appropriate mitigation measures required under the lease condition and by imposing relevant approval conditions. Regarding the local objection on ecological, environmental, 'fung shui', visual and traffic grounds, concerned departments had no adverse comments on the application and 'fung shui' consideration was not a planning issue.

46. Mr H. M. Wong said that paragraphs 1.3(c) and 2(c) of the Paper had mentioned that the noise barrier under the updated Environmental Traffic Noise Impact Assessment

Report was approved in October 2008 but according to his record, the noise barrier proposal was submitted by the applicant in September 2008 prior to the current application. He requested DPO to clarify with the applicant. Ms Stephanie P. H. Lai said that the noise barrier was submitted to Lands Department under lease condition. The Secretary remarked that the information as mentioned in paragraph 1.3(c) and 2(c) of the Paper was provided by the applicant only and it was the responsibility of applicant to make sure that the submissions to concerned departments tallied with each other.

### Deliberation Session

47. 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 7.7.2010, 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 design and provision of vehicular access road, parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission of landscape proposals including landscape treatments to noise barriers to the satisfaction of the Director of Planning or of the TPB;
- (c) the implementation of the approved tree preservation scheme and landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the design and implementation of sewerage treatment facilities/sewer connections to the application site to the satisfaction of the Director Environmental Protection or of the TPB;
- (f) no population intake should be allowed prior to the completion of Shek Wu

Hui Sewage Treatment Works upgrading works currently scheduled in 2009;

- (g) the design and provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (h) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

48. The Committee also agreed to advise the applicant :

- (a) to note the comments from the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
  - (i) the application site encroached on the existing water mains particularly at the location of the proposed noise barriers or in case existing water mains would be affected in the close vicinity of the proposed development during the construction stage, the developer should bear the cost of any necessary diversion works affected by the proposed development. If any earth filling, structures, fencing and the like which were constructed/erected by the applicant in the close vicinity or would affect the operation and maintenance of existing water mains, the applicant should submit details of their proposed works to WSD for agreement before commencement of works;
  - (ii) construction works under Contract No. 23/WSD/06 – ‘Replacement and Rehabilitation of Water Mains, Stage 2 – Mains in North District’ might be affected by the proposed development. The Contract was being carried out and was scheduled to be completed in 2011;

- (iii) the proposed works under Agreement No. CE 10/2008 (WS) – ‘Replacement and Rehabilitation of Water Mains, Stage 4 – Mains in New Territories – Investigation, Design and Construction’ might be affected by the proposed development. The Agreement had commenced on 26.9.2008 and the construction works was anticipated to commence in June 2010 for completion by the end of 2015;
  - (iv) the application site was located within WSD flooding pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (b) to liaise with the local villagers in resolving and minimizing the nuisance to the local villagers during the consultation stage.

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

[Mr Alfred Donald Yap arrived to join the meeting at this point.]

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

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

**Agenda Item 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/377                      Shop and Services (Real Estate Agency) in “Industrial” zone,  
Workshop No. 164 (Part), G/F, Hang Wai Industrial Centre,  
6 Kin Tai Street, Tuen Mun  
(RNTPC Paper No. A/TM/377)

---

**Presentation and Question Sessions**

49.            Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    shop and services (real estate agency);
- (c)    departmental comments – the Director of Fire Services (D of FS) objected to the application since a means of escape completely separated from the industrial portion was not available;
- (d)    no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e)    the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. Since a means of escape completely separated from the industrial portion was not available, there was fire safety concern on risks likely to arise or increase from the proposed commercial use under application.

50.            Members had no question on the application.

**Deliberation Session**

51. After deliberation, the Committee decided to reject the application and the reason was that the real estate agency use at the application premises was considered not acceptable from fire safety point of view.

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/378                      Proposed Public Utility Installation (Sewage Pumping Station)  
in 'Road' and "Residential (Group A)" zones,  
Government Land in D.D. 300 and D.D. 131, Tuen Mun  
(RNTPC Paper No. A/TM/378)

---

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

52. The Committee noted that the applicant requested on 13.10.2008 for a deferment of the consideration of the application for two months in order to allow sufficient time to address departmental comments.

#### **Deliberation Session**

53. 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.

[Mr. Wilson W.S. Chan, STP/TMYL, left the meeting at this point.]

**Agenda Item 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/312      Temporary Open Storage of Light Goods Vehicles for Sale  
for a Period of 3 Years in “Residential (Group D)” zone,  
Lots 666 S.B (Part) and 667 (Part) in D.D. 110,  
Kam Tin Road, Yuen Long  
(RNTPC Paper No. A/YL-KTN/312)

---

**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) temporary open storage of light goods vehicles for sale for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there was sensitive receiver i.e. a residential dwelling to the north of the site and environmental nuisance was expected. However, there was no environmental complaint received in the past three years;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The development complied with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’. The development was considered not incompatible with the surrounding land uses. The

approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “Residential (Group D)” zone. As the applicant had demonstrated effort in complying with the approval conditions of the previous applications and D of FS and other concerned departments except DEP had no adverse comment on the subject application, sympathetic consideration could be given to the current application. Regarding the concern of DEP on the possible nuisance generated by the development, given the scale of development, the environmental nuisance generated by the development would unlikely be significant and approval conditions restricting operation/business hours and prohibiting medium or heavy goods vehicles and vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities would be imposed. A shorter compliance period should be imposed to monitor the fulfilment of approval conditions.

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 7.11.2011, 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 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no 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 during the planning approval period;

- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (e) the drainage facilities implemented on the application site should be maintained (under Application No.A/YL-KTN/175) at all times during the planning approval period;
- (f) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2009;
- (g) in relation to (f) 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 7.5.2009;
- (h) 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;
- (i) if any of the above planning conditions (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 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 prior planning permission should have been obtained before commencing the applied use at the application site;

- (b) that shorter compliance period be granted so as to monitor the situation on site and fulfilment of approval conditions;
- (c) that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments that the site was being covered by Short Term Waiver (STW) to allow the structures erected on Lot No. 666 S.B in D.D. 110 for the purpose of a rattan furniture shop. His office reserved the right to take appropriate action should any breach of the conditions of the STW be found. Besides, the applicant should clarify the discrepancy between the occupation area and site area under planning application;
- (e) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any possible environmental nuisances;
- (f) to note the Director of Fire Services' comment that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. Besides, the location of where the proposed FSIs to be installed should be clearly marked on the building plan. The applicant should also observe his requirements on emergency lighting, directional and exit sign, fire alarm system, hose reel system and portable hand-operated approved appliances in formulating the FSIs proposal for the proposed structure. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration;

- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site, which were liable to action under section 24 of the Buildings Ordinance should be removed. The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Besides, formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulations 19(3) at building plan submission stage; and
- (h) to note the Director of Electrical and Mechanical Services' comments that 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. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLP Power Hong Kong Limited to divert the existing low voltage overhead lines away from the vicinity of the proposed development.

**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/313      Renewal of Planning Approval for “Temporary Open Storage of Construction Materials” under Application No. A/YL-KTN/258 for a Period of 18 Months until 30.6.2010 in “Other Specified Uses” annotated “Railway Reserve” zone, Lots 431 (Part), 432 (Part), 433 S.A (Part), 433 S.B (Part), 433 S.C (Part), 434 (Part), 1738 (Part) and 1739 RP (Part) in D.D. 107 and Adjoining Government Land, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/313)

---

**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” under application No. A/YL-KTN/258 for a period of 18 months until 30.6.2010;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures in the vicinity of the site and environmental nuisance was expected. However, there was no environmental complaint received in the past three years;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for a period of 18 months based on the

assessments given in paragraph 12 of the Paper. The development was considered not incompatible with the surrounding mixed land uses. The Chief Engineer/Railway Development (2-1), Railway Development Office, Highways Department had advised that the site fell outside the proposed scheme boundary of the Northern Link. Therefore, the renewal of the temporary planning permission for another 18 months would not frustrate the planning intention of the “Other Specified Uses (Railway Reserve)” zone on the OZP. The application was considered generally in line with TPB PG-No. 13E. All the planning conditions under the previous approval had been complied with. Since there was no major change in planning circumstances, there was no strong justification to depart from the Board’s previous decision. To address the concern of the DEP on the possible nuisance generated by the temporary use, approval conditions restricting operation/business hours, vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other industrial/workshop activities and prohibiting goods vehicles exceeding 5.5 tonnes and container trailer/trailers 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 18 months until 30.6.2010, 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 7:00 p.m. and 9:00 a.m. as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other industrial/workshop activities should be carried out on the site at

any time during the planning approval period;

- (d) no goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance and container trailers/tractors, were allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no stacking of materials above the height of the peripheral fencing (2.5m), as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (f) the drainage facilities implemented under application No. A/YL-KTN/258 should be maintained to the satisfaction of the Director of Drainage Services during the planning approval period;
- (g) the implementation of the accepted landscape plan within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2009;
- (h) 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 7.5.2009;
- (i) in relation to (h) 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 7.8.2009;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (l) upon 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 prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that some unauthorized structures including containers were erected on the site. Besides, Government land within the site was also occupied without approval from his office. His office reserved the right to take enforcement/control action against these irregularities. Should the application be approved, the applicant should apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on site. Should no STW/STT 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. In addition, the site was accessible by an informal track from San Tam Road, which ran through open government land without maintenance works to be carried out by his office. His office would not guarantee right-of-way to any proposed STW/STT even if the subsequent proposal was approved. The applicant should also clarify the discrepancy between the existing occupation area and the site area under application;
- (d) to 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 application site and San Tam Road;

- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the Director of Fire Services’ comment that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. Besides, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should also be clearly marked on the building plans;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person had to be appointed to coordinate all building works; and
- (h) to note the Director of Electrical and Mechanical Services’ comments that prior to establishing any structure within the site, the applicant and his contractors should consult CLP Power Hong Kong Limited (CLPP) in respect of the safety clearances required for activities near the overhead lines and the specific precautionary measures. The ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation (Cap 406H) should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. There should not be any reduction of the existing ground clearance between any point on the lowest conductor of the concerned 400kV overhead lines and the ground. In any time, CLPP should be allowed access to the site for carrying out any necessary

operation, maintenance and repair work.

**Agenda Item 18**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/314      Proposed Temporary Shop and Services (Estate Agency)  
and Staff Rest Rooms for a Period of 3 Years  
in “Residential (Group D)” zone,  
Lot 637 RP (Part) in D.D. 110, Pang Ka Tsuen, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/314)

---

**Presentation and Question Sessions**

62.            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) proposed temporary shop and services (estate agency) and staff rest rooms for a period of 3 years;
- (c) departmental comments – concerned Government departments had no adverse comment on the application;
- (d) District Officer (Yuen Long), Home Affairs Department advised that he had received one comment from the Pat Heung Rural Committee which was the same as the public comment received during the statutory publication period. One public comment was received during statutory publication period. The commenter had no strong view on the application but stressed that Pang Ka Tsuen was located within Pat Heung instead of Kam Tin; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

application could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. The proposed estate agency for sale of the new property was considered not incompatible with the surrounding mixed land uses. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “Residential (Group D)” zone since there was not yet any known programme to implement the zoned use.

63. Members had no question on the application.

#### Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.11.2011, 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 10:00 p.m. and 9:00 a.m. daily, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) 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 7.5.2009;
- (c) in relation to (b) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2009;
- (d) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.5.2009;
- (e) in relation to (d) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director

of Fire Services or of the TPB by 7.8.2009;

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

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should apply to his office for issue of Short Term Waiver (STW) for the proposed temporary structures on site and there was no guarantee that the STW would be approved. Should no STW applicant was received/approved and unauthorized structures were found on site, his office, on review of the situation, would take action as appropriate according to the established district lease enforcement programme. Besides, his office would not carry out any maintenance works for the local track on private land connecting the site and Kam Tin Road, and the right-of-way to any proposed STW would not be guaranteed even if the subsequent regularization proposal was approved;
- (b) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (c) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her water mains or water supply facilities 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 water mains or water supply facilities within the private lots to WSD's standards;

- (d) note the Director of Fire Services' comments that, in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal, the applicant should observe his requirements on provisions of emergency lighting, directional and exit sign, fire alarm system, hose reel system and portable hand-operated approved appliances. In addition, the applicant was advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of the proposed FSIs to be installed should be clearly marked on the building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person had to be appointed to coordinate all building works; and
- (f) note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there was one proposed container on the east lying in the vicinity of a low voltage overhead line. 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. Besides, prior to positioning/removal of the proposed containers to/from the site, the applicant and his contractors should liaise with CLPP

to take any safety advice and the precautionary steps and measures in handling the containers.

**Agenda Item 19**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/445      Utility Installation for Private Project (Electricity Package Substation) in “Village Type Development” zone, Lot 1980 S.AF in D.D. 106, Yuen Kong San Tsuen, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/445)

---

Presentation and Question Sessions

66.            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)    utility installation for private project (electricity package substation);
- (c)    departmental comments – concerned Government departments had no adverse comment on the application;
- (d)    no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The proposed package substation was required for the provision of necessary electricity supply to a proposed development for 28 Small Houses in the locality. It was small in scale (about 12m<sup>2</sup> and 2.71m in height) and was considered not incompatible with the surrounding area in rural character.

67. Members had no question on the application.

Deliberation Session

68. 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 7.11.2012, 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; and
- (b) the submission and implementation of fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that Short Term Waiver (STW) should be applied to regularize the proposed package substation. Should no application was received/approved, his office, on review of the situation, would take action as appropriate according to the established district lease enforcement programme;
- (b) note the Director of Electrical and Mechanical Services' comments that prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with CLP Power Hong Kong Limited (CLPP) and, if necessary, ask CLPP to divert the 11kV high voltage overhead lines, 11kV high voltage underground cables and 11kV overhead poles away from the vicinity of the proposed development. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should also be observed

by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;

- (c) note Director of Health's comments that installation and operation of electricity package substation should comply with the "Guidelines for Limiting Exposure to Time-varying Electric, Magnetic, and Electromagnetic Fields (Up to 300 GHz)" promulgated by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Any location in the vicinity of the proposed substation that was accessible to workers and members of the public should not exceed the relevant reference levels for occupational exposure and exposure of the general public respectively. For package substation with frequency of 50Hz, reference levels for occupational exposure were 10kV/m (E-field) and 0.5mT (B-field) and reference levels for general public exposure were 5kV/m (E-field) and 0.1mT (B-field). The compliance with the above ICNIRP guidelines should be verified by direct on-site measurement by the relevant party upon commissioning of the substation;
- (d) note the Chief Engineer/Mainland North, Drainage Services Department's comments that precautionary measures should be undertaken by the applicant to avoid damage of existing drainage facilities. The applicant should also verify the actual site condition by sub-surface explorations before carrying out any works. Free flow condition should be maintained before and after the proposed works. In the event of any damage to the existing public drainage system arising from the above works, the applicant should be held responsible for making good the damage at his own cost to Drainage Services Department's satisfaction;
- (e) 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 site under the Buildings Ordinance and the allied regulations. Actions appropriate under the Buildings Ordinance s24 or other enactment might be taken if contravention was found. Besides, 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 not less than 4.5m wide, the development intensity should be determined under the Building (Planning) Regulations 19(3) at building plan submission stage. Emergency vehicular access under the Building (Planning) Regulation 41D should also be provided;

- (f) note the Chief Engineer/Development (2), Water Supplies Department' s comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (g) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Besides, fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulation FSIs proposal for the proposed structure, the applicant should observe the requirements on emergency lighting, directional and exit sign, fire detection system and portable hand-operated approved appliances. Should the applicant wish to apply for exemption from provision of certain FSI, he should provide justifications to his department for consideration.

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/146            Proposed Temporary Storage of Vehicles (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Agriculture” zone, Lot 1045 (Part) in D.D. 106, Shui Lau Tin, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-SK/146)

---

**Presentation and Question Sessions**

70. 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) proposed temporary storage of vehicles (private cars and light goods vehicles) for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application since crop farms as well as organic farms were spotted in the close vicinity of the site. As the agricultural activities in the vicinity of the site were active and the site could be rehabilitated for agricultural purposes, such as greenhouse farming. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located in the vicinity of the site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application since open storage yards were not common in the area and the open storage to the east of the site was probably an unauthorised use. The proposed use was incompatible with the surrounding rural landscape. If the application was approved, it would set a precedent for other similar applications in the area leading to proliferation of undesirable use;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The occupation of the disused pigsty structure for storage of vehicles was not in line with the planning intention of the “Agriculture” (“AGR”) zone. The agricultural activities in the vicinity of the site were still active and the site could be rehabilitated for agricultural purposes. There was no strong

justification in the submission for a departure from such planning intention, even on a temporary basis. The development was not compatible with the rural and tranquil environment of the surrounding areas which comprised agricultural land, fish ponds, unused land, scattered residential structures and barracks. There were sensitive receivers located in the vicinity of the site, and environmental nuisance was expected. CTP/UD&L of PlanD considered that the use was incompatible with the surrounding rural fringe landscape character and would degrade the landscape quality of the area. In this regard, there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental and landscape impacts on the surrounding areas. Approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into the “Agriculture” zone, the cumulative effect of which would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.

71. A Member asked noting that the application site was paved and used for pigsty for many years and whether it was reasonable for DAFC to request for rehabilitation of the land for agriculture use. Miss Paulina Y.L. Kwan responded that DAFC’s comments were to rehabilitate for agriculture use like green house as mentioned in paragraph 9.1.2(a) of the Paper. The same Member further asked whether the rejection reasons in paragraph 12.1 (a) (i.e. not in line with planning intention for “AGR” zone) and 12.1 (c) (i.e. cumulative effect of approving such applications would result in the encroachment of good agricultural land) truly reflected the situation for the site. The Chairperson remarked that good quality agricultural land referred to a general area with good accessibility or equipped with supporting facilities for agricultural purpose. The Secretary pointed out that the planning intention of “AGR” zone reflected the area as a whole but not a particular site. She advised that should the Committee decide to reject the application, the last sentence of the rejection reason as stated in paragraph 12.1 (c) could be deleted. Members generally agreed.

#### Deliberation Session

72. After deliberation, the Committee decided to reject the application and the

reasons were :

- (a) the occupation of the site for storage of vehicles was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
- (b) there was insufficient information in the submission to demonstrate that the development would have no adverse environmental and landscape impacts on the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone.

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/234            Proposed Temporary Warehouse (Construction Machinery and Materials) and Open Storage of Construction Machinery and Materials for a Period of 3 Years in “Agriculture” zone,  
Lot 1302 RP (Part) in D.D. 118, Tai Shu Ha Road West,  
Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/234)

---

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

73.            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) proposed temporary warehouse (construction machinery and materials) and

open storage of construction machinery and materials for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as traffic of heavy vehicles was expected to be generated by the proposed development, which needed to travel along access road within 50m from residential settlements. As such, environmental nuisances were expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) did not support the application since the site was within an extensive rural plain characterized by rural fringe landscape. The land immediately adjacent to the site was mostly vacant rural fields currently zoned “Agriculture” (“AGR”). Approval of the application would set a precedent for other similar applications in the area pushing the urban fringe further into the rural areas, leading to proliferation of undesirable use and degradation of landscape quality in the surrounding rural setting;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. The proposed development was incompatible with the surrounding area which was generally rural in character. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The proposed development was not in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) in that there was no previous planning approval granted for the site and there were adverse departmental comments on the impacts brought about by the proposed development. Two areas of about 28 ha were zoned “OS” on the Tai Tong Outline Zoning Plan to cater for the use under application. There was no information in the submission to demonstrate why suitable

sites within these “OS” zones could not be made available for the proposed development. Approval of the application would set an undesirable precedent for other similar uses to proliferate into the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

74. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The site was located amid of a large “AGR” zone surrounded by fallow agricultural/vacant lands. The proposed development was incompatible with the surrounding area which was generally rural in character. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) in that there was no previous planning approval granted for the site and there were adverse departmental comments on the impacts brought about by the proposed development;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental, landscape and drainage impacts on the surrounding areas;

- (d) two areas were zoned “Open Storage” (“OS”) on the Tai Tong Outline Zoning Plan to cater for the use under application. There was no information in the submission to demonstrate why suitable sites within these “OS” zones could not be made available for the proposed development; and
- (e) approval of the application would set an undesirable precedent for other similar uses to proliferate into the zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/235            Temporary Public Car Park with Ancillary Office  
for a Period of 3 Years in “Village Type Development” zone,  
Lot 3255 RP in D.D. 120, Shung Ching San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TT/235)

---

**Presentation and Question Sessions**

76.            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) temporary public car park with ancillary office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that a pollution complaint against the site was received in the past three and a half years. The complaint was lodged in 2006 and related to waste pollution on used lubricant oil discharge;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The development was not in line with the planning intention of the “V” zone. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. There was no strong justification for a departure from the planning intention, even on a temporary basis. Insufficient information had been provided by the applicant to substantiate the nature and operations of the applied uses. There were a number of vehicle parking sites nearby to cater for the needs of the villagers. Residential dwellings were located in close proximity to the site and there was an environmental complaint against the site related to waste pollution and used lubricant oil discharge. There was insufficient information in the submission to demonstrate that the development would not cause adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. There was no previous planning approval for similar use granted for the site. Approval of the application would set an undesirable precedent for similar uses, the cumulative effect of which would result in a general degradation of the environment of the area.

77. Members had no question on the application.

#### Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) there was insufficient information in the submission to demonstrate that the development would not cause adverse environmental, traffic, drainage and landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar uses to proliferate into the zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/236            Temporary Forklift Training Centre with Ancillary Facilities  
for a Period of 3 Years in “Agriculture” zone,  
Lots 1945 (Part), 2221 (Part), 2222, 2223, 2269 S.B ss.1 (Part),  
2270 S.A (Part), 2270 S.B (Part), 2271 (Part), 2272 and  
2273 (Part) in D.D. 118 and Adjoining Government Land,  
Sung Shan New Village, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/236)

---

**Presentation and Question Sessions**

79.            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) temporary forklift training centre with ancillary facilities for a period of 3 years;
- (c) departmental comments – concerned Government departments had no adverse comment on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. Planning permission for the development had been granted since 28.1.2000 and the development had existed continuously since then. The development could satisfy some of the demand for forklift training facilities for the construction industry and was also supported by the Construction Industry Training Authority. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone. All planning conditions attached to the last application No. A/YL-TT/183 were complied with.

80. Members had no question on the application.

#### Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.11.2011, 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 5:00 p.m. and 9:00 a.m. was allowed on the site, as proposed by the applicant, during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no forklift truck was allowed to be driven in/out from the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the

planning approval period;

- (e) 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;
- (f) the existing drainage facilities on the site should be maintained at any time during the planning approval period;
- (g) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2009;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2009;
- (i) 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 7.5.2009;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2009;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

82. The Committee also agreed to advise the applicant :

- (a) that planning permission should have been renewed before continuing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the application site;
- (c) to 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. Short Term Waiver (STW) Nos. 2421 and 2422 and Short Term Tenancy (STT) No. 1763 had been granted. His office reserved the right to take appropriate action should any breach of the conditions of the STWs and STT be found. His recent site inspection revealed that some unauthorized structures were also erected on Lots 2270 S.B and 2273 on the site without prior approval of his office. In this connection, his office reserved the right to take enforcement action against these irregularities. Furthermore, the existing occupation area was found to be different with that under application. As such, the applicant should clarify this discrepancy. The applicant should also apply for STW to regularize the irregularities on Lots 2270 S.B and 2273. 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 and land control programme;
- (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 the same

road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the existing vehicular access leading to the site was not under his office's maintenance jurisdiction;
- (f) 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;
- (g) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that an updated landscape proposal showing the current site boundary and location of the plants should be submitted. The applicant was also required to plant new trees in place of the missing trees;
- (h) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his office for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements as stated in Appendix III of the paper. Moreover, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to his office for consideration;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's comments that there would be proposed water mains rehabilitation works – "Replacement and Rehabilitation of Water Mains Stage 4" along and within the site. The works contract was scheduled to commence in June

2010 for completion in 2015. Free access should be maintained and provided to Water Authority and his officers, agents and contractors and his or their workmen 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 the said area. Government should not be liable for any damage whatsoever and however caused arising from burst or leakage of the public water mains within and in the vicinity of the site;

- (j) 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 overhead lines, duct cables, 11 kV underground cables and 11 kV poles within or in the vicinity of the site. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP to divert the existing overhead lines/underground cables away from the vicinity of the proposed development; and
  
- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

**Agenda Item 24**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/408 Proposed Temporary Storage of Construction Materials  
for a Period of 3 Years in “Undetermined” zone,  
Lots 1876 RP (Part) and 1889 (Part) in D.D. 117 and  
Adjoining Government Land, Kung Um Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/408)

---

**Presentation and Question Sessions**

83. 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) proposed temporary storage of construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located to the immediate west and southwest and in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. The application was generally in line with Town Planning Board Guidelines - No. 13E. Given that the site was zoned “Undetermined” on the OZP, the approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term use of the area. The development was not incompatible

with the surrounding areas. Regarding DEP's concern, since the development was mainly for storage of construction materials in semi-enclosed structures, it was not expected to generate significant environmental impact on the surrounding areas. To address DEP's concern, approval conditions restricting the operation hours, prohibiting dismantling, repairing, cleansing and workshop activities and requiring the maintenance of boundary fence at all times were recommended.

84. Members had no question on the application.

#### Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.11.2011, 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 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed during the planning approval period;
- (c) no dismantling, repairing, cleansing and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) the existing boundary fence on the application site should be maintained at any time during the planning approval period;
- (e) the submission of vehicular run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.5.2009;

- (f) in relation to (e) above, the provision of vehicular run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.8.2009;
- (g) 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 7.5.2009;
- (h) in relation to (g) 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 7.8.2009;
- (i) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2009;
- (j) in relation to (i) 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 7.8.2009;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2009;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2009;
- (m) 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;
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l)

was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (o) upon 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.

86. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before erecting any structure at the application site;
- (b) to resolve any land issue relating to the development with other concerned owners of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take enforcement/control action against the erection of unauthorised structures and occupation of Government land on the site. The applicant was reminded to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise 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;
- (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. The management and maintenance responsibilities of the same 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 (HyD) comments that the vehicular run-in/out to be constructed at the access point should be in accordance with HyD's standard drawings No. H1113 and H1114, or H5115 and H5116, to match with the existing pavement condition. Moreover, his department should not be responsible for the maintenance of any vehicular access between the site and Kung Um Road;

- (f) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the size of the underground pipe should not be less than that of the upstream U-channel and the drainage proposal should be reviewed;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (i) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Relevant layout plans incorporated with proposed FSIs should be submitted to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to his requirements mentioned in Paragraph 10.1.8(b) of the Paper. Moreover, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, justifications should be provided to his department for consideration;
- (j) to note the Chief Building Surveyor/New Territories West, Buildings

Department's comments that unauthorised structures on site were liable to action under section 24 of the Buildings Ordinance. However, the granting of planning approval should not be construed as condoning to any unauthorised structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Containers used as office or store were considered as temporary buildings and were subject to control under Building (Planning) Regulation Part VII. 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

- (k) 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 underground cables in the vicinity of the site. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLPP to divert the existing low voltage underground cables away from the vicinity of the proposed development.

**Agenda Item 25**

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/YL-HT/564

Temporary Warehouse of Electronic Parts, Paper Products and Non-flammable Materials and Ancillary Tyre Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 3305 RP (Part), 3306 (Part), 3307 RP, 3310 S.A RP (Part), 3310 S.B (Part), 3311 RP, 3312 S.A (Part), 3312 S.B, 3313 (Part) and 3314 (Part) in D.D. 129, Ha

Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/564A)

---

**Presentation and Question Sessions**

87. 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) temporary warehouse of electronic parts, paper products and non-flammable materials and ancillary tyre repair workshop for a period of 3 years;
- (c) the Committee on 10.10.2008 decided to defer a decision on the application pending comments from the Buildings Department;
- (d) departmental comments – the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) had no in-principle objection to the application subject to the removal of all unauthorized structures on the site, which were liable to action under section 24 of the Buildings Ordinance. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site and the access road (Ping Ha Road);
- (e) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary warehouse could be tolerated for a period of three years, based on the assessments given in paragraph 3 of the Paper. The development complied with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses'. The application use was not incompatible with the surrounding uses which were predominantly open storage yards and vehicle parks. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the "Comprehensive Development Area" zone since there was no known programme to develop the site for the zoned use. The DEP's concern could be addressed by imposing approval conditions restricting the operation hours and the types of activity on site. The Committee had recently approved a number of similar applications in the same "CDA" zone for similar temporary open storage and port back-up uses.

88. Members had no question on the application.

#### Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.11.2011, 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 11:00 p.m. to 7:00 a.m. was allowed on the site at any time during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, other than tyre repair, was allowed on the site at any time during the planning approval period;

- (d) the drainage facilities implemented on the site under Application No. A/YL-HT/440 should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2009;
- (f) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2009;
- (g) in relation to (f) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2009;
- (h) the submission of fire service installations proposals, including sprinkler system, for the proposed structures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2009;
- (i) in relation to (h), the provision of fire service installations for the proposed structures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2009;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) 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

- (l) 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.

90. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before continuing the development on site;
- (b) that shorter compliance periods were imposed in order to monitor the fulfillment of approval conditions. 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;
- (c) 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 take immediate action to discontinue such use/development not covered by the permission;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress via Ping Ha Road to/from the site might be affected during the construction period for Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" commenced in December 2007 for completion in end 2010, and that he should not be entitled for any compensation thereof. As the road level of Ping Ha Road would be raised after the proposed improvement works, the applicant should be required to carry out necessary modification works within the site to match the proposed road level/run-in (10m wide) at

his own expense in future so as to tie in the interface with aforesaid project;

- (f) 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;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structures, for approval under the BO was required; the site did not abut on a specified street of more than 4.5m in width; and the development intensity would be determined under Building (Planning) Regulation 19(3);
- (h) to note the Director of Fire Services’ comments that in consideration of the design/nature of the structures, fire service installations (FSIs) were anticipated to be required, to submit relevant building plans incorporated with the proposed FSIs to his Department for approval and that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In formulating the FSI proposal, the applicant was advised to make reference to the requirements as stipulated in paragraph 4.14 ‘Commercial – Low Rise’ and in paragraph 4.29 ‘Industrial/Godown – Low Rise’ of the current version of the ‘Codes of Practice for Minimum Fire Service Installations and Equipment’ for the proposed office and warehouse respectively. In this connection, the applicant should also be advised that the building plans should be drawn to scale and depicted with dimensions, and the location of where the proposed FSI to be installed should be clearly marked on the building plans. Moreover, the applicant was advised that sprinkler system should be provided to the warehouses which have covered floor area over 230m<sup>2</sup>. The applicant might seek advice from his New Projects Division where

necessary, and approach his Dangerous Goods Division for advice on licensing of the premises for workshop purposes;

- (i) 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 structure was allowed to be erected without prior approval from his Office, and to apply for Short Term Waiver to regularize the unauthorized structures on site; and
- (j) 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 from a public road 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.

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/YL-HT/569

Temporary Logistic Centre and Warehouse for a Period of 3 Years in "Comprehensive Development Area" zone, Lots No. 80 (Part), 88 (Part), 89 (Part), 90 (Part), 91 (Part) and 92 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/569A)

---

### **Presentation and Question Sessions**

91. Mr. Anthony C.Y. Lee, STP/TMYL, said that a replacement page of Enclosure Appendix F-II of the Paper had been tabled at the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary logistic centre and warehouse for a period of 3 years;
- (c) the Committee on 10.10.2008 decided to defer a decision on the application pending comments from the Buildings Department;
- (d) departmental comments – the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) had no in-principle objection to the application subject to the removal of all unauthorized structures on the site, which were liable to action under section 24 of the Buildings Ordinance. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site and the access road (Ping Ha Road);
- (e) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (f) the Planning Department (PlanD)'s views – the PlanD considered that the temporary logistics centre and warehouse could be tolerated for a period of 3 years based on the assessments given in paragraph 3 of the Paper. The development complied with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses'. The application use was not incompatible with the surrounding uses. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the "Comprehensive Development Area" zone since there was no known programme to develop the site for the zoned use. To address DEP's concerns and mitigate any potential environmental impacts, approval conditions restricting the operation hours had been recommended. The Committee had recently approved a number of similar applications in the same "CDA" zone for similar temporary open storage and port back-up uses.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.11.2011, 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 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site at any time during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the drainage facilities implemented on the site under Application No. A/YL-HT/480 should be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2009;
- (e) the submission of landscaping and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2009;
- (f) in relation to (e) above, the implementation of landscaping and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2009;
- (g) the submission of fire service installations proposals, including sprinkler system, within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.5.2009;

- (h) in relation to (g), the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.8.2009;
- (i) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2009;
- (j) 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;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) 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
- (l) 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.

94. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) 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;
- (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 the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office. The

application should clarify the discrepancy between the existing occupation area and that under application, and to apply for Short Term Waiver to regularize the unauthorized structures on site. Otherwise, his office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme;

- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structures for approval under the BO was required; if the site did not abut on a specified street of more than 4.5m in width, the development intensity would be determined under Building (Planning) Regulation 19(3);
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading from the site to a public road 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; and
- (f) to note the Director of Fire Services' comments to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his Department for consideration and approval, with reference to the following requirements:
  - (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
  - (ii) sufficient directional and exit sign should be provided in accordance

with BS 5266: Part 1 and FSD Circular Letter 5/2008;

- (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and FSD Circular Letter 1/2002. One actuating point and one audio warning device to be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device installation;
- (iv) modified hose reel system supplied by 2 m<sup>3</sup> FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans;
- (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans;
- (vi) sprinkler system should be provided to the entire building in accordance with BS EN 12845: 2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet, sprinkler control valve group should be clearly marked on plans;
- (vii) moreover, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
- (viii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and
- (ix) justifications should be provided to his department for consideration should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above.

**Agenda Item 27**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/581            Temporary Public Vehicle Park (Private Cars, Lorries and Coaches)  
for a Period of 3 Years in “Comprehensive Development Area” zone,  
Lots 826 S.B RP (Part) in D.D.125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/581)

---

Presentation and Question Sessions

95.            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) temporary public vehicle park (private cars, lorries and coaches) for a period of 3 years;
- (c) departmental comments – concerned Government departments had no adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The development complied with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’. The applied use was not incompatible with the surrounding uses. Besides, approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “Comprehensive Development Area” zone

since there was not yet any programme/known intention to implement the zoned use on the OZP. To mitigate any potential environmental impacts, approval conditions including no night-time operation and no operation on Sundays and public holidays, and prohibition of container vehicle parking on site, had been recommended. The Committee had recently approved a number of similar applications in the same “CDA” zone for similar temporary open storage and port back-up uses.

96. Members had no question on the application.

#### Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.11.2011, 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 11:00 p.m. to 7:00 a.m. was allowed on the site at any time during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no parking of container vehicles, including container trailers and tractors, was allowed on the site at any time during the approval period;
- (d) no vehicle without valid licenses issued under the Traffic Regulations was allowed to be parked/stored on the site at any time during the approval period;
- (e) no open storage of materials was allowed on the site at any time during the planning approval period;
- (f) the drainage facilities implemented on the site under Application No. A/YL-HT/172 should be maintained at all times during the planning

approval period;

- (g) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2009;
- (h) 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 7.5.2009;
- (i) in relation to (h) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2009;
- (j) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.5.2009;
- (k) in relation to (j) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.8.2009;
- (l) the construction of an interception channel at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.8.2009;
- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2009;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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;

- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) 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
- (p) 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.

98. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been renewed before continuing the development on site;
- (b) 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 take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (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 from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and consult the

relevant lands and maintenance authorities accordingly;

- (f) 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 structure was allowed to be erected without prior approval from his Office and to apply for Short Term Waiver/Short Term Tenancy to regularize the unauthorized structures on site and the unauthorized occupation of Government land. Otherwise, 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; and
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments to construct a run-in/out at the access point in accordance with HyD's standard drawing No. H1113 and H1114 or H5115 and H5116, to match with the existing pavement condition.

### **Agenda Item 28**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/171            Proposed Temporary Restaurant for a Period of 3 Years  
in "Open Space" zone, Lots 5, 6, 7, 8 RP, 9 RP and 10 in D.D.101,  
Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/171)

---

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

99.            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) proposed temporary restaurant for a period of 3 years;

- (c) departmental comments – concerned Government departments had no adverse comment on the application;
  
- (d) 32 public comments were received during the statutory publication period. Amongst the 32 commenters, 29 commenters objected, 2 supported the application and 1 commenter had not stated his stance. The commenters included three Owners Committees (OC) (OC of Palm Springs, OC of Royal Palm and OC of Palm Springs Monterey), Royal Palms Management Services Office and 28 members of the public in comment forms. The Owners Committee of Palm Springs, Royal Palm and the Palm Springs Monterey of Palm Springs and Royal Palms Management Services Office objected to the proposed development mainly on grounds that the proposed development would bring about problems associated with air pollution, noise nuisance, improper sewage discharge, traffic and flooding and no relevant technical assessments had been submitted. Concerns were also raised that heavy vehicular traffic generated would increase the possibility of traffic accident, the local residents were required to bear the maintenance cost of Palm Springs Boulevard as a result of the damage made by the vehicular traffic. Other members of the public had concerns on the problems associated with air pollution, noise nuisance, improper sewage discharge, traffic and flooding. The two commenters expressing support to the application considered that the proposed development would provide convenient service to surrounding residents and drivers passing-by the Castle Peak Road, enhance the townscape surrounding Castle Peak Road and San Tin Highway, increase the value of Palm Springs/Royal Palm provided that the restaurant was in western style and landscape planting was provided to match with the overall design of Palm Springs; and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. There was no imminent open space development programme on site. Given the temporary nature of the proposed development, the development would not frustrate the

long-term planning intention of the subject “O” zone. The proposed temporary restaurant was small in scale. There was also no sensitive receiver in the immediate vicinity of the site and the development was not incompatible with the land uses of the surrounding areas. Though the site fell within the Wetland Buffer Area of Deep Bay, it was located at a significant distance from the fishponds and wetlands in the Deep Bay area and separated by the major residential developments at Royal Palms and Palm Springs and the envisaged off-site impacts on the wetlands and fish ponds were insignificant. Regarding the public comments received, concerned departments had no objection to the application. Besides, medium and heavy vehicles (i.e. exceeding 5.5 tonnes) would be restricted from parking inside the site to ensure road safety and minimize noise nuisance. The applicant should also obtain a valid restaurant licence from Director of Food and Environmental Hygiene under the provisions of Food Business Regulations of Public Health and Municipal Ordinance (Cap. 132) in which the operation of the restaurant would be under proper control without causing environmental nuisance to the surroundings. For the maintenance cost of Palm Springs Boulevard, it was an issue between the road owner and the restaurant operator and should be sorted out between the two parties as recommended in the advisory clause. Previous planning approvals for the same use on the site had been granted and there was no change in planning circumstances to warrant a departure from the Committee’s previous decisions.

100. The Chairperson remarked that the public comments would be addressed by imposing relevant approval conditions. In response to a question from a Member on the non-compliance with the approval condition in the last application, Mr Anthony C.Y. Lee said that the applicant had demonstrated efforts in complying with those approval conditions on the submission of landscape and tree preservation proposals, the submission of drainage proposals and the provision of emergency vehicular access, water supply for fire fighting and fire service installations and the applicant had explained that the non-compliance with planning conditions was due to lack of relevant experience in fulfilling various departmental requirements. He further elaborated that the most problematic issue was the Palm Springs Boulevard which was maintained by the residents of Royal Palms. Mr C. S. Mills

supplemented that the Palm Springs Boulevard was a non-exclusive right-of-way for the development of Royal Palms and he said that it was appropriate to include in the advisory clause that the applicant should liaise with the Royal Palms on that use of the Palm Spring Boulevard.

#### Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.11.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) 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;
- (b) 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 7.2.2009;
- (c) in relation to (b) above, the implementation of the 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 7.5.2009;
- (d) the provision of the accepted drainage facilities proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2009;
- (e) the submission of a proper run-in proposal for the site within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.2.2009;
- (f) in relation to (e) above, the provision of a proper run-in within 6 months from the date of planning approval to the satisfaction of the Director of

Highways or of the TPB by 7.5.2009;

- (g) the provision of emergency vehicular access, water supply for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2009;
- (h) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (c), (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.

102. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) that shorter compliance period was granted so as to closely monitor the fulfillment of approval conditions imposed;
- (c) that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (d) to liaise with the maintenance agent of the Royal Palms with regard to the use and maintenance cost of the Palm Springs Boulevard;

- (e) 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 upon which no structure was allowed to be erected without prior approval from his Office. Recent site inspection revealed that the site was vacant except there was advertising board and a meter room erected on Lots 7, 8 RP and 9 RP. His Office reserved the right to take enforcement actions against the irregularities;
  
- (f) to note the Director of Environmental Protection's advice to comply with requirements under the Water Pollution Control Ordinance (WPCO), Cap. 358 and 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 the proposed run-in should be constructed in accordance with HyD Standard Drawing No. H1113B and H1114A. The proposed layout and location of run-in should be submitted to Transport Department and the District Lands Officer/Yuen Long, Lands Department for comment. Highways Department was not/should not be responsible for the maintenance of the existing vehicular access fronting the site and the maintenance agent of the vehicular access should be consulted for construction of the proposed run-in;
  
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the applicant was strongly advised to consult/obtain permission from Royal Palms on the construction of run-in/out and the maintenance responsibility should be agreed with Royal Palms. Comments on the design and construction of a proper run-in/ out from other relevant government departments should be sought and the applicant was reminded to comply with B(P)R 41D on the provision of emergency vehicular access and Fire Services Department should be

consulted;

- (i) to note the Director of Food and Environmental Hygiene's (DFEH) comments that the proposed restaurant had to be granted with a valid restaurant licence issued by the DFEH. The applicant should pay attention to the Food Business Regulation made under section 56 of the Public Health and Municipal Services Ordinance, Cap 132. The operation of the restaurant should not cause any environmental nuisance to the surroundings. The management of the restaurant was responsible for the removal and disposal of the refuse at their expenses; and
- (j) to note Director of Leisure and Cultural Services' comments that Leisure and Cultural Services Department was not responsible for the future horticultural maintenance of the proposed landscape works.

### **Agenda Item 29**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

---

103.      Dr James C. W. Lau had declared an interest in this item as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd. which was one of the consultants for the application.

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

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

104.      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) proposed petrol filling station;
- (c) departmental comments – concerned Government departments had no adverse comment on the application;
- (d) 6 public comments were received during the two statutory publication periods. One public comment from a private firm was received during the first statutory publication period objecting to the application on grounds that the proposed petrol filling station (PFS) would generate air and noise pollution by motor vehicles, cause potential traffic accidents and endanger the nearby residents and cyclists. 5 public comments were received during the re-publication upon receipt of a revised drainage proposal and a tree survey. The 5 public comments were submitted by the nearby Sun Kong Hotel, a villager of Tung Shing Lei, a Member of Yuen Long District Council (YLDC), the Board of Directors of Pok Oi Hospital and Shap Pat Heung Residents' Association. Sun Kong Hotel had no objection to the proposed PFS while the villager of Tung Shing Lei and the YLDC Member worried that the proposed PFS would endanger the visiting vehicles and patrons of the nearby hotel and restaurant as well as the hospital patients as it would increase the fire risk, create bad smell and cause traffic, noise, drainage and environmental hygiene problems. It was unnecessary to erect one more PFS because there was already an existing one on the other side of Castle Peak Road. The Board of Directors of Pok Oi Hospital opined that Hospital Authority should be consulted on the PFS project in view of its close proximity to the hospital and the likely impacts on the hospital operation and the patients' health. Shap Pat Heung Residents' Association objected to the application on grounds that Pok Oi Hospital was only a small hospital in 1990s when the application was previously approved; no PFS had ever been allowed next to a hospital in Hong Kong; the proposed PFS would cause fire hazards and poisonous emission that

would affect the health of the hospital patients and hotel residents; a PFS had already been set up on the other side of the road; and it was totally taken out of context because the surrounding of the approved PFS along Kam Tin Road was uninhabited; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. In view of the locality and planning circumstances pertinent to the site, the application should be considered on its own merits and a temporary permission would not jeopardise the long-term planning of the “Undetermined” (“U”) zone. The proposed development was considered not incompatible with the immediate surrounding land uses. In comparing with the previously approved application (No. A/YL-NSW/17) submitted by the same applicant for a PFS which was demolished in 2002 due to resumption for the Yuen Long Bypass Floodway project, the subject application represented a substantial reduction in scale of development. Sympathetic consideration could therefore be given to the current application. Although there were five public comments raising objection on fire safety, environmental, traffic, drainage, environmental hygiene and public health grounds, relevant Government departments consulted had no adverse comments on the proposed PFS. However, in order not to jeopardise the long-term planning of the subject “U” zone, temporary planning approval of 5 years instead of permanent permission as applied for was recommended.

105. Members had no question on the application.

#### Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 7.11.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of a tree survey report within 6 months from the date of

planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2009;

- (b) the submission of landscape proposals including tree preservation scheme for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2009;
- (c) in relation to (b) above, the implementation of landscape proposals including tree preservation scheme within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2009;
- (d) the provision of a 3m-high solid boundary wall, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2009;
- (e) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2009;
- (f) in relation to (e) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2009;
- (g) the submission of a design of the affected footpath and cycle track outside the application site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.5.2009;
- (h) in relation to (g) above, the re-provision of the affected footpath and cycle track outside the application site, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.8.2009;

- (i) the submission of run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.5.2009;
- (j) in relation to (i) above, the implementation of the accepted run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.8.2009;
- (k) the reinstatement of the existing affected landscaped areas established under the Yuen Long Bypass Floodway project within 9 months from the date of planning approval to the satisfaction of the Director of Leisure and Cultural Services or of the TPB by 7.8.2009; and
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

107. The Committee also agreed to advise the applicant :

- (a) that a shorter approval period of 5 years was imposed in order not to jeopardise the long-term planning of the “Undetermined” zone;
- (b) to note the District Lands Officer/Yuen Long, Lands Department’s comments to apply for land exchange prior to implementation of the proposed development;
- (c) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments to consult the District Lands Officer/Yuen Long, Lands Department or relevant lot owners for all proposed drainage works outside the lot boundary or the applicant’s jurisdiction. If drainage connection to public drainage system was involved, a duly completed form HBP1, which could be downloaded from Drainage Services Department website, together with relevant payment should be submitted to his

Division to apply for technical audit of the drainage connection works;

- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the modification of the affected cycle track and footpath should be constructed by the applicant at his own cost. The proposed modification should be designed according to the Transport Planning and Design Manual and submitted to his Office and HyD for comments;
- (e) to 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 vehicular access connecting the site and Castle Peak Road. The applicant should incorporate the boundary line of the subject lot, the layout of the existing and proposed footpath and cycle track into the proposed development layout plan for clarity and should re-submit the proposed run-in layout for further comment;
- (f) to note Secretary for Food and Health's comments that appropriate mitigation measures should be provided to ensure no adverse environmental and traffic impacts on the normal operation of Pok Oi Hospital, both during the construction period and after completion of the proposed petrol filling station;
- (g) to note the Director of Environmental Protection's comments to apply to his Regional Office (N) for a discharge licence should there be effluent discharge from the site;
- (h) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant should critically examine the details of the proposed boundary wall and ensure the existing trees, especially the root system, would not be affected during construction on site;
- (i) to note Director of Leisure and Cultural Services' comments that if any

existing roadside trees would have to be transplanted/removed, the applicant should submit a tree removal application to the District Lands Officer/Yuen Long, Lands Department with a copy to his Department;

- (j) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a Waterworks Reserve within 1.5m from the centerlines of the water mains should be provided to WSD. No structure should be erected over this Waterworks 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 site with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise;
- (k) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application for dangerous goods licence;
- (l) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the covered area for the proposed pump island and the shroff were accountable for gross floor area and site coverage calculations under the Buildings Ordinance. The proposed development should comply with Building (Planning) Regulation 41D for the provision of emergency vehicular access. Detailed comments on plot ratio and site coverage would be offered at building plan submission stage; and
- (m) to note the Director of Electrical and Mechanical Services' comments to conform to BS 7430 – Code of Practice for Earthing, BSEN 62305 – Protection against Lightning and BSEN 60079 – Electrical Apparatus for Explosive Gas Atmosphere. The applicant and/or his contractors should consult CLP Power Hong Kong Limited (CLPP) during the design stage of

the proposed development and, where necessary, ask CLPP to divert the underground electricity supply cables away from the vicinity of the proposed development. The applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.

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

**Agenda Item 30**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/YL-NTM/22-2 Proposed Amendments to Approved Residential Development under Application No. A/DPA/YL-NTM/22 in “Unspecified Area”, “Recreation” and “Industrial (Group D)” zones, Lots 759, 764 RP, 766-811, 812 RP, 813 S.A ss.1, 818 S.A, 818 RP, 819, 820, 4179 and 4187 RP and Adjoining Government Land in D.D. 104, Ngau Tam Mei, Yuen Long (RNTPC Paper No. A/DPA/YL-NTM/22-2)

---

108. The Secretary reported that application was submitted by the subsidiaries of Henderson Land Development Co. Ltd. The Committee noted that Mr Alfred Donald Yap had declared an interest in the item as his company had current business dealings with Henderson Land Development Co. Ltd..

[Mr Alfred Donald Yap left the meeting at this point.]

**Presentation and Question Sessions**

109. 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) proposed amendments to approved residential development under Application No. A/DPA/YL-NTM/22;
- (c) departmental comments – the Chief Estate Surveyor/Railway Development, Lands Department (CES/RD, LandsD) did not support the application as portion of the proposed development would encroach upon the clearance/resumption limits of the Express Rail Link project (XRL). The Director of Environmental Protection (DEP) advised that potential industrial/residential interface problem would be a concern due to the presence of open storage and heavy vehicles yards and future residents of the proposed residential development would be subject to adverse environmental impact from such incompatible uses;
- (d) District Officer/Yuen Long advised that previous objections raised by the locals against the proposed residential development are still valid. The objection was received from the village representative of Yau Tam Mei Village as the vehicular access leading to Yau Tam Mei West was too narrow and very busy; the area was susceptible to flooding which would affect the farming business; and there was sewage treatment problem in the area; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 10 of the Paper. The proposed increase in plot ratio from 0.285 to 0.29 was outside the scope of Town Planning Board Guidelines No. 36 as the change in site area/site boundary causing the increase in the plot ratio was not due to setting out of site boundary at the processing of land grant or inclusion/exclusion of private lane and/or land for public purpose in site area calculation. The application could not be processed under s. 16A(2) of the Town Planning Ordinance. Should the Committee approve the current amendment scheme, the planning permission would co-terminate with the original approved application No. A/DPA/YL-NTM/22 and would be expired on 11.11.2008 (i.e. in 4 days). Given the time constraint and the outstanding land and buildings matters, there was insufficient

information in the submission to demonstrate that the current amendment scheme was implementable. There had been a change in the circumstances since the approval of the Application No.A/DPA/L-NTM/22. Portion of the proposed development would encroach upon the clearance/resumption limits of the XRL. Incompatible uses like open storage yards had been developed in the surrounding area and the adjacent “Industrial (Group D)” zone.

110. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed increase in plot ratio was outside the scope of Town Planning Board Guidelines No. 36 as the change in site area/site boundary causing the increase in the plot ratio was not due to setting out of site boundary at the processing of land grant or inclusion/exclusion of private lane and/or land for public purpose in site area calculation;
- (b) there was insufficient information in the submission to demonstrate that the proposed development was implementable in the remaining validity period of the planning permission of the original approved application No. A/DPA/YL-NTM/22 on or before 11.11.2008 (i.e. in 4 days), should planning approval be granted; and
- (c) there had been a change in site circumstances since the approval of Application No. A/DPA/YL-NTM/22. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental impact and interface problem with Express Rail Link project.

[The Chairperson thanked Miss Paulina Y.L. Kwan and Mr. Anthony C.Y. Lee, STPs/TMYL,

for their attendance to answer Members' enquiries. Miss Kwan and Mr. Lee left the meeting at this point.]

**Agenda Item 31**

Any Other Business

112. There being no other business, the meeting was closed at 4:30 p.m..