

## **TOWN PLANNING BOARD**

### **Minutes of 392nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 27.3.2009**

#### **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

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Mr. Rock C.N. Chen

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

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

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

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

Secretary

**Absent with Apologies**

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

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

**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. Karina W.M. Mok

**Agenda Item 1**

Confirmation of the Draft Minutes of the 391<sup>st</sup> RNTPC Meeting held on 13.3.2009

[Open Meeting]

1. The draft minutes of the 391<sup>st</sup> RNTPC meeting held on 13.3.2009 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(a) New Town Planning Appeals Received

(i) Town Planning Appeal No. 2 of 2009

Proposed House (New Territories Exempted House – Small House)

in “Green Belt” zone,

Lots 392 S.A. and 393 in D.D. 28,

Lung Mei Village, Ting Kok Road, Tai Po

(Application No. A/NE-TK/258)

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(ii) Town Planning Appeal No. 3 of 2009

Proposed House (New Territories Exempted House – Small House)

in “Green Belt” zone,

Lot 771 S.A in D.D. 28,

Lung Mei Village, Ting Kok Road, Tai Po

(Application No. A/NE-TK/263)

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2. The Secretary reported that two appeals were received by the Town Planning Appeal Board (TPAB) on 17.3.2009 against the decisions of the Town Planning Board (TPB) on 2.1.2009 to reject on review two applications (No. A/NE-TK/258 and 263), each for a proposed House (New Territories Exempted House – Small House) at a site zoned “Green Belt” (“GB”) on the draft Ting Kok Outline Zoning Plan No. S/NE-TK/14. Both applications were rejected by the TPB for the reasons that the proposed development was not

in line with the planning intention of the “GB” zone and the application did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone’ as there was insufficient information to demonstrate that the proposed development would not have adverse landscape impact.

3. The Secretary said that the hearing dates of the two appeals were yet to be fixed. The Secretariat would act on behalf of the TPB in dealing with the appeals in the usual manner.

(b) Town Planning Appeal Statistics

4. The Secretary reported that as at 27.3.2009, 23 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	130
Yet to be Heard	:	23
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	286

**General**

[Mr. W.K. Hui, District Planning Officer/Shau Tin, Tai Po and North (DPO/STN), Ms. Amy Y.M. Cheung, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Ms. Ann O.Y. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), Mr. Y.S. Lee, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), and Mrs. Alice K.F. Mak, Senior Town Planner/Metro and Urban Renewal (STP/M&UR), were invited to the meeting at this point.]

**Agenda Item 3**

[Open Meeting]

Review of Sites Designated “Comprehensive Development Area”  
on Statutory Plans in the New Territories for the Year 2008/2009  
(RNTPC Paper No. 5/09)

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Presentation and Question Sessions

5. Mrs. Alice K.F. Mak, STP/M&UR, said that it had been the Committee’s practice to review, on an annual basis, the “Comprehensive Development Area” (“CDA”) zoning for sites that had been so zoned on statutory plans in the New Territories for more than 3 years, with or without an approved Master Layout Plan (MLP). The review would assist the Committee in considering whether the zoning of individual “CDA” sites should be retained/amended and in monitoring the progress of the “CDA” developments. With the aid of a Powerpoint presentation, Mrs. Mak then presented the results of the latest review as detailed in the Paper and made the following main points :

- (a) the subject review covered a total of 63 “CDA” sites. 25 of them had no approved MLP and the remaining 38 had approved MLP;

25 “CDA” Sites with No Approved MLP

- (b) as detailed in Appendix I of the Paper, it was proposed to retain the “CDA” zoning of 21 sites with no approved MLP because they were programmed for land disposal; subject to planning studies/reviews for formulation of detailed land use proposals for the sites; making some progress in implementation; and/or with outstanding concerns such as traffic, environmental and visual impacts that needed to be addressed. The “CDA” designation was essential for providing guidance on the proper development of these sites;
- (c) as detailed in Appendix II of the Paper, 4 “CDA” sites with no approved MLP in Ha Tsuen (NTW 10 to 13) had previously been agreed by the Committee for rezoning. However, the rezoning had been withheld due to

the commissioning of the “Planning and Engineering Study on the Hung Shui Kiu New Development Area” (the Study) tentatively in mid 2009 by the Planning Department (PlanD) and Civil Engineering and Development Department and the appropriate zoning amendments for these sites had to be subject to the findings of the Study;

38 “CDA” Sites with Approved MLP

- (d) as detailed in Appendix III of the Paper, it was proposed to retain the “CDA” zoning of 34 “CDA” sites with approved MLP as they had some progress in implementation or were at various stages of implementation. The “CDA” designation would ensure their proper implementation in accordance with the approved MLPs and approval conditions;
- (e) as detailed in Appendix IV of the Paper, 3 “CDA” sites with approved MLP had previously been agreed by the Committee for rezoning. As the rezoning of two sites at Tak Yip Street, Yuen Long (NTW 20) and Yuen Lung Street, Yuen Long (YL-A1) to reflect the existing residential uses were technical in nature with no immediate urgency for rezoning, they would be gazetted together with other amendments to be incorporated in the Yuen Long Outline Zoning Plan (OZP). As for the third site to the north of the Lingnan University Main Campus, Tuen Mun (NTW 32B), the proposed rezoning was currently being reviewed in the context of the review of the Tuen Mun OZP. The review results would be submitted to the Committee for consideration later this year;
- (f) as detailed in Appendix V of the Paper, a site at the junction of Fuk Hang Tsuen Road and Lam Tei Main Street, Tuen Mun (NTW 29) was considered to have the potential for rezoning. Planning approval for comprehensive residential/commercial/community development covering large portion of the “CDA” zone had been granted under Application No. A/TM-LTY/110. The approved development had been completed with all approval conditions discharged. As such, the site had the potential for rezoning subject to the determination of appropriate land use zoning and

development intensity for the remaining portion of the “CDA” zone under the review of the Tuen Mun OZP; and

- (g) to sum up, out of the 63 “CDA” sites reviewed, 55 were proposed for retention and 8 others were already agreed or with potential for rezoning. PlanD would progressively submit the zoning amendments of the respective “CDA” site to the Committee for consideration.

6. Members had no question on the subject review.

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

#### Deliberation Session

7. After deliberation, the Committee decided to :

- (a) note the findings of the review of sites designated “CDA” on statutory plans in the New Territories for the Year 2008/2009;
- (b) note the agreement of the Committee to rezone the sites mentioned in paragraphs 4.1.3 and 4.2.3 and detailed in Appendices II and IV of the Paper;
- (c) note the site with potential for rezoning as mentioned in paragraph 4.2.4 and detailed in Appendix V of the Paper; and
- (d) support the retention of the “CDA” designation for the sites mentioned in paragraphs 4.1.1 and 4.2.2 and detailed in Appendices I and III of the Paper.

8. The Committee also noted that the detailed rezoning proposals for the sites mentioned in paragraphs 4.1.3 and 4.2.3 would be submitted to the Committee for consideration before gazetting under the relevant provisions of the Town Planning Ordinance for public inspection.





- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period of the application, one public comment raising objection to the application was received for the reason that the proposed development would have significant impacts on the fixed telecommunication network services licensed operators and on the severe competition of the telecommunication market in Hong Kong; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The proposed telecommunication equipment room was an essential ancillary facility for the operation of the submarine cable station to meet the increasing demand of the international submarine telecommunication capacity. It was located within the boundary of the existing submarine cable station which was already formed and paved. As such, its construction would not require the formation of additional land area, clearance of vegetation and felling of trees. No adverse impact on the subject “Coastal Protection Area” zone was anticipated. The scale of the proposed development was not excessive. It would be concealed by the submarine cable station (about 15m high) as viewed from the sea. An application (No. A/SLC/55) for a cable connect room of similar scale within the boundary of the submarine cable station had previously been approved by the Committee. As such, the proposed development would unlikely cause adverse visual impact. The commenter’s concern was about commercial competition which was not related to land use planning. While the Director-General of the Office of the Telecommunications Authority would investigate the commenter’s concern, she had no objection to the application.

10. Members had no question on the application.

Deliberation Session

11. 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 27.3.2013, 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.

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

- (a) note the comments of the District Lands Officer/Islands that any amendment, alteration or variation to the approved building plans should require the prior written consent of the Director of Lands who might, in granting consent, impose such conditions and require payment of such premium as he might determine;
- (b) note the comments of the Chief Building Surveyor/New Territories East and Licensing, Buildings Department that the submission of building plans for compliance with the Buildings Ordinance and Regulations, including the emergency vehicular access (EVA), was required;
- (c) note the comments of the Director of Fire Services that water supplies for firefighting and fire service installations should be provided to the satisfaction of his department and the arrangement of EVA should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department; and
- (d) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the colour and design of the proposed telecommunication equipment room should match with those of the existing South Lantau Submarine Cable Station and the surrounding environment.

[The Chairperson thanked Mr. C.T. Lau, STP/SKIs, for his attendance to answer Members' enquiries. Mr. Lau left the meeting at this point.]

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

**Agenda Item 5**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/NE-KTS/3            Application for Amendment to the Approved Kwu Tung South  
Outline Zoning Plan No. S/NE-KTS/12  
from “Agriculture” to “Other Specified Uses” annotated “Rural Use” or  
“Comprehensive Development Area”,  
Various Lots in D.D. 92 and Adjoining Government Land,  
Kwu Tung South, Sheung Shui  
(RNTPC Paper No. Y/NE-KTS/3)

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13.            The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, had declared interests in this item. The Committee noted that Mr. Cheng had tendered an apology for being unable to attend the meeting. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Yap could stay at the meeting.

**Presentation and Question Sessions**

14.            The Committee noted that the applicant’s representative on 6.3.2009 had requested for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information to address departmental comments.

**Deliberation Session**

15.            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 6**

### **Section 12A Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/TP/10                      Application for Amendment to the  
Approved Ting Kok Outline Zoning Plan No. S/NE-TK/15 and  
Approved Tai Po Outline Zoning Plan No. S/TP/21  
from “Green Belt”, “Conservation Area”, “Government, Institution or  
Community” and “Village Type Development” to  
“Green Belt”, “Government, Institution or Community”,  
“Government, Institution or Community(1)”, “Village Type Development”  
and “Other Specified Uses” annotated “Comprehensive Development and  
Conservation Enhancement Area”,  
Various Lots in D.D. 23 and D.D. 26 and Adjoining Government Land,  
Shuen Wan, Tai Po  
(RNTPC Paper No. Y/TP/10A)

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### **Presentation and Question Sessions**

16.            The Committee noted that the applicant’s representative on 27.2.2009 had requested for deferment of the consideration of the application for three months in order to allow time to prepare an updated tree survey report and revise the traffic impact assessment to address departmental comments.

### **Deliberation Session**

17.            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/DPA/NE-SC/1 Proposed Temporary Ecological Enhancement Works  
for a Period of 3 Years  
in “Agriculture” and “Coastal Protection Area” zones,  
Various Lots in D.D. 190 and D.D. 203  
and Adjoining Government Land, Sham Chung  
(RNTPC Paper No. A/DPA/NE-SC/1)

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18. The Secretary reported that the application was submitted by two subsidiaries of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, had declared interests in this item. The Committee noted that Mr. Cheng had tendered an apology for being unable to attend the meeting. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Yap could stay at the meeting.

**Presentation and Question Sessions**

19. The Committee noted that the applicant’s representative on 6.3.2009 had requested for deferment of the consideration of the application in order to allow time to examine the latest amendments incorporated in the draft Sham Chung Outline Zoning Plan No. S/NE-SC/1 and the associated implications on the application, as well as to prepare responses to departmental comments.

**Deliberation Session**

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

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

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/182                      Proposed Wholesale Trade (for Fresh Meat Provision and Packaging)  
and Food Factory  
in “Industrial” zone,  
Workshop No. 1, G/F, Poly Centre,  
15 Yip Fung Street, On Lok Tsuen, Fanling  
(RNTPC Paper No. A/FSS/182)

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

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

- (a) background to the application;
- (b) the proposed wholesale trade (for fresh meat provision and packaging) and food factory with the latter being a kind of ‘Industrial Use’ which was always permitted under the subject “Industrial” (“I”) zone;

- (c) departmental comments – concerned Government departments, including the Director of Fire Services, had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period. The District Officer (North) advised that the Chairman of Fanling District Rural Committee and Residents’ Representatives (RRs) of Shung Him Tong (East and West) objected to the application mainly on food hygiene and environmental grounds whereas the RRs of Tong Hang were concerned about the environmental, drainage and traffic impacts of the proposed development; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The application premises was located on the ground floor of an industrial building with direct street frontage. The proposed development was considered not incompatible with the vegetable packaging use of the adjoining premises and other industrial uses within the same industrial building. In view of the small scale of the proposed development (about 368m<sup>2</sup>) and its nature of operation, it would unlikely cause adverse impacts on the surrounding areas. The application was in line with the Town Planning Board Guidelines No. 25D for ‘Use/Development within “I” zone’ as the proposed development would not have adverse traffic impact; there were no existing/approved commercial uses on the ground floor of the subject industrial building; and the aggregate commercial floor areas on the ground floor of the subject industrial building would not exceed the permissible limit of 460m<sup>2</sup>. An approval condition requiring the applicant to implement fire service installations in the application premises had been recommended and non-compliance with the approval condition would result in revocation of the planning permission. As regards the local concerns, relevant Government departments had no adverse comments on food hygiene, environmental, drainage and traffic aspects.

22. Members had no question on the application.

### Deliberation Session

23. 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 27.3.2013, 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 fire service installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2009; and
- (b) if the above planning condition 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.

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

- (a) liaise with the District Lands Officer/North, Lands Department regarding the application for either a temporary waiver or a permanent modification of the user restrictions and other relevant lease conditions;
- (b) note the comments of the Director of Food and Environmental Hygiene that in accordance with section 31(1) of Food Business Regulation (the Regulation) made under Public Health and Municipal Services Ordinance (Chapter 132), no person should carry on or cause, permit or suffer to be carried on any food factory except under and in accordance with a licence granted by him under the Regulation. Any person who contravened any of the provisions of the section should be guilty of any offence;
- (c) note the comments of the Director of Fire Services in relation to fire



resisting construction requirements for the application premises, the applicant was required to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department;

- (d) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the applicant might need to revise the layout plan to comply with Means of Escape (MOE) Code 14.3 as the rear door to carpark was not regarded as proper MOE exit; rooms intended to be used as an office should be provided with natural lighting and ventilation in accordance with Building (Planning) Regulation (B(P)R) 30; and the lavatories and other rooms containing soil fitments should be provided with natural lighting and ventilation in accordance with B(P)R 36; and
- (e) note the comments of the Director of Environmental Protection that should the operation become a ‘wholesale market’, it would constitute a designated project under Item No. 3 of Schedule 2, Part I of the Environmental Impact Assessment Ordinance (Chapter 499) and would be subject to its statutory requirements.

## **Agenda Item 9**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/389      Proposed 3 Houses (New Territories Exempted Houses - Small Houses)  
in “Agriculture” zone,  
Lots 1846 RP (Part), 1846 S.A (Part),  
1852S.B RP (Part) and 1852S.B ss.1RP (Part) in D.D.76,  
Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/389)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed three Houses (New Territories Exempted Houses (NTEHs) - 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 the proposed Small Houses should be confined within the “Village Type Development” (“V”) zone where traffic/transport facilities had been planned/provided. Although the traffic associated with the proposed Small House would not be significant, approval of the application would set an undesirable precedent for similar applications and the resulting cumulative adverse traffic impact could be substantial. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the application site was graded as ‘good’ agricultural land with high potential for agricultural rehabilitation. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment having no comment on the application was received. The District Officer (North) advised that the Resident Representative of Ma Liu Shui San Tsuen supported the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The proposed Small Houses complied with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ as the footprint of all proposed Small Houses fell entirely within the village ‘environs’ (‘VE’) of Kan Tau Tsuen and there was a general shortage of land in the “V” zone of Kan Tau Tsuen to meet the Small House demand.

Although the application site fell within the “Agriculture” (“AGR”) zone, it was located close to the boundary of the “V” zone. The proposed Small Houses were not incompatible with the village setting and rural character of the surrounding areas. They would unlikely cause significant adverse landscape impact. Regarding the concerns of the AC for T/NT, TD and DAFC, it was considered that sympathetic consideration could be given to the application as the application site fell mainly within the ‘VE’ of Kan Tau Tsuen; 26 similar applications for the same use within or partly within the same “AGR” zone had previously been approved by the Committee in the vicinity of the application site; and there was no objection against the application from other concerned Government departments.

26. Members had no question on the application.

#### Deliberation Session

27. 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 27.3.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the comments of the Chief Engineer/Development (2), Water Supplies Department to assess the need to extend his inside services to the nearest Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply. The

applicant should be responsible for the construction, operation and maintenance of the inside services within private lots to the Water Supplies Department's standards. The application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and

- (b) the permission was only given to the development under application. If provision of an access road was required for the proposed Small Houses, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/678                      Shop and Services (Bank)  
in "Government, Institution or Community" zone,  
Room LG01, Li Wai Chun Building,  
the Chinese University of Hong Kong  
(RNTPC Paper No. A/ST/678)

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29.            The Secretary reported that the applied bank use was related to the Bank of East Asia (BEA). Messrs. Tony C.N. Kan and Rock C.N. Chen, having current business dealings with BEA, had declared interests in this item. The Committee considered that Messrs. Kan and Chen's interests were direct and should left the meeting temporarily for this item.

[Messrs. Tony C.N. Kan and Rock C.N. Chen left the meeting temporarily at this point.]

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

30.            Mr. W.K. Hui, DPO/STN, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (bank) use within an educational building of the Chinese University of Hong Kong;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. Given the small scale of the bank (about 42.6m<sup>2</sup>) and its nature of operation, the general tertiary education nature of the area would not be affected and no adverse impacts on traffic, environment and infrastructure of the area were anticipated. The bank was considered not incompatible with the educational use of the subject building and its surrounding areas. It could provide convenient banking services to the University community. As a workshop was located adjacent to the application premises, an approval condition requiring the applicant to provide fire service installations in the application premises had been recommended and non-compliance with the approval condition would result in revocation of the planning permission.

31. Members had no question on the application.

#### Deliberation Session

32. 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 was subject to the following conditions:

- (a) the submission and implementation of fire service installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2009; and
- (b) if the above planning condition 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use; and
- (c) note the comments of the Chief Building Surveyor/New Territories East, Buildings Department that the applied use should comply with the requirements under the Buildings Ordinance. For instance, the bank should be separated from the workshop by compartment walls having a fire resisting period of not less than two hours.

[Messrs. Tony C.N. Kan and Rock C.N. Chen returned to join the meeting at this point.]

**Agenda Item 11**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/60          Proposed House (New Territories Exempted House - Small House)  
in “Green Belt” zone,  
Government Land in D.D. 209,  
Sai Keng Village, Shap Sz Heung, Sai Kung North  
(RNTPC Paper No. A/NE-SSH/60)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. The belt of mature trees between Sai Sha Road and the application site/Sai Keng Village could be adversely affected if stabilisation of the adjacent slopes was found to be required in the geotechnical investigation to be undertaken for the proposed Small House. As the application site would be fully occupied by the proposed Small House, it was considered impractical to impose an approval condition to address his concern. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, three public comments raising objection to the application were received on the ground of adverse impact on fung shui due to its close proximity with the village shrine; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. Although the proposed Small House was not in line with the planning intention of the “Green Belt” zone, it complied with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ as the footprint of the proposed Small House fell entirely within the village ‘environs’ of Sai Keng Village and there was a general shortage of land in the “Village Type Development” (“V”) zone of Sai Keng Village to meet the Small House demand. The proposed Small House was generally compatible with the surrounding rural environment with village houses. Given the small scale of the proposed Small House, it would unlikely cause significant adverse environmental, drainage and traffic impacts. Regarding the CTP/UD&L, PlanD's concern, the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department had no comment on the application whereas the Director of Agriculture, Fisheries and Conservation had no strong view on the application. To minimize the potential landscape impacts, advisory clauses suggesting the applicant to avoid affecting trees during the construction of the proposed Small House and to implement landscape treatment on the periphery of the site if land was available had been recommended.

35. Members had no question on the application.

#### Deliberation Session

36. Mr. Ambrose Cheong, Chief Traffic Engineer/New Territories East, Transport Department (TD), said that as detailed in paragraph 9 of Appendix IV of the Paper, his department had reservation on the application as the proposed Small House should be confined within the “V” zone where traffic/transport facilities had been planned/provided. Although the traffic associated with the proposed Small House would not be significant, approval of the application would set an undesirable precedent for similar applications and the resulting cumulative adverse traffic impact could be substantial. Ms. Lisa L.S. Cheng



said that the traffic generated from the proposed Small House would not be significant. Each application should be assessed on its own merits. While noting TD's traffic concern, the Chairperson said that the application complied with the interim criteria for assessing planning applications for NTEH/Small House development and hence PlanD had no objection to the application.

37. 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 27.3.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the applicant should implement the landscape treatment on the periphery of the site if additional land was available in order to minimize the potential impact arising from the proposed development;
- (b) the applicant should avoid any interface problem with the trees during the construction of the proposed development;
- (c) public sewerage system at Sai Keng was planned to be implemented under the project "Tolo Harbour Sewerage of Unsewered Areas, Stage II". Upon completion of the public sewerage system at Sai Keng, the applicant was required to make proper sewer connection from his premises into the public sewer at his own cost;
- (d) there were no existing public stormwater drains maintained by the Drainage Services Department 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. The applicant was required to maintain

such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;

- (e) public sewerage connection was currently not available for the site. The Environmental Protection Department should be consulted regarding the sewerage treatment/disposal aspects of the proposed development and the provision of septic tank;
- (f) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standards;
- (g) the applicant should employ an Authorised Person or a qualified geotechnical engineer in carrying out geotechnical investigation for the proposed development and the implementation of landslip preventive or remedial works identified therein;
- (h) prior to establishing any structure in the vicinity of the low voltage underground cables, the applicant and his contractors should liaise with the CLP Power Hong Kong Limited to divert the existing supply lines away from the vicinity of the proposed development;
- (i) 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 electricity supply lines; and
- (j) detailed fire safety requirements would be formulated upon receipt of

formal application referred by the Lands Department.

**Agenda Item 12**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/422                      Proposed House (New Territories Exempted House - Small House)  
in “Green Belt” zone,  
Lot 340 in D.D. 32 and Adjoining Government Land,  
Ha Wong Yi Au Village, Tai Po  
(RNTPC Paper No. A/TP/422)

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Presentation and Question Sessions

39.            The Committee noted that the applicant’s representative on 4.3.2009 and 19.3.2009 had requested for deferment of the consideration of the application in order to allow time to prepare supplementary information to address departmental comments.

Deliberation Session

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

**Agenda Item 13**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/423                      Proposed House (New Territories Exempted House - Small House)  
in “Green Belt” and “Village Type Development” zones,  
Lots 328, 339 S.A, 345 S.A and 346 S.A in D.D. 32,  
Ha Wong Yi Au Village, Tai Po  
(RNTPC Paper No. A/TP/423)

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Presentation and Question Sessions

41.                      The Committee noted that the applicant’s representative on 4.3.2009 and 19.3.2009 had requested for deferment of the consideration of the application in order to allow time to prepare supplementary information to address departmental comments.

Deliberation Session

42.                      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.

[Professor David Dudgeon left the meeting temporarily at this point.]

**Agenda Item 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/424                Proposed House (New Territories Exempted House - Small House)  
in “Village Type Development” and “Green Belt” zones,  
Lot 72 S.A in D.D. 21,  
San Uk Ka, Tai Po  
(RNTPC Paper No. A/TP/424)

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**Agenda Item 15**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/425                Proposed House (New Territories Exempted House - Small House)  
in “Village Type Development” and “Green Belt” zones,  
Lot 72 S.B in D.D. 21,  
San Uk Ka, Tai Po  
(RNTPC Paper No. A/TP/425)

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43.            Noting that Applications No. A/TP/424 and 425 were for the same proposed Small House use and the application sites were close to each other within the same zones, Members agreed that the two applications could be considered together.

44.            The Secretary reported that World Wide Fund for Nature Hong Kong (WWF) had submitted a public comment on Application No. A/TP/424 under Agenda Item 14. Professor David Dudgeon, being a Trustee of WWF and a Member of the Mai Po Management and Development Committee under WWF, had declared an interest in Agenda Item 14. The Committee noted that Professor Dudgeon had already left the meeting temporarily for both items.

Presentation and Question Sessions

45. Ms. Lisa L.S. Cheng, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to both applications;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House) under each application;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the originally proposed septic tanks under both applications were located close to a mature tree. Noting that the applicants had proposed to relocate the concerned septic tanks to avoid affecting the mature tree, he had no strong view on both applications from nature conservation point of view. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on both applications from landscape planning point of view. Although the concerned septic tanks would be relocated to other sites within the boundary of Lot 72 S.A, the concerned lot was in close proximity to the mature tree and the woodland to the west of San Uk Ka Village. Should the Committee decide to approve the applications, an approval condition relating to submission and implementation of landscape and tree preservation proposals was recommended for each application. Other concerned Government departments had no objection to or adverse comments on both applications;
- (d) during the statutory publication period of Application No. A/TP/424, two public comments were received raising concerns on the potential adverse impacts of the proposed Small House on a mature tree. Various tree protection measures including providing a buffer distance between the work site and the tree as well as prohibiting the topping and over-pruning of the tree were recommended by the commenters. During the statutory publication period of Application No. A/TP/425, no public comment was

received; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to both applications based on the assessment in paragraph 12 of the Papers. Although the proposed Small Houses were not in line with the planning intention of the “Green Belt” zone, they complied with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ as the footprint of the proposed Small Houses fell entirely within the village ‘environs’ of San Uk Ka Village and there was a general shortage of land in the “Village Type Development” zone of San Uk Ka Village to meet the Small House demand. There was previous approval for the same Small House use at both application sites and there had been no major change in planning circumstances since then. The proposed Small Houses were generally compatible with the surrounding rural environment and would unlikely generate significant adverse environmental, drainage and traffic impacts. Regarding the commenters’ concern about a mature tree under Application No. A/TP/424, the applicants had revised the location of the proposed septic tanks under both applications to avoid affecting the mature tree. In light of the above, the DAFC had no strong view on both applications from nature conservation point of view. An approval condition relating to landscape and tree preservation proposals as suggested by the CTP/UD&L, PlanD had been recommended for both applications.

46. The Chairperson said that as shown in Plan A-3 of the Papers, the proposed Small Houses were located at some distance from the mature tree.

#### Deliberation Session

47. After deliberation, the Committee decided to approve Application No. A/TP/424, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.3.2013, 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 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
- (b) the submission and implementation of landscape and tree preservation proposals, including a site formation plan, prior to commencement of site formation works to the satisfaction of the Director of Planning or of the TPB.

48. The Committee also agreed to advise the applicant of Application No. A/TP/424 of the following :

- (a) the applicant should implement preventive measures to avoid causing disturbance to the partially-modified stream near the site as shown on Plan A-2 of the Paper during the construction works;
- (b) the applicant should provide supplementary information on the site formation works to demonstrate that the tree, *Canarium album*, as shown on Plan A-2 of the Paper would not be affected;
- (c) there were no existing public stormwater drains maintained by the Drainage Services Department 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. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (d) public sewerage connection was available for the site but at some distance away of about 50-60m. The Environmental Protection Department should be consulted regarding the sewerage treatment/disposal method for the



proposed development;

- (e) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standards;
- (f) the water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (g) detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (h) the applicant should employ an Authorised Person or a qualified geotechnical engineer in carrying out a geotechnical investigation for the proposed development and the implementation of stabilization works identified therein.

49. After deliberation, the Committee decided to approve Application No. A/TP/425, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.3.2013, 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 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
- (b) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB.

50. The Committee also agreed to advise the applicant of Application No. A/TP/425 of the following :

- (a) the applicant should implement preventive measures to avoid causing disturbance to the partially-modified stream near the site as shown on Plan A-2 of the Paper during the construction works;
- (b) there were no existing public stormwater drains maintained by the Drainage Services Department 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. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (c) public sewerage connection was available for the site but at some distance away of about 50-60m. The Environmental Protection Department should be consulted regarding the sewerage treatment/disposal method for the proposed development;
- (d) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standards;
- (e) the water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (f) detailed fire safety requirements would be formulated upon receipt of

formal application referred by the Lands Department; and

- (g) the applicant should employ an Authorised Person or qualified geotechnical engineers in carrying out a geotechnical investigation for the proposed development and the implementation of stabilization works identified therein.

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

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/426                      Proposed School (Indoor Play Area for Kindergarten and Nursery)  
and Minor Relaxation of Plot Ratio Restriction  
in “Residential (Group C)” zone,  
Kindergarten Premises, Constellation Cove,  
1 Hung Lam Drive, Tai Po  
(RNTPC Paper No. A/TP/426)

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

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

- (a) background to the application;
- (b) the proposed school (indoor play area for kindergarten and nursery) by converting an existing covered playground within the kindergarten premises at Constellation Cove into an indoor play area, and the proposed minor relaxation of plot ratio restriction due to the additional gross floor area (GFA) arising from the proposed conversion;

- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
  
- (d) during the statutory publication period, 7 public comments were received with 6 objecting to and one providing comments on the application. The major grounds of objection were that the kindergarten was incompatible with the low-density residential use in the vicinity; there was no need for the proposed conversion; there would be adverse traffic, environmental, visual, landscape, drainage and sewerage impacts; and the foldable glass doors already installed on site had created discrete levels and narrowed a passage to the adjacent public garden, making it not accessible by the disabled. The commenter providing comments on the application expressed concerns on whether the proposed conversion would occupy public area; result in an increase in building height; and cause adverse noise, pollution and traffic impacts; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The proposed conversion of the existing covered playground to indoor play area was technical in nature. The proposed indoor play area was entirely within the existing kindergarten premises for use by teachers/students. There would be no change to the existing 'School' use of the application site. The existing covered playground was not accountable for GFA calculation. Upon enclosing it with walls and/or foldable glass doors for the proposed indoor play area, an additional GFA of 332m<sup>2</sup> would be generated, resulting in an increase of the total plot ratio of Constellation Cove from 0.599 to 0.60356 (an increase of 0.00456 or about 0.8%) which was considered minor in nature. The proposed conversion and minor relaxation of plot ratio would unlikely cause adverse visual, landscape, traffic, environmental and infrastructural impacts. Regarding the commenters' concerns, the applicant had clarified that the number of classrooms would remain unchanged and hence no additional traffic would be generated. Access to the adjacent public garden by the disabled would not be obstructed. To address the commenters' concerns, the applicant

had already revised the layout of the proposed indoor play area to reduce the GFA and widen the passage to the adjacent public garden.

52. In response to the Chairperson's enquiry, Ms. Lisa L.S. Cheng referred to a plan and said that under the originally submitted layout of the proposed indoor play area, the width of the passage to the adjacent public garden was about 1.55m, which already complied with the minimum width of access for the disabled as stipulated under the Buildings Ordinance. Noting the commenters' concern on accessibility of the public garden by the disabled, the applicant had revised the layout of the proposed indoor play area to increase the width of the concerned passage to over 2m.

#### Deliberation Session

53. 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 27.3.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) a design with more transparent material like foldable glass as proposed in the planning statement should be adopted to soften the solidness of the possible bulk of the proposed extension;
- (b) emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department; and
- (c) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans/licensing application.

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

### Remarks

55. The Chairperson said that Agenda Item 17 would not be open for public viewing as it was in respect of a planning application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004 in June 2005.

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

### **Agenda Item 18**

#### Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/YL-MP/1            Application for Amendment to the  
Approved Mai Po and Fairview Park  
Outline Zoning Plan No. S/YL-MP/6  
from "Recreation" and "Conservation Area"  
to "Other Specified Uses" annotated  
"Comprehensive Development and Wetland Protection Area",  
Lots 2985 to 2988, 2990, 2992 to 2998, 3002 to 3009, 3010 S.A,  
3010 S.B, 3010 S.C, 3010 S.D, 3011, 3012, 3014, 3015, 3056, 3057,  
3058 S.A, 3058 RP and 3062 in D.D. 104 and Adjoining Government  
Land near Yau Mei San Tsuen, Mai Po, Yuen Long  
(RNTPC Paper No. Y/YL-MP/1A)

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#### Presentation and Question Sessions

58. The Committee noted that the applicant's representative on 25.2.2009 had requested for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information.

## Deliberation Session

59. 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 a total of four months had been allowed for preparation of the submission of the further information since the application was deferred by the Committee on 21.11.2008, and no further deferment would be granted unless under very special circumstances.

## Agenda Item 19

### Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/TM-LTY Y/2      Application for Amendment to the Approved Lam Tei and Yick Yuen  
Outline Zoning Plan No. S/TM-LTY Y/6  
from “Residential (Group C)” and  
“Government, Institution or Community” to  
“Comprehensive Development Area”,  
Various Lots in D.D. 130 and Adjoining Government Land,  
Lam Tei, Tuen Mun  
(RNTPC Paper No. Y/TM-LTY Y/2C)

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60. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Alfred Donald Yap, having current business dealings with Henderson, had declared an interest in this item. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Yap could stay at the meeting.

### Presentation and Question Sessions

61. The Committee noted that the applicant's representative on 26.2.2009 had requested for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information. According to the applicant's representative, departmental and public comments had been received on the further information submitted on 19.12.2009 and additional time was required to resolve the outstanding matters with the concerned Government departments.

#### Deliberation Session

62. 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 a total of eight months had been allowed for preparation of the submission of the further information since the application was deferred by the Committee on 6.6.2008, and no further deferment would be granted unless under very special circumstances.

#### **Agenda Item 20**

##### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/380                      Proposed Religious Institution (Church)  
in "Open Space" zone,  
Lots 491 (Part), 492 (Part), 495 R.P.(Part), 498 R.P.(Part), 500 (Part),  
501 (Part), 502 R.P. (Part), 503, 717 R.P. (Part) in D.D. 374  
and Adjoining Government Land, So Kwun Wat, Tuen Mun  
(RNTPC Paper No. A/TM/380A)

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#### Presentation and Question Sessions

63. The Committee noted that the applicant's representative on 4.3.2009 had requested for deferment of the consideration of the application for two months in order to



allow time to prepare the technical assessments on traffic arrangement, noise and air quality impacts.

### Deliberation Session

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

### **Agenda Item 21**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/381            Shop and Services (Mini-bank)  
                          in “Government, Institution or Community” zone,  
                          G/F, Main Building, Lingnan University,  
                          Tuen Mun Town Lot 376, Castle Peak Road, Tuen Mun  
                          (RNTPC Paper No. A/TM/381)

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65. The Secretary reported that the applied mini-bank use was related to the Bank of East Asia (BEA). Messrs. Tony C.N. Kan and Rock C.N. Chen, having current business dealings with BEA, had declared interests in this item. The Committee considered that Messrs. Kan and Chen’s interests were direct and should left the meeting temporarily for this item.

[Messrs. Tony C.N. Kan and Rock C.N. Chen left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (mini-bank) use to serve as an extension of an existing mini-bank on the ground floor of the Main Building of Lingnan University;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment agreeing to the application was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The Committee had previously approved an application (No. A/TM/209) for the adjoining mini-bank on 24.5.1996. Due to the expansion of the University, there was a need to expand the previously approved mini-bank to cope with the increasing demand. The Secretary for Education and the Secretary-General of University Grants Committee considered it not unreasonable for the University to project a higher demand for banking services and hence had no objection to the application. The extension bank area under the current application was about 33m<sup>2</sup> which together with the adjoining mini-bank of about 37m<sup>2</sup> would only result in a total area of about 70m<sup>2</sup>. Given the small scale of the mini-bank and its nature of operation, the operation of the University would not be affected and no adverse impacts on traffic, environment and infrastructure of the area were

anticipated. An approval condition requiring the applicant to provide fire service installations in the application premises had been recommended and non-compliance with the approval condition would result in revocation of the planning permission.

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 was subject to the following conditions:

- (a) the submission and implementation of fire service installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2009; and
- (b) if the above planning condition 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) note the comments of the District Lands Officer/Tuen Mun that the applicant should apply to his office for a consent of the underletting under Special Condition No. (14)(b) of New Grant No. 3136; and
- (c) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if non-exempted works were involved, plans should be submitted by an Authorised Person to the Building Authority for

approval and to apply for consent to commence works under the provisions of the Buildings Ordinance. The wall separating the bank area from the lecture room should have a fire resisting period of 2 hours.

[Messrs. Tony C.N. Kan and Rock C.N. Chen returned to join the meeting at this point.]

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/180 Temporary Car Exhibition Area and Ancillary Office  
for a Period of 3 Years  
in “Village Type Development” zone,  
Lot 1996 S.B RP in D.D. 130 and Adjoining Government Land,  
22.5MS Castle Peak Road,  
Nai Wai, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/180)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary car exhibition area and ancillary office for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, two public comments raising objection to the application were received mainly for the reasons that the

applied use did not reflect the existing vehicle repair workshop use on site; was incompatible with the surrounding areas; and encroached onto footpath causing inconvenience to residents/pedestrians. There was also concern on the potential hazard due to the sub-standard building structures and storage of inflammable goods; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 1 year based on the assessment in paragraph 11 of the Paper. As no Small House application at the application site was received, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Village Type Development” zone. Given the small scale of the development (about 200m<sup>2</sup> and accommodating a maximum of four vehicles for exhibition purpose) and temporary nature of the application, no significant adverse impacts were anticipated. The development, which was passive in nature, was not incompatible with the surrounding areas. Regarding the commenters' concerns, an approval condition prohibiting car washing and workshop activities, including car repairing, dismantling, lubricating and paint-spraying, had been recommended. Other approval conditions to address the technical comments raised by the concerned Government departments had also been recommended. Non-compliance with the approval conditions would result in revocation of the planning permission. As the previous planning approval granted under Application No. A/TM-LTYY/145 was revoked due to non-compliance with approval conditions, shorter approval period and compliance periods were thus recommended for closer monitoring of the situation and compliance of approval conditions.

71. Referring to Plans A-4a and A-4b of the Paper, the Chairperson and several Members noted from the signboards at the application site that services such as car washing and repairing were provided. There were concerns that these uses which required planning permission from the Town Planning Board (TPB) were not covered by the current application. Mr. C.C. Lau said that in response to similar concern raised by the commenters, the applicant had clarified on 18.3.2009 that the use being applied for under the current application was

temporary car exhibition area with ancillary office, which did not include vehicle repairing, paint-spraying, lubricating and washing. An approval condition (c) prohibiting these activities on site had been recommended in paragraph 12.2(c) of the Paper. The Chairperson asked if there was any measure to ensure compliance with the approval condition. Mr. C.C. Lau said that a revocation clause had been recommended in paragraph 12.2(i) of the Paper and hence non-compliance with the approval condition would result in revocation of the planning permission.

72. Noting that the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD)'s comments in paragraph 9.1.7 of the Paper, a Member considered that BD's no in-principle objection to the application was dependent on the removal of unauthorised structures on site. As such, this Member considered it more appropriate to stipulate such requirement in the approval condition rather than in the advisory clause. Mr. C.C. Lau said that the removal of unauthorised structures was subject to control under the Buildings Ordinance and hence it was stipulated in the advisory clause to serve as a reminder to the applicant. The Secretary supplemented that all approval conditions had to be related to the application itself. The TPB might be challenged as acting ultra vires if the approval condition of an approved scheme granted under the Town Planning Ordinance was tied to the provisions of other Ordinances. In this regard, it was the established practice of the TPB to incorporate matter which was subject to control under other Ordinances in the advisory clause. Regarding the subject case, she clarified that the CBS/NTW, BD only reminded the applicant that any unauthorised structures on site, if any, would be liable to action under section 24 of the Buildings Ordinance and he had no in-principle objection to the application. As the concerned removal of unauthorised structures was subject to control by the Building Authority under the Buildings Ordinance, it was therefore appropriate to stipulate it in the advisory clause. Regarding Members' concern about the current and possibly continual use of the application site for uses not being covered by the application, non-compliance with approval condition (c) would result in revocation of the planning permission as explained by STP/TMYL. Upon revocation, any unauthorised use/development at the site would be subject to planning enforcement action by the Planning Authority who would closely monitor the situation of the subject site. An advisory clause reminding the applicant that the permission was given to the use under application and it did not condone any other use/development which was not covered by the application would also be stipulated in the decision letter to the applicant.

73. Referring to paragraph 9.1.3(c) of the Paper, Mr. Ambrose Cheong, Chief Traffic Engineer/New Territories East, Transport Department, said that his department had commented that no vehicle should be parked or stopped outside the lot on the existing footpath or cycle track. He asked for the reason for incorporating this comment in the advisory clause rather than in the approval condition. Mr. C.C. Lau said that it was because the concerned footpath/cycle track was located outside the application site. The Chairperson supplemented that any illegal parking/stopping of vehicles on the concerned footpath/cycle track outside the application site would be subject to enforcement action by the relevant Government departments.

74. A Member asked if part of the application site encroached onto an open channel and whether the encroached area was Government land. Mr. C.C. Lau replied that the application site, comprising both private and Government land as shown in Plan A-2 of the Paper, encroached onto the decked portion of an open channel along Castle Peak Road – Lam Tei near Nai Wai. It was also located very close to a water main along the southern edge with a minor portion of it encroaching onto the water main. The applicant would be reminded to provide a waterworks reserve for the affected water main as requested by the Chief Engineer/Development (2), Water Supplies Department in the advisory clause. The same applicant had also implemented drainage facilities within the application site in compliance with an approval condition under the previously approved application (No. A/TM-LTY/112). An approval condition requiring the applicant to maintain these drainage facilities on site had been recommended as requested by the Chief Engineer/Mainland North, Drainage Services Department.

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

#### Deliberation Session

75. In response to the Secretary's enquiry, Mr. C.C. Lau said that no buildings/structures within the application site would encroach onto the open channel along Castle Peak Road – Lam Tei. The Secretary said that Members might consider stipulating an approval condition requiring the applicant to set back the application site from the concerned nullah to avoid possible interface problems. Members agreed.

76. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 27.3.2010, 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. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no vehicles exceeding 5.5 tonnes, container vehicles and container trailers were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing and workshop activities, including car repairing, dismantling, lubricating and paint-spraying, should be undertaken within the site at any time during the planning approval period;
- (d) the drainage facilities implemented under Application No. A/TM-LTYT/112 on the application site should be maintained at all times during the planning approval period;
- (e) to set back the application site to avoid encroachment on the existing open channel along Castle Peak Road – Lam Tei during the planning approval period;
- (f) the submission of a layout plan showing the arrangement of the car parking spaces and proposal for vehicular access arrangement within the site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 27.6.2009;
- (g) in relation to (f) above, the implementation of vehicular access arrangement within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 27.9.2009;
- (h) the submission of fire service installations (FSIs) proposals within 3



months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.6.2009;

- (i) in relation to (h) above, the provision of FSIs within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2009;
- (j) 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;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice;
- (l) upon the expiry of the planning permission, the reinstatement of the road/cycle track/footpath to the original conditions to the satisfaction of the Commissioner for Transport or of the TPB; and
- (m) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of the approval conditions;
- (c) shorter approval and compliance periods were imposed so as to monitor the

situation and fulfilment of approval conditions;

- (d) the permission was given to the use/development under application. It did not condone any other use/development which was not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (e) note the comments of the District Lands Officer/Tuen Mun that his office would consider the application for Short Term Waiver (STW) if the planning application was approved. However, the application for STW would not necessarily be successful;
- (f) follow the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (g) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department and the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out should be constructed according to Highways Standard Drawings H1113 and H1114, or H5115 and H5116, to match with the existing pavement condition. An interception channel should be provided at the entrance to prevent surface water flowing out from the lot onto the public road/footpath via the run-in/out. No vehicle should be parked or stopped outside the lot on the existing footpath or cycle track and all activities related to the subject lot should be carried out within the site;
- (h) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should rectify the drainage facilities constructed under Application No. A/TM-LTY/112 if they were found inadequate/ineffective during operation;
- (i) note the comments of the Director of Fire Services regarding the

requirements of formulating the FSIs proposals as stated in Appendix IV of the Paper;

- (j) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department regarding the removal of unauthorised building works/structures within the site. The granting of any planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Any proposed temporary buildings were subject to control under the Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new building works for approval under the BO was required. If the site did not abut on a street of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at building plan submission stage. The applicant should take note of B(P)R 41D regarding the provision of emergency vehicular access to the proposed development; and
  
- (k) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that a waterworks reserve within 1.5m from the centerline of the water main should be provided to WSD. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with the 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. The Government should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site.

78. Members also agreed to request the Planning Authority to closely monitor the use of the application site.

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

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/297          Temporary War Game Centre  
for a Period of 3 Years  
in “Recreation” zone,  
Lots 347 (Part), 348 (Part), 349 (Part), 350 (Part), 355 S.B (Part),  
356 (Part) and 357 (Part) in D.D. 126, Yuen Long  
(RNTPC Paper No. A/YL-PS/297)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary war game centre for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the development would unlikely affect habitats of high ecological value and had no objection to the application provided that measures would be undertaken to prevent the war game activities from taking place beyond the application site which might cause adverse impacts on the surrounding natural vegetation. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, five public comments raising objection to the application were received mainly for the reasons that the site was unsuitable for the applied use due to its close proximity to residential dwellings; the site had been occupied and converted to the

applied use without owners' consent; the attraction of visitors would cause nuisance and pose threat to villagers' safety; and there would be adverse impacts on the natural environment and ancestral graves; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The war game centre, which provided recreational outlet to the public, was generally in line with the planning intention of the “Recreation” zone. The application was not in conflict with the Town Planning Board Guidelines No. 12B for ‘Application for Developments within Deep Bay Area’ as the war game centre did not involve pond filling and was not located close to fish ponds; the application was for a temporary approval of 3 years only; and it would not cause long-term or negative off-site disturbance impact on the ecological value of the fish ponds within the Wetland Conservation Area. To address the DAFC’s concerns, an approval condition requiring the applicant to provide peripheral fencing for the whole site had been recommended. Regarding the commenters’ concerns, the potential nuisances would not be significant as there was no residential dwelling within 100m of the site; the war game centre had about 20 participants only each day; and the whole site would be fenced off to contain the war game activities within the site. Approval conditions restricting the operation hours and requiring the applicant to implement landscape proposal would further reduce the potential nuisances. Non-compliance with the approval conditions would result in revocation of the planning permission. Regarding the safety concern, the Commissioner of Police had no comment on the application. While the occupation of private land without the owners’ consent was a land matter between the owners and operators, an advisory clause had been recommended to remind the applicant to resolve any land issue relating to the development with the concerned owner(s) of the site.

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 up to 27.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.9.2009;
- (c) in relation to (b) 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 27.12.2009;
- (d) the provision of peripheral fencing for the whole site, 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 27.9.2009;
- (e) 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;
- (f) if any of the above planning conditions (b), (c) or (d) 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
- (g) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the comments of the District Lands Officer/Yuen Long on the need to apply to his office for Short Term Waiver (STW) to regularise any structures erected/to be erected on-site. It was his policy to grant STW on whole lot basis (i.e. not on portion of a lot). For the purpose of applying the STW, the owner should carve out the lot concerned according to the application site boundary. Should no STW application be received/approved and the irregularities persist, his office would take appropriate action according to the established district lease enforcement;
- (d) adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (e) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement;
- (g) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department regarding the removal of unauthorised structures

within the site which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of the planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required; and

- (h) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant would need to extend his/her inside services to the nearest suitable Government water mains for connection for the provision of water supply to the development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow.

[The Chairperson thanked Mr. W.M. Lam, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Lam left the meeting at this point.]

#### **Agenda Item 24**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/597      Temporary Open Storage of Construction Materials,  
Construction Machinery and Scrap Metals and Container Vehicle Park  
with Ancillary Repair Workshop  
for a Period of 3 Years in "Comprehensive Development Area" zone,  
Lots 3253, 3270, 3271 and 3272 in D.D.129,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/597)

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**Agenda Item 25**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/598      Proposed Temporary Open Storage of Construction Materials,  
Construction Machinery and Scrap Metals and Container Vehicle Park  
with Ancillary Repair Workshop  
for a Period of 3 Years in “Comprehensive Development Area” zone,  
Lots 3203 RP, 3255 and 3256 RP in D.D. 129,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/598)

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83.            Noting that the two applications were for the same temporary uses and the application sites were close to each other within the same zone, Members agreed that the applications could be considered together.

[Mr. B.W. Chan returned to join the meeting and Mr. Simon Yu left the meeting temporarily at this point.]

**Presentation and Question Sessions**

84.            Mr. Anthony C.Y. Lee, STP/TMYL, said that replacement pages 11 and 12 of RNTPC Paper No. A/YL-HT/597 and replacement page 11 of RNTPC Paper No. A/YL-HT/598 were sent to Members on 26.3.2009 and tabled at the meeting. He then presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the temporary open storage of construction materials, construction machinery and scrap metals as well as container vehicle park with ancillary repair workshop for a period of 3 years under each application;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the applications as there were sensitive uses in the vicinity

of the application sites/access roads and environmental nuisance was expected. The District Lands Officer/Yuen Long (DLO/YL) did not support Application No. A/YL-HT/597 as his office had not received any application to regularize the unauthorised structure on site despite of his earlier advice. If the Committee decided to approve the application, the applicant should be reminded to apply to his office for regularization. Other concerned Government departments had no objection to or adverse comments on the applications;

- (d) during the statutory publication period, one public comment was received for each application raising environmental, air quality and health concerns; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under the applications could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Papers. The temporary uses were not incompatible with the surrounding land uses which was predominantly occupied by open storage yards. As there was no programme/known intention to implement the zoned use, approving the applications on a temporary basis for 3 years would not frustrate the planning intention of the “Comprehensive Development Area” zone. Regarding the commenter and DEP's concerns, approval conditions restricting the operation hours and stacking height of materials stored on-site had been recommended for the applications and non-compliance with the approval conditions would result in revocation of the planning permissions. Regarding DLO/YL's concern on Application No. A/YL-HT/597, an advisory clause reminding the applicant to apply for Short Term Waiver for the applied use had been recommended. The developments were in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ as the concerned Government departments had no adverse comments on the application and the commenter/DEP's concern could be addressed through the imposition of approval conditions. The application sites were each subject to five previously approved applications for various temporary open

storage uses. Between 2006 and 2009, the Committee had also approved five similar applications for temporary open storage/port back-up uses in the vicinity of the application sites. Since the approval of these applications, there had been no major change in planning circumstances. Approval of the applications was thus in line with the Committee's previous decisions. As the last planning permission granted under Application No. A/YL-HT/513 was revoked due to non-compliance with approval conditions, shorter compliance periods for both applications were recommended to allow closer monitoring of the compliance.

85. Members had no question on the applications.

#### Deliberation Session

86. After deliberation, the Committee decided to approve Application No. A/YL-HT/597 on a temporary basis for a period of 3 years up to 27.3.2012, 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. to 7:00 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 stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) only container vehicles with valid licence/registration were allowed to be parked on the site during the planning approval period;
- (e) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services

or of the TPB by 27.6.2009;

- (f) in relation to (e) above, the provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.9.2009;
- (g) the submission of a landscape proposal, including replacement planting of the missing trees, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.6.2009;
- (h) in relation to (g) above, the implementation 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 27.9.2009;
- (i) the submission of fire services installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.6.2009;
- (j) in relation to (i) 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 27.9.2009;
- (k) 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;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

87. The Committee also agreed to advise the applicant of Application No. A/YL-HT/597 of the following :

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were granted in order to monitor the compliance of approval conditions. No favourable consideration to further planning application would be given if the current permission was revoked again for non-compliance with the approval conditions;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the comments of the District Lands Officer/Yuen Long (DLO/YL) 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. Vehicular access to the site would require passing through private land from Fung Kong Tsuen Road and his office did not guarantee the right-of-way. The applicant should apply for Short Term Waiver (STW) to regularise the unauthorised structures on site. Should no STW application be received/approved and the irregularities persist, his office would take appropriate action according to the established district lease enforcement programme;
- (e) note the comments of the Chief Engineer/Mainland North, Drainage Services Department regarding the drainage proposal as follows :
  - (i) the details of boundary walls should be submitted to illustrate unobstructed flow of surface runoff from adjacent areas; and open channels of adequate sizes on both sides of the wall or adequate openings at the foot of the wall should be constructed to allow the

passage of rainwater from adjacent areas;

- (ii) DLO/YL should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside the site;
  - (iii) as large part of drainage facilities provided under Application No. A/YL-HT/513 was outside the site, peripheral channel should also be provided along the northern boundary of the site; and
  - (iv) the gradient of the proposed channels in the site should be shown in the drainage proposal;
- (f) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (g) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement;
- (i) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that ingress/egress route via Ping Ha Road to/from the site might be affected during the construction period for the widening of Ping Ha Road under Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" with the construction works

commenced in December 2007 for completion by end 2010, and that the applicant should not be entitled for any compensation thereof;

- (j) note the comments of the Director of Fire Services regarding the requirements of formulating fire service installations proposals as stated Appendix V of the Paper; and
- (k) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning permission should not be construed as condoning to any unauthorised 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. Use of containers as office were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new works for approval under the BO 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 B(P)R 19(3) at the building plan submission stage.

88. After deliberation, the Committee decided to approve Application No. A/YL-HT/598 on a temporary basis for a period of 3 years up to 27.3.2012, 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. to 7:00 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 stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;

- (d) only container vehicles with valid licence/registration were allowed to be parked on the site during the planning approval period;
- (e) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.6.2009;
- (f) in relation to (e) above, the provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.9.2009;
- (g) the submission of a landscape proposal, including replacement planting of the missing trees, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.6.2009;
- (h) in relation to (g) above, the implementation 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 27.9.2009;
- (i) the submission of fire services installations (FSIs) proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.6.2009;
- (j) in relation to (i) above, the provision of FSIs within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2009;
- (k) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.6.2009;
- (l) 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;

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

89. The Committee also agreed to advise the applicant of Application No. A/YL-HT/598 of the following :

- (a) shorter compliance periods were granted in order to monitor the compliance of approval conditions. No favourable consideration to further planning application would be given if the current permission was revoked again for non-compliance with the approval conditions;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the comments of the District Lands Officer/Yuen Long (DLO/YL) 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. Vehicular access to the site would require passing through private land from Fung Kong Tsuen Road and his office did not guarantee the right-of-way. The applicant should clarify the kerb line to the access and to apply for Short Term Waiver (STW) for any structure to be erected on site. Should no STW application be received/approved and unauthorised structures existed, his office would take appropriate action according to the established district lease enforcement programme;

- (d) note the comments of the Chief Engineer/Mainland North, Drainage Services Department regarding the drainage proposal as follows :
  - (i) the details of boundary walls should be submitted to illustrate unobstructed flow of surface runoff from adjacent areas; and open channels of adequate sizes on both sides of the wall or adequate openings at the foot of the wall should be constructed to allow the passage of rainwater from adjacent areas;
  - (ii) DLO/YL should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside the site;
  - (iii) as large part of drainage facilities provided under Application No. A/YL-HT/513 was outside the site, peripheral channel should also be provided along the southern boundary of the site; and
  - (iv) the gradient of the proposed channels in the site should be shown in the drainage proposal;
- (e) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (f) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) note the comments of the Chief Highway Engineer/New Territories West,

Highways Department that the applicant should be responsible for his own access arrangement;

- (h) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that ingress/egress route via Ping Ha Road to/from the site might be affected during the construction period for the widening of Ping Ha Road under Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" with the construction works commenced in December 2007 for completion by end 2010, and that the applicant should not be entitled for any compensation thereof; and
- (i) note the comments of the Director of Fire Services to approach his Dangerous Goods Division for advice on licensing of the premises for the workshop purpose where necessary; and to submit relevant layout plans incorporated with the proposed FSIs to his department for approval if there was roofed structure erected within the site. In this connection, the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should also be clearly marked and stated on the layout plans.

**Agenda Item 26**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/599            Temporary Open Storage of Containers and Container Repairing Area for a Period of 3 Years in “Recreation” and “Open Storage” zones, Lots 395 (Part), 396 (Part), 399 (Part), 400 (Part), 401 (Part), 402 (Part), 406 (Part), 407 (Part), 427 (Part), 428 (Part), 429, 430 (Part), 431 to 442, 443 S.A, 443 S.B, 445, 446, 447 (Part), 448, 450 (Part), 451 (Part), 453 (Part), 454 (Part), 457 (Part), 546 S.B (Part), 547 (Part), 548 (Part), 549, 550 (Part), 551 (Part), 552 (Part), 553 (Part), 559, 560 to 573, 574 (Part), 575 (Part), 576 (Part), 577 (Part), 578 (Part) and 579 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/599)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the temporary open storage of containers and container repairing area for a period of 3 years;
- (c)    departmental comments – the Director of Environmental Protection (DEP) noted that the applicant had undertaken to rationalize and change the configuration of the private access road at its junction with Ha Tsuen Road to ensure that container vehicles leaving the application site would turn right to Kong Sham Western Highway instead of turning left to Ha Tsuen Road. Subject to the Transport Department’s confirmation on the feasibility of the proposed measure, the DEP considered that the potential noise nuisance could be duly addressed and hence the application could be

tolerated. While having no comment on the traffic impact assessment, the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no objection to the application subject to the erection of a 'Turn Right' traffic sign at the junction of Ha Tsuen Road and the access road to the application site and the formation of the private access road to appropriate levels with acceptable crossfalls for the safe movement of container vehicles. Other concerned Government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the statutory publication period. and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The site was the subject of 12 previously rejected applications for the same or similar uses, the major considerations of which were about the potential environmental and traffic impacts. Since the rejection of the last application (No. A/YL-HT/487), the slip road between Ha Tsuen Road and Kong Sham Western Highway had been opened to container vehicle traffic in 2008. This infrastructure improvement and the consequential reduction in traffic volume on Ha Tsuen Road, Tin Ha Road and Ping Ha Road provided new planning circumstances for consideration of the current application. To address the departmental concerns, the applicant had proposed measure to ensure that container vehicles leaving the application site would not turned left into Ha Tsuen Road. Relevant approval conditions incorporating the measures proposed by the applicant and the AC for T/NT, TD had been recommended. Non-compliance with the approval conditions would result in revocation of the planning permission. To mitigate the potential environmental impacts, approval conditions restricting the operation hours, stacking of containers and types of activities on-site had been recommended. The development was in line with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' in that there was no local objection and the concerned

Government departments had no adverse comments on the application or their comments could be addressed through the imposition of approval conditions. The application site fell mainly within the “Recreation” (“REC”) zone. As there was no programme or known intention to implement the zoned use, approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “REC” zone. A minor portion of the application site fell within the “Open Storage” (“OS”) zone, which had already been occupied by logistics centres, workshops and open storage yards. The applied use was not incompatible with the land uses in the “OS” zone which was contiguous to the application site.

91. Mr. Ambrose Cheong, the Chief Traffic Engineer/New Territories East, Transport Department, said that the erection of a ‘Turn Right’ traffic sign at the road junction of the access road leading to the application site with Ha Tsuen Road in approval condition (h) was applicable to all vehicles. As such, the related prohibition of left turning into Ha Tsuen Road in approval condition (g) should also be applied to all vehicles, instead of container vehicles only. In this regard, he suggested to delete the word ‘container’ in approval condition (g). Members agreed.

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

#### Deliberation Session

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 27.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 6:00 p.m. to 9:00 a.m. on Mondays to Fridays and 2:00 p.m. to 9:00 a.m. on Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) no stacking of containers within 6m from the peripheral fencing of the site, as proposed by the applicant, was allowed during the planning approval period;
- (d) the stacking height of containers stored on the site should not exceed 7 units during the planning approval period;
- (e) a fixed row of 3-unit high container stack along the northern and western edges and a fixed row of 2-unit high container stack along the southern and eastern edges of the site, as proposed by the applicant, should be maintained at all times during the planning approval period;
- (f) other than container repairs as applied for, no vehicle dismantling, repairing or workshop activity was allowed on the site during the planning approval period;
- (g) no left turn of any vehicles into Ha Tsuen Road upon leaving the site was allowed during the planning approval period;
- (h) the erection of a 'Turn Right' traffic sign at the junction of the access road with Ha Tsuen Road to the satisfaction of the Commissioner for Transport or of the TPB during the planning approval period;
- (i) the formation of the private access road at the junction with Ha Tsuen Road, as proposed by the applicant, to appropriate levels with acceptable crossfalls for the safe movement of container vehicles within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 27.9.2009;
- (j) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.9.2009;

- (k) in relation to (j) 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 27.12.2009;
- (l) the submission of a Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.9.2009;
- (m) in relation to (l) above, the implementation of the flood mitigation measures proposed in the Drainage Impact Assessment within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.12.2009;
- (n) the submission of fire service installations (FSIs) proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 27.9.2009;
- (o) in relation to (n) above, the provision of FSIs within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 27.12.2009;
- (p) 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 27.9.2009;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (r) if any of the above planning conditions (i), (j), (k), (l), (m), (n), (o) or (p) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and



- (s) upon the expiry of the planning permission, the reinstatement of the “Recreation” portion of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) 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) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the comments of the District Lands Officer/Yuen Long 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 applicant should get the right of way from other private land leading to Ha Tsuen Road for the vehicular access to the site. The applicant should also apply to his office for Short Term Waiver (STW)/Short Term Tenancy (STT) to regularise the unauthorised structures on site and the unauthorised occupation of Government land. Should no STW/STT application be received/approved, his office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement and land control programme;
- (e) note the comments of the Chief Engineer/Mainland North, Drainage Services Department regarding the submitted Drainage Impact Assessment as stated in Appendix V of the Paper;

- (f) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (g) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement;
- (i) note the comments of the Director of Fire Services regarding the requirements of formulating FSIs proposals as stated in Appendix VI of the Paper;
- (j) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning permission should not be construed as condoning to any unauthorised 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. Use of containers as office were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new works for approval under the BO 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 B(P)R 19(3) at the building plan submission stage; and

- (k) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant should bear the cost of any works of the existing water mains affected by the development. If diversion was not feasible, a waterworks reserve within 1.5m from the centerline of the water mains should be provided to the WSD. No structure should be erected over the waterworks reserve and such area should not be used for storage purpose. The WSD reserved the right to enter the site for carrying out investigation works in the vicinity of the proposed water mains under the project “Water Supply to Hung Shui Kiu New Town”.

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/601 Temporary Open Storage of Vehicle Parts and Tyre Repair with Ancillary Workshop for a Period of 3 Years in “Open Space” and “Village Type Development” zones, Lots 352 S.C (Part), 352 RP (Part), 356 (Part) and 480 RP (Part) in D.D. 124 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/601)

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

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

- (a) background to the application;
- (b) the temporary open storage of vehicle parts and tyre repair with ancillary workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of

the application site and the access road and environmental nuisance was expected. Other concerned Government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 1 year based on the assessment in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Village Type Development” (“V”) and “Open Space” (“O”) zones, there was no immediate development programme for the subject “O” site and no Small House application on the application site. As such, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” and “O” zones. The development was not incompatible with the surrounding open storage, workshop and vehicle park uses. Regarding the DEP's concern, approval conditions restricting the operation hours and stacking height of materials stored on-site had been recommended and non-compliance with the approval conditions would result in revocation of the planning permission. The development was in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that there was no local objection and the concerned Government departments had no adverse comments on the application or their comments could be addressed through the imposition of approval conditions. The application site was the subject of six previously approved applications. Between 2007 and 2009, the Committee had also approved six similar applications for open storage/workshop uses in the vicinity of the application site. Since the approval of these applications, there had been no major change in planning circumstances. Approval of the application was thus in line with the Committee's previous decisions. In view of a recently approved Small House development in the vicinity of the application site which might be affected by the development, a shorter approval period of 1 year was recommended.

95. Members had no question on the application.

Deliberation Session

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 27.3.2010, 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. to 7:00 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 stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) the provision of drainage facilities as proposed within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.6.2009;
- (e) the implementation of the landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.6.2009;
- (f) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.6.2009;
- (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 27.9.2009;

- (h) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 27.6.2009;
- (i) in relation to (h) above, the implementation of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 27.9.2009;
- (j) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.6.2009;
- (k) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (d), (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) 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) a shorter approval period of 1 year was granted in order to monitor the situation at the site as a Small House development near the site had recently been approved;
- (d) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) note the comments of the District Lands Officer/Yuen Long (DLO/YL) 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. The applicant should apply for Short Term Waiver (STW)/Short Term Tenancy (STT) to regularise the structures on the lots and the unauthorised occupation of Government Land. As it was his policy to grant STW on whole lot basis, the applicant should properly carve out the lots concerned according to the application site boundary if only portion of the lots concerned was within the application site boundary. Should no STW/STT application be received/approved and the irregularities persist, his office would consider taking appropriate action according to the established district lease enforcement and land control programme;
- (f) note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the drainage proposal that consent of DLO or relevant private lot owners on the proposed drainage works should be obtained prior to the commencement of the drainage works for the drainage works outside the site. Consent on the connections should also be obtained from the owners or the maintenance party of the drainage facilities constructed under Application No. A/YL-HT/406;
- (g) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of

Environmental Protection to minimize any possible environmental nuisances;

- (h) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (i) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) to construct a run in/out at the access point in accordance with the latest version of HyD's standard drawing H1113 and H1114, or H5115 and H5116, whichever set was appropriate to suit the pavement of the adjacent areas; and to ensure that no surface water flowed from the site onto nearby public road/footpath and drains through the site entrance; and
- (j) note the comments of the Director of Fire Services regarding the requirements of formulating fire service installations proposals as stated in Appendix V of the Paper.



**Agenda Item 28**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/232 Temporary Container Storage Site with Ancillary Office for a Period of 3 Years in “Open Storage” zone, Lots 2861 (Part), 2863 (Part), 2871, 2873, 2874 (Part), 2875 (Part), 2876 to 2879, 2892, 2893 (Part), 2894, 2895 (Part), 2896 (Part), 2898 (Part), 2899 (Part), 2900 (Part), 2901 (Part), 2908 (Part), 2909, 2910 (Part), 2915 (Part), 2916 (Part), 2917 (Part) and 2918 (Part) in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long (RNTPC Paper No. A/YL-NTM/232)

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**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/233 Temporary Container Vehicle Park and Container Storage Area with Ancillary Repairing Workshop for a Period of 3 Years in “Open Storage” zone, Lots 2356 (Part), 2357, 2358 RP, 2359 to 2362, 2363 RP, 2366 RP, 2369, 2371, 2373, 2374, 2375 RP, 2376, 2377, 2704 to 2710, 2711 RP (Part), 2712 to 2715, 2716 (Part), 2718 (Part), 2807 RP, 2809 RP, 2810 to 2813, 2814 RP, 2815 RP, 2816 RP, 2817 RP, 2818, 2820 RP, 2821, 2822, 2823 RP, 2824 RP, 2825 to 2828, 2829 RP, 2830, 2831, 2833 to 2838, 2839 RP (Part), 2840 RP and 2841 in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long (RNTPC Paper No. A/YL-NTM/233)

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98. As the Chairperson had to leave the meeting for the Special Finance Committee 2009-2010, the Committee agreed that the Vice-chairman should take over and chair the meeting at this point.

[Mrs. Ava S.Y. Ng left the meeting at this point.]

99. Noting that the two applications were for similar temporary uses and the application sites were close to each other within the same zone, Members agreed that the applications should be considered together.

#### Presentation and Question Sessions

100. Mr. Anthony C.Y. Lee, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the temporary container storage site with ancillary office under Application No. A/YL-NTM/232 and the temporary container vehicle park and container storage area with ancillary repairing workshop under Application No. A/YL-NTM/233, both for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the applications as there were sensitive receivers in the vicinity of the application sites and environmental nuisance was expected. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no in-principle objection to the applications provided that the application sites and the use of the existing access roads would not pose constraint to the drainage improvement works in Ki Lun Tsuen, Kwu Tung, Ma Tso Lung and Sha Ling. Other concerned Government departments had no objection to or adverse comments on the applications;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer for both applications; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the

temporary uses under the applications could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Papers. The temporary uses were generally in line with the planning intention of the “Open Storage” (“OS”) zone and were not incompatible with the surrounding land uses of open storage yards of containers/construction materials/machineries, vehicle/container vehicle parks and vehicle repair workshops. Regarding the DEP’s concern, approval conditions restricting the operation hours, stacking height of containers and/or types of activities on-site had been recommended. Regarding the CE/MN, DSD’s concern, an approval condition requiring the applicants to set back the site boundaries to avoid encroaching onto the concerned works had been recommended. Non-compliance with the approval conditions would result in revocation of the planning permission. The applications were in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ as the concerned Government departments had no adverse comments on the applications or their comments could be addressed through the imposition of approval conditions. The application sites (in whole or in part) were each subject to six previously approved applications. The current applications were essentially to seek permission for the continuous use of the application sites for the same uses permitted under the last previously approved application. The Committee in 2008 had approved three similar applications in the same “OS” zone for similar temporary open storage/port back-up uses. Since the approval of these applications, there had been no change in planning circumstances. Approval of the applications were thus in line with the Committee’s previous decisions.

101. Members had no question on the applications.

#### Deliberation Session

102. After deliberation, the Committee decided to approve Application No. A/YL-NTM/232 on a temporary basis for a period of 3 years up to 27.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following

conditions :

- (a) the setting back of the site boundary to avoid encroachment on the resumption boundary of Contract No. DC/2007/01 - Drainage Improvement Works in Ki Lun Tsuen, Kwu Tung, Ma Tso Lung and Sha Ling as and when required by the Drainage Services Department;
- (b) a clearance of at least 1.5m from the centerline of the existing water mains at the northern part of the site should be maintained at all times during the planning approval period;
- (c) no night-time operation between 11:00 p.m. and 8:00 a.m. was allowed on the site during the planning approval period;
- (d) no operation on Sundays or public holidays between 5:00 p.m. and 10:00 a.m. was allowed on the site during the planning approval period;
- (e) the stacking height of the containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (f) the stacking height of containers stored at any other locations within the site should not exceed 7 units at any time during the planning approval period;
- (g) no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, was allowed on the site during the planning approval period;
- (h) the existing fencing on the site should be maintained at all times during the planning approval period;
- (i) the existing landscape planting on the site should be maintained at all times during the planning approval period;

- (j) the existing drainage facilities implemented on the site under Application No. A/YL-NTM/198 should be maintained at all times during the planning approval period;
- (k) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.9.2009;
- (l) the submission of compensatory planting 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 27.9.2009;
- (m) in relation to (l) above, the implementation of compensatory planting scheme within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2009;
- (n) the submission of fire service installations (FSIs) proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2009;
- (o) in relation to (n) above, the provision of FSIs proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2009;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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
- (q) if any of the above planning conditions (k), (l), (m), (n) or (o) 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.

103. The Committee also agreed to advise the applicant of Application No. A/YL-NTM/232 of the following :

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the site was situated on Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his office. There were unauthorised structures (shown as site office) and unlawful occupation of Government land within the site. His office reserved the right to take lease enforcement and land control action against the irregularities if indeed verified in due course. Modification of Tenancy (MOT) No. MNT22670 and a Letter of Approval (L of A) were issued for erection of some temporary structures over Lot 2876 in D.D. 102 for domestic and agricultural purposes respectively. Another L of A No. MT/LM6768 was issued for erection of structures over Lot 2879 in D.D. 102 for agricultural purpose. The submitted information, however, showed that these structures had been removed and his office would arrange to terminate these MOT and L of A as appropriate. The registered owner of the relevant lot/occupier was advised to apply to his office for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the irregularities on-site. The site involved portions of lots. It was his policy to grant STW on whole lot basis. For the purpose of applying for STW, the owner should carve out the lot concerned according to the application site boundary if only portion of the lot concerned was within the application site boundary. Should no STW and STT application be received/approved and any irregularities persist on-site, his office would consider taking appropriate lease enforcement and control actions against

the registered owners and occupier according to the prevailing programme. The site was accessible by an informal track from Kwu Tung Road, which ran through open Government land and private land without maintenance works to be carried out thereon by his office. The access was also intercepted by the current project titled “Drainage Improvement Works in Ki Lun Tsuen, Yuen Long, New Territories” under the Chief Engineer/Drainage Projects, Drainage Services Department. His office did not guarantee right-of-way;

- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that the access road leading from Kwu Tung Road to the site was not under the management of TD;
- (e) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kwu Tung Road;
- (f) note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant was required to be fully responsible for the proper maintenance of the drainage facilities on-site. Any of the existing flow paths should be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public stormwater drainage maintained by CE/MN, DSD was currently available for connection. The area was likely being served by some existing local village drains which were probably maintained by the District Officer (Yuen Long). If the proposed discharge point was to these drains, the applicant should seek agreement from the relevant department on the proposal. No public sewerage maintained by his office was available for connection. For the sewage disposal and treatment, the applicant should consult the Director of Environmental Protection (DEP). The applicant was reminded that the drainage proposal/works and the site boundary should not cause encroachment upon areas outside his jurisdiction. In case encroachment was found to be necessary, the applicant should consult

DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future. All proposed drainage facilities, if any, should be constructed and maintained by the applicant at his own cost. The use of the existing access road should not impose any restriction to Contract No. DC/2007/01 - Drainage Improvement Works in Ki Lun Tsuen, Kwu Tung, Ma Tso Lung and Sha Ling;

- (g) note the comments of the Director of Agriculture, Fisheries and Conservation that a fish pond was identified in the vicinity of the site. From fisheries point of view, preventive measures should be taken in order not to cause any disturbance to the fish pond nearby;
- (h) comply with the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize the possible environmental nuisance;
- (i) note the comments of the Director of Fire Services that FSIs were anticipated to be required in consideration of the design/nature of the proposed structures. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as stated in Appendix V of the Paper. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (j) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should compensate for the severely pruned trees and plant the trees in other appropriate locations within the site;



- (k) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any structures existing on site under the Buildings Ordinance (BO) and the allied regulations. Action appropriate under the said Ordinance or other enactment might be taken if contravention was found. Use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on a specified street of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at building plan submission stage; and
  
- (l) note the comments of the Chief Engineer/Development (2), Water Supplies Department that the existing water mains along the northern boundary of the site would be affected. The applicant should bear the cost of any necessary diversion works affected by the development. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise. Water mains in the vicinity of the site could not provide the standard fire-fighting flow.

104. After deliberation, the Committee decided to approve Application No. A/YL-NTM/233 on a temporary basis for a period of 3 years up to 27.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the site boundary to avoid encroachment on the resumption boundary of Contract No. DC/2007/01 - Drainage Improvement Works in Ki Lun Tsuen, Kwu Tung, Ma Tso Lung and Sha Ling as and when required by the Drainage Services Department;

- (b) a clearance of at least 1.5m from the centerline of the existing water mains at the northern part of the site should be maintained at all times during the planning approval period;
- (c) no night-time operation between 11:00 p.m. and 8:00 a.m. was allowed on the site during the planning approval period;
- (d) no operation on Sundays or public holidays between 5:00 p.m. and 10:00 a.m. was allowed on the site during the planning approval period;
- (e) the stacking height of the containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (f) the stacking height of containers stored at any other locations within the site should not exceed 7 units at any time during the planning approval period;
- (g) the existing fencing on the site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities implemented on the site under Application No. A/YL-NTM/197 should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.9.2009;
- (j) the submission of a landscape proposal, including 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 27.9.2009;
- (k) in relation to (j) 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 27.12.2009;

- (l) the submission of fire service installations (FSIs) proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2009;
- (m) in relation to (l) above, the provision of FSIs proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2009;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) 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.

105. The Committee also agreed to advise the applicant of Application No. A/YL-NTM/233 of the following :

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the site was situated on Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his office. There were unauthorised

structures (shown as ancillary repairing workshop/site office) and unlawful occupation of Government land within the site. His office reserved the right to take lease enforcement and land control action against the irregularities if indeed verified in due course. The registered owner of the relevant lot/occupier was advised to apply to his office for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the irregularities on-site. The site involved portions of lots. It was his policy to grant STW on whole lot basis. For the purpose of applying for STW, the owner should carve out the lot concerned according to the application site boundary if only portion of the lot concerned was within the application site boundary. Should no STW and STT application be received/approved and any irregularities persist on-site, his office would consider taking appropriate lease enforcement and control actions against the registered owners and occupier according to the prevailing programme. Entrance to the site opened to Kwu Tung Road through a short stretch of Government land and his office did not carry out maintenance works of the Government land;

- (d) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kwu Tung Road;
- (e) note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant was required to be fully responsible for the proper maintenance of the drainage facilities on-site. Any of the existing flow paths should be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public stormwater drainage maintained by CE/MN, DSD was currently available for connection. The area was likely being served by some existing local village drains which were probably maintained by the District Officer (Yuen Long). If the proposed discharge point was to these drains, the applicant should seek agreement from the relevant department on the proposal. No public sewerage maintained by his office was available for

connection. For the sewage disposal and treatment, the applicant should consult the Director of Environmental Protection (DEP). The applicant was reminded that the drainage proposal/works and the site boundary should not cause encroachment upon areas outside his jurisdiction. In case encroachment was found to be necessary, the applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary to ensure the unobstructed discharge from the site in future. All proposed drainage facilities, if any, should be constructed and maintained by the applicant at his own cost. The use of the existing access road should not impose any restriction to Contract No. DC/2007/01 - Drainage Improvement Works in Ki Lun Tsuen, Kwu Tung, Ma Tso Lung and Sha Ling;

- (f) note the comments of the Director of Agriculture, Fisheries and Conservation that fish ponds were found in the vicinity of the site. From fisheries point of view, appropriate mitigation measures should be taken in order not to cause any disturbance to the fish pond culture activities nearby;
- (g) comply with the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimize the possible environmental nuisance;
- (h) note the comments of the Director of Fire Services that FSIs were anticipated to be required in consideration of the design/nature of the proposed structures. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as stated in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any structures existing on site under the Buildings Ordinance (BO) and the allied regulations. Action appropriate under the said Ordinance or other enactment might be taken if contravention was found. Use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on a specified street of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at building plan submission stage;
  
- (j) note the comments of the Chief Engineer/Development (2), Water Supplies Department that the existing water mains would be affected. The applicant should bear the cost of any necessary diversion works affected by the development. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise; and
  
- (k) note the comments of the Senior Electrical and Mechanical Engineer/Nuclear and Utility Safety, Electrical and Mechanical Services Department that based on the information provided by CLP Power Hong Kong Limited, there were shallow buried 11kV high voltage cable ducts in the vicinity of the site and low voltage 380V overhead lines within the site. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

**Agenda Item 30**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/234 Proposed Real Estate Office with Ancillary Car Park  
for a Period of 3 Years  
in “Residential (Group D)” zone,  
Lot 2616 (Part) in D.D. 104, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/234)

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**Presentation and Question Sessions**

106. Mr. Anthony C.Y. Lee, STP/TMYL, said that replacement page 10 of the Paper was sent to Members on 26.3.2009 and 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) the proposed temporary real estate office with ancillary car park for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received mainly due to the potential traffic and road safety problems and concern on illegal pond filling within the site; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment in paragraph 11 of the Paper. Under the subject “Residential (Group D)” (“R(D)”) zone, some commercial uses, including shop and services, might be permitted on application to the Town Planning Board (TPB). The development could provide supporting real estate services to

the nearby residential areas. As there was no programme/known intention to implement the zoned use, approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “R(D)” zone. The development was not incompatible with the surrounding land uses which were predominantly residential use with a few open storage yards. Regarding the commenter’s concerns, the Assistant Commissioner of Transport/New Territories, Transport Department and the Commissioner of Police (C of P) had no adverse comments on the application. An advisory clause reminding the applicant to refrain from carrying out soliciting activities in public areas which might result in traffic and road safety problems had been recommended. The C of P would be responsible for traffic management and ensuring road safety. The pond within the site was filled and used for parking of vehicles, storage and workshop use without planning permission. Upon taking planning enforcement action by the Planning Authority, the unauthorised development on site had discontinued.

107. Members had no question on the application.

#### Deliberation Session

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 27.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) 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 27.9.2009;
- (b) in relation to (a) 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 27.12.2009;
- (c) 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 27.9.2009;

- (d) in relation to (c) 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 27.12.2009;
- (e) the submission of fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 27.9.2009;
- (f) in relation to (e) above, the provision of FSIs proposed within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 27.12.2009; and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) refrain from carrying out soliciting activities in public areas which might result in traffic and road safety problems;
- (d) note the comments of the District Lands Officer/Yuen Long to apply to his office for Short Term Waiver (STW) to regularise the irregularities on site. The application site involved portion of a lot. As it was the policy to grant

STW only on whole lot basis (i.e. not on portion of a lot), the owner should carve out the lot according to the application site boundary. Should no STW application be received/approved and any irregularities persist on site, his office would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme;

- (e) adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (f) note the comments of the Director of Fire Services that, in consideration of the design/nature of the proposed structures, FSIs were anticipated to be required. The applicant should 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. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (g) note the comments of the Director of Agriculture, Fisheries and Conservation to extend the screening vegetation to the whole length of the southern boundary of the application site;
- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorised structures on site which were liable to action under section 24 of the Buildings Ordinance (BO) should be removed. The granting of the planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found.

Use of containers as offices or store were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on a specified street of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at building plan submission stage; and

- (i) note the comments of the Director of Electrical and Mechanical Services that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage overhead lines within the site. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP to divert the existing low voltage overhead lines away from the vicinity of the proposed development.

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/363            Temporary Container Vehicle Park, Container Storage Area,  
Vehicle Repair and Canteen for a Period of 3 Years  
in “Other Specified Uses” annotated “Service Stations” zone,  
Lots 372 S.D RP (Part), 743 RP (Part) and 744 RP (Part) in D.D. 99  
and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/363)

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

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

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary container vehicle park, container storage area, vehicle repair and canteen 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 in the vicinity of the application site and environmental nuisance was expected. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The development, providing supporting facilities for cross-boundary traffic and container related facilities in Lok Ma Chau area, was in line with the planning intention of the “Other Specified Uses” annotated “Service Stations” (“OU(SS)”) zone. It was not incompatible with the surrounding land uses of open storage of tractors, vehicle/container vehicle parks and vehicle repair workshops. As there was no immediate proposal for a permanent development at this part of the “OU(SS)” zone, approval of the application on a temporary basis for 3 years could be tolerated. Regarding the DEP's concern, approval conditions restricting the operation hours and stacking height of containers had been recommended and non-compliance with the approval conditions would result in revocation of the planning permission. The application was in line with the Town Planning Board (TPB) Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ as the concerned Government departments had no adverse comments on the application or their comments could be addressed through the imposition of approval

conditions. It was also in line with the TPB Guidelines No. 12B for 'Application for Developments within Deep Bay Area'. The development would not have adverse off-site disturbance impacts on the fish ponds and wetlands within the Wetland Conservation Area. As the site had been used for open storage since 1997 and was located close to the Lok Ma Chau Crossing, sympathetic consideration could be given to the application in view of the genuine need to facilitate cross-boundary movements of goods in the area. Six previous planning approvals for similar uses at the site had been granted by the Committee and there was no major change in the planning circumstances of the area. As the last previously approved application (No. A/YL-ST/312) was revoked due to non-compliance with approval conditions, shorter compliance periods were thus recommended to closely monitor the fulfilment of approval conditions.

111. Members had no question on the application.

#### Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 27.3.2012, 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 7:00 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 stacking height of the containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the stacking height of containers stored at any other locations within the site should not exceed 7 units at any time during the planning approval

period;

- (e) the existing fencing on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/312 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.6.2009;
- (h) 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 27.6.2009;
- (i) in relation to (h) 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 27.9.2009;
- (j) the submission of fire service installations (FSIs) proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.6.2009;
- (k) in relation to (j) above, the provision of FSIs proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2009;
- (l) 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;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (c) shorter compliance periods were imposed in order to monitor the fulfilment of approval conditions;
- (d) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (e) note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the site included Old Schedule Agricultural Lots held under Block Government Lease under which no structure was allowed to be erected without prior approval from his office. The submission indicated that there were a 2-storey covered area of about 4,790m<sup>2</sup> with canteen, site offices, storerooms, chemical toilet, etc on-site. The site also included some unlawful occupation of Government land. His office reserved the right to take lease enforcement/land control action against these irregularities, if indeed found in due course. Modification of Tenancy Permit No. MNT14497 (MOT) was issued on 27.9.1971 for erection of

structures over Lot 744 (now known as 744RP) in D.D. 99 for domestic purposes. If these structures were converted for non-domestic purposes, his office would arrange to terminate this MOT as appropriate. The site involved portions of lots and the applicant was not the registered owner of the lots concerned. As it was his policy not to grant Short Term Waiver (STW) to portion of a lot nor to a person other than the registered owner, the registered owners of the relevant lots/occupier was advised to apply to his office for STW and Short Term Tenancy (STT) to regularise the irregularities on-site. The affected portions of the lots should be properly carved out unless the other portion of the lots outside the site was free of any structure. Should no STW and STT application be received/approved and any irregularities persist on-site, his office would consider taking appropriate lease enforcement/control action against the registered owners/occupier according to the prevailing programme. The site was accessible by two short tracks from Tun Yu Road, which ran through open Government land without maintenance works to be carried out thereon by his office. His office would not guarantee right-of-way. The northeast of the site might affect the project limit of "PWP Item No. 777TH - Improvements to San Tin Interchange". The applicant should make sure that the site would not encroach onto the limit of the project;

- (f) follow the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" issued by the Director of Environmental Protection (DEP) to minimize the potential environmental impacts on the surrounding areas;
- (g) note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant should be fully responsible for the proper maintenance of the drainage facilities on-site. The applicant was required to ascertain that any of the existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. Peripheral channels should be provided around and within the site boundary. No public stormwater drainage maintained by CE/MN, DSD was currently available for



connection. The area was likely being served by some existing local village drains which were probably maintained by the District Officer (Yuen Long). If the proposed discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal. No public sewerage maintained by CE/MN, DSD was currently available for connection. For sewage disposal and treatment, agreement from DEP should be obtained. The applicant was reminded that the drainage proposal/works and the site boundary should not cause encroachment upon areas outside his jurisdiction. In case encroachment was found to be necessary, the applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future. All proposed drainage facilities, if any, should be constructed and maintained by the applicant at his own cost;

- (h) note the comments of the Director of Fire Services that FSIs were anticipated to be required in consideration of the design/nature of the proposed structures. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as stated in Appendix V of the Paper. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorised structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new

works, including any temporary structure, for approval under the BO was required. If the site did not abut on a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage;

- (j) note the comments of the Director of Food and Environmental Hygiene that a proper food licence issued by his department was necessary if any food business was open to the public; and
- (k) note the comments of the Project Manager/New Territories North and West, Civil Engineering and Development Department that the site was in close proximity to Project No. “PWP Item No. 7259RS – Cycle Tracks connecting North West New Territories with North East New Territories – Section from Tuen Mun to Sheung Shui”. The applicant should ensure that the site would not encroach onto the limit of the project.

[The Chairperson thanked Mr. Anthony C.Y. Lee, STP/TMYL, for his attendance to answer Members’ enquiries. Mr. Lee left the meeting at this point.]

### **Agenda Item 32**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/316 Proposed Temporary Lard Boiling Factory  
for a Period of 5 Years  
in “Industrial (Group D)” zone,  
Government Land in Fung Kat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/316)

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

114. 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, including that the application site was the subject of two previously approved applications (No. A/YL-KTN/192 and 229) for the same use which were both revoked due to non-compliance with the approval conditions;
- (b) the temporary lard boiling factory for a period of 5 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) commented that the current application involved only adjustment in the development parameters as compared with the previously approved applications. No additional environmental impact was thus expected. According to the applicant, self-enclosed electric frying system would be adopted for the lard production process and water sprayer and carbon filter would be installed as mitigation measures. The production process, being a specified process (SP), was subject to control under the SP licence of the Air Pollution Control Ordinance (APCO). In view of the above, the application could be tolerated from planning perspective if the applicant would implement all the proposed environmental mitigation measures and obtain a discharge licence under the Water Pollution Control Ordinance and a SP licence under the APCO. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, 9 public comments were received raising objection to the application mainly on the grounds of adverse environmental, environmental hygiene, odour, health and traffic impacts; fire hazard and road safety problems; close proximity to burial grounds; and commencement of site works prior to obtaining planning approval. The District Officer (Yuen Long) received two written objections to the application on similar grounds;

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the

temporary use could be tolerated for a period of 5 years based on the assessment in paragraph 11 of the Paper. The proposed development was not incompatible with the planning intention of the “Industrial (Group D)” (“I(D)”) zone and the surrounding mixed land uses which included an existing lard boiling factory to the east. As compared with the previously approved scheme (No. A/YL-KTN/229), the current scheme mainly involved reduction in site area, gross floor area/plot ratio and site coverage. The proposed development parameters complied with the restrictions of the “I(D)”) zone. Regarding the local objections, similar concerns had been considered by the Committee in approving the previous applications. Under the current application, the applicant had proposed to adopt an advanced technology for the lard boiling process and mitigation measures to minimize the possible environmental impacts. Approval conditions to minimize the impacts of the proposed development and a temporary planning approval of 5 years to monitor the situation had been recommended. Non-compliance with the approval conditions would result in revocation of the planning permission. The proposed development would be subject to the licensing requirements under the relevant pollution control ordinances. The applicant would also be advised to consult the locals in respect of the proposed development. Previous planning approvals for the same use had been granted and there was no major change in the planning circumstances in the area. As such, sympathetic consideration could be given to the application. According to the applicant, building plan approval and consent to commence work for the previously approved scheme had been obtained in April 2006 and May 2007 respectively. However, the application for the required Short Term Tenancy (STT) and site works were suspended due to local objections. The applicant was thus unable to implement the previously approved scheme and fulfil the approval conditions. Although the previous planning approval was revoked and it was the usual practice of the Town Planning Board to impose shorter compliance periods, considering that time was required for completion of the STT application and building plan submission, it was proposed to maintain the compliance periods of 6 and 9 months for the submission and implementation of relevant proposals

respectively as imposed under the previous planning approval.

115. Members had no question on the application.

#### Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years up to 27.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the delivery time was restricted to 6:30 a.m. to 2:30 p.m. and operation hours of the factory were restricted to 8:30 a.m. to 5:30 p.m., as proposed by the applicant, during the planning approval period;
- (b) the setting back of the northwestern site boundary along Fung Kat Heung Road to avoid encroachment on the waterworks reserve during the planning approval period;
- (c) 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 27.9.2009;
- (d) in relation to (c) 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 27.12.2009;
- (e) 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 27.9.2009;
- (f) in relation to (e) 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 27.12.2009;

- (g) the submission of water supply for fire fighting and 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 27.9.2009;
- (h) in relation to (g) above, the implementation of water supply 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 27.12.2009;
- (i) the provision of parking spaces and vehicular access to the site within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 27.12.2009;
- (j) if any of the above planning conditions (a) or (b) 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
- (k) if any of the above planning conditions (c), (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (b) note the comments of the District Lands Officer/Yuen Long that his office would reactivate the Short Term Tenancy case for the site and consider any necessary amendment as appropriate should the application be approved;

- (c) note the comments of the Director of Environmental Protection on the application as stated in Appendix III of the Paper;
- (d) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that Fung Kat Heung Road was not maintained by his department;
- (e) note the comments of the Chief Engineer/Development (2), Water Supplies Department that the existing water mains would be affected and water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (f) note the comments of the Director of Fire Services that the applicant/operator of the site should be advised to approach the Dangerous Goods Division of his department for advice on licensing of the premises for the proposed use where necessary as stated in Appendix III of the Paper. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (g) note the comments of the Director of Electrical and Mechanical Services that there were high voltage (11kV) overhead lines and low voltage (380V) overhead lines within and in the vicinity of the site based on the information provided by CLP Power Hong Kong Limited (CLPP). Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLPP and, if necessary, ask CLPP to divert the high voltage (11kV) overhead lines and low voltage (380V) overhead lines away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines; and
- (h) undertake consultation with the local residents on the proposed development.

[Professor David Dudgeon left the meeting at this point.]

**Agenda Item 33**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/461      Temporary Open Storage of Vehicles and Modification Workshop  
for Vans and Lorries for a Period of 3 Years  
in “Residential (Group D)” zone,  
Lots 1319 (Part) and 1336 S.A (Part) in D.D. 106,  
Kong Ha Wai, Kam Sheung Road, Yuen Long  
(RNTPC Paper No. A/YL-KTS/461)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the temporary open storage of vehicles and modification workshop for vans and lorries 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 in the vicinity of the application site and environmental nuisance was expected. Other concerned Government departments had no objection to or adverse comments on the application;
- (d)    during the statutory publication period, two public comments were received with one objecting to and another expressing concern on the application mainly due to the adverse traffic impact and road safety problem caused by



the use of large vehicles. The District Officer (Yuen Long) received one written representation which was the same public comment received expressing concern on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The development was not incompatible with the surrounding land uses which were mixed with warehouses, workshops, open storage yards, agricultural and residential uses. As there was no programme/known intention to implement the zoned use, approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “Residential (Group D)” zone. Whilst Application No. A/YL-KTS/439 for 17 residential houses located south of the application site was approved by the Committee on 15.8.2008, the land grant for the proposed residential development was still being processed and building plans had not yet been approved, thereby allowing scope for the continuation of the applied use on a temporary basis. Regarding the concerns of the locals/DEP, approval conditions restricting the operation hours and prohibiting paint spraying activities in open area and storage/parking of heavy vehicles/container trailers/tractors had been recommended. Non-compliance with the approval conditions would result in revocation of the planning permission. As regarded traffic and road safety concerns, the Assistant Commissioner of Transport/New Territories, Transport Department and the Commissioner of Police had no adverse comments on the application. The application was in line with the Town Planning Board (TPB) Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ as the concerned Government departments had no adverse comments on the application or their comments could be addressed through the imposition of approval conditions. Six previous planning approvals for similar temporary open storage use at the site had been granted by the Committee/TPB since 1998 and there was no major change in the planning circumstances in the area. The applicant had maintained the landscape plantings and drainage facilities on site which were implemented under the previous approvals.

As such, sympathetic consideration could be given to the application. As the previous planning approval under Application No. A/YL-KTS/417 was revoked due to non-compliance with the approval conditions, shorter compliance periods were recommended to monitor the fulfillment of approval conditions.

119. Members had no question on the application.

#### Deliberation Session

120. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 27.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:30 p.m. and 8:30 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 statutory holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no paint-spraying activities should be carried out at the open area of the application site;
- (d) no heavy goods vehicles, i.e. exceeding 24 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;
- (e) the existing trees and landscape planting on the application site should be maintained at all times during the planning approval period;
- (f) the corrugated iron fence erected against the existing trees with nails driven into the tree trunks must be removed and all the materials stored against the tree trunks must be cleared away within 3 months from the date of planning

approval to the satisfaction of the Director of Planning or of the TPB by 27.6.2009;

- (g) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.6.2009;
- (h) in relation to (g) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.9.2009;
- (i) the submission of fire service installations (FSIs) proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.6.2009;
- (j) in relation to (i) above, the provision of FSIs within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2009;
- (k) 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;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (c) shorter compliance periods were imposed so as to monitor the fulfillment of approval conditions on the site;
- (d) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) note the comments of the District Lands Officer/Yuen Long that Modification of Tenancy (MOT) No. MNT22953 was issued for erection of some temporary structures over Lots 1277 S.A and 1336 S.A in D.D.106 for domestic purposes. Some of these structures had been/would be converted for non-domestic purposes without permission. Action would be taken under the terms and conditions of the MOT as appropriate. His office had received application for Short Term Waiver (STW) for regularisation of the irregularities on the site from the registered owners of the lots. Should the application be approved, his office would reactivate the STW application. However, the application site involved portion of a lot. It was the policy to grant STW on whole lot basis (i.e. not on portion of a lot). The owners would be required to carve out the lots concerned according to the application site boundary if only portion of the lots concerned was within the application site boundary. The site was accessible by an unnamed road leading up to Kam Sheung Road. This access was close to the project limit of “Yuen Long and Kam Tin Sewerage and Sewage Disposal (Part) – Kam Tin Trunk Sewerage Remainder”;
- (f) adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open

Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (g) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should be required to submit a properly prepared drainage proposal with the sizes of the proposed and existing drainage facilities clearly stated;
- (h) note the comments of the Director of Fire Services that FSIs were anticipated to be required in consideration of the design/nature of the proposed structures. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as stated in Appendix V of the Paper. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration. Should there be any activities involving storage/use of Dangerous Goods, the applicant/operator of the site should approach the Dangerous Goods Division of his department for advice on licensing of the premises for the proposed use. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future. Authorised Person must be appointed to coordinate all building works; and
- (j) note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line)

within or in the vicinity of the site, the applicant should carry out measures including prior consultation and arrangement with the electricity supplier for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

### **Agenda Item 34**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/462      Temporary Parking of Bus Chassis and New Coach  
with Ancillary Parts Assembly for a Period of 3 Years  
in “Other Specified Uses” annotated “Rural Use” zone,  
Lots 566 (Part), 613 (Part) and 616 RP (Part) in D.D. 106  
and Adjoining Government Land, Kam Sheung Road, Yuen Long  
(RNTPC Paper No. A/YL-KTS/462)

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

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

- (a)    background to the application;
- (b)    the temporary parking of bus chassis and new coach with ancillary parts

assembly 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 in the vicinity of the application site and environmental nuisance was expected. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The development was not incompatible with the surrounding land uses which were mixed with open storage yards, workshops/warehouses, fallow agricultural land, residential structures, orchards and vacant/unused land. As there was no programme/known intention to implement the zoned use, approval of the application on temporary basis for 3 years would not frustrate the long-term planning intention of the “Other Specified Uses” annotated “Rural Use” zone. Regarding the DEP's concern, no local objection to the application was received and approval conditions restricting the operation hours and prohibiting vehicle maintenance, repairing, washing and paint spraying activities as well as storage/parking of heavy vehicles had been recommended. Non-compliance with the approval conditions would result in revocation of the planning permission. Two previous planning approvals for the same use had been granted by the Committee and there was no major change in the planning circumstances in the area. Although the previous planning approval under Application No. A/YL-KTS/406 was revoked due to non-compliance with the approval condition relating to fire service installations, the applicant had maintained the drainage facilities, trees and landscape planting on site which were implemented under the last planning approval. The applicant had also undertaken to comply with the requirements on fire service installations. As such, sympathetic

consideration could be given to the application. As the previous planning approval was revoked due to non-compliance with the approval condition, shorter compliance periods were recommended to monitor the fulfillment of approval conditions.

123. Members had no question on the application.

#### Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 27.3.2012, 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 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle maintenance, repairing, washing and paint spraying activities should be carried out on the site during the planning approval period;
- (d) no heavy goods vehicles, i.e. over 24 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;
- (e) the agreed drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (f) the fencing erected at the site should be maintained at all times during the planning approval period;
- (g) the submission of 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 27.6.2009;

- (h) in relation to (g) above, the implementation of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.9.2009;
- (i) the submission of fire service installations (FSIs) proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.6.2009;
- (j) in relation to (i) above, the provision of FSIs within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2009;
- (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 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval

conditions;

- (c) shorter compliance periods were granted so as to monitor the fulfilment of approval conditions;
- (d) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (e) note the comments of the District Lands Officer/Yuen Long that Short Term Waiver (STW) No. 3043 was approved to Lot 566, 613 and 616 RP in D.D. 106 permitting structures for temporary parking of bus chassis and new coaches and ancillary uses with built-over area (BOA) not exceeding 895m<sup>2</sup> on Lot 566, 576m<sup>2</sup> on Lot 613 and 155.8m<sup>2</sup> on Lot 616 and all height not exceeding 5.1m. Short Term Tenancy (STT) No. 2010 was approved to a strip of adjoining Government land comprising an area of 39m<sup>2</sup> for the same use with BOA not exceeding 29.25m<sup>2</sup> and height not exceeding 5.1m. According to earlier information, the total BOA on the site well exceeded the permitted BOA, in particular by a large unauthorised workshop in the middle of the site. The site together with some structures had encroached upon adjacent Lot 565. The applicant should clarify if all these irregularities had been self-rectified since the site was visited in about mid-2007. Nevertheless, the submitted BOA of 2,476m<sup>2</sup> exceeded the total permitted BOA. His office reserved the right to take enforcement action under STW and STT if there was any breach of the pertaining conditions. The registered owner of the relevant lots and the occupier should be reminded to apply for modification of the relevant STW/STT to regularise the irregularities on the site. The site was accessible to Kam Sheung Road through a short stretch of Government land and his office did not carry out maintenance works of the Government land;
- (f) adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (g) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future. Authorised Person must be appointed to coordinate all building works; and
  
- (h) note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed FSIs should be submitted to his department for approval. In formulating FSIs proposal for the proposed covered structure of less than 230m<sup>2</sup> or more than 230m<sup>2</sup>, the applicant should make reference to the requirements as stated in Appendix IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

**Agenda Item 35**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/418      Temporary Open Storage of Building/Recycling Materials and Construction Machinery for a Period of 3 Years  
in “Undetermined” zone,  
Lots 2720 RP, 2722 RP, 2723, 2724 (Part), 2725 to 2733, 2734 (Part),  
2735, 2736 RP (Part), 2737 RP (Part) and 2738(Part) in D.D.120,  
Lots 1678 RP, 1679 RP, 1681 RP, 1682, 1683 (Part), 1684 (Part)  
and 1685 to 1693 in D.D.121 and Adjoining Government Land,  
Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/418)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of building/recycling materials and construction machinery 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 in the vicinity of the application site and environmental nuisance was expected. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received raising objection to the application due to close proximity of the site to residential area as well as adverse noise impacts and nuisance to the residents due to the traffic generated by the development; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The area was generally intended for open storage use, but was designated as “Undetermined” on the concerned statutory plan mainly due to the concern on the capacity of Kung Um Road. In this regard, the Assistant Commissioner for Transport/New Territories, Transport Department had no adverse comments on the application. The proposed development was not incompatible with the surrounding areas which were mixed with open storage yards, vehicle repair workshops, residential structures, fallow agricultural land and vacant land. Regarding the concerns of the locals/DEP, approval conditions restricting the operation hours and prohibiting storage of electrical appliances/television/computer monitors or parts/electronic waste and

dismantling/workshop activities had been recommended. Non-compliance with the approval conditions would result in revocation of the planning permission. The application was generally in line with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' as the concerned Government departments had no adverse comments on the application or their comments could be addressed through the imposition of approval conditions. The application site was the subject of three previously approved applications for the same use. There were also planning approvals for similar applications in this part of the "U" zone. A shorter approval period of 1 year was granted to the last application (No. A/YL-TYST/374) as the site boundary had included extra land contiguous to "Village Type Development" zone. Compared with the last application, the current application for the same use involved a slightly larger site area (with an increase of site area of about 1,510m<sup>2</sup> or 7.4%). As the operation of the site was generally satisfactory over the last year with no complaint received, it was considered that an approval period of 3 years, as sought, could be allowed.

127. Members had no question on the application.

#### Deliberation Session

128. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 27.3.2012, 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 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed during the planning approval period;
- (c) no electrical appliances, television, computer monitors or parts and

electronic waste were allowed to be stored on the application site during the planning approval period;

- (d) no dismantling and workshop activities were allowed to be carried out on the application site at any time during the planning approval period;
- (e) the existing trees and landscape planting on the application site should be maintained at all times during the planning approval period;
- (f) 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 27.9.2009;
- (g) in relation to (f) 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 27.12.2009;
- (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 27.9.2009;
- (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 27.12.2009;
- (j) 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;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (c) note the comments of the District Lands Officer/Yuen Long that his office reserved the right to take lease enforcement/land control action against the erection of structures on Old Schedule Agricultural Lots and the unauthorised occupation of Government land. Letter of Approval (L of A) No. MT/LM1684 was issued on 5.9.1969 for the erection and maintenance of agricultural structure on Lot 2724 in D.D. 120. If this structure was converted for non-agricultural purposes, his office might arrange to terminate this L of A as appropriate. Government land licence No. Y14429 was also issued on 1.8.1969 for the erection of temporary structures on the Government land adjoining Lot 2724 in D.D. 120. If these structures were converted and in breach of the conditions of the licence, his office might arrange to terminate the licence as appropriate. The site involved portions of lots and the applicant was not the registered owner of the lots concerned. It was his policy not to grant Short Term Waiver (STW) to portion of a lot nor to a person other than the registered owner. Should planning approval be granted, the registered owners of the relevant lots and occupier were reminded to apply for STW and Short Term Tenancy (STT) respectively to regularise the irregularities on the site and the applicant was reminded to carve out the affected portions of the lots unless the other portion of the lots outside the application site was free of any structure. Should no STW/STT application be received/approved and the irregularities persist on-site, his office would consider taking

appropriate lease enforcement/control action against the registered owners/occupier. The site was accessible by an informal track from Kung Um Road, which ran through open private land and Government land without maintenance works to be carried out thereon by his office. His office would not guarantee right-of-way;

- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office should not be responsible for the maintenance of the access connecting the site and Kung Um Road;
- (f) follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (h) note the comments of the Director of Fire Services on the requirements of formulating the fire service installations proposals as stated in Appendix V of the Paper;
- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorised structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning to any



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

- (j) note the comments of the Director of Electrical and Mechanical Services that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage and 11kV electricity supply lines 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 the electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP to divert the existing low voltage and 11kV electricity supply lines away from the vicinity of the proposed development; and
  
- (k) note the comments of the Director of Food and Environmental Hygiene that if food business which involved the sale of meals or unbottled non-alcohol drinks for consumption of outsiders on the premises was carried out, the applicant should obtain a restaurant licence under the Food Business Regulation made under the Public Health and Municipal Services Ordinance (Cap. 132). To obtain information regarding the licence application, the applicant could browse the website of his department or approach his Restaurant Licensing Resource Centre.

**Agenda Item 36**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/420      Renewal of Planning Approval for  
Temporary Open Storage of Construction Machinery  
under Application No. A/YL-TYST/314 for a Period of 3 Years  
in “Undetermined” zone,  
Lots 1231 S.A ss.1 (Part) and 1231 S.B RP (Part) in D.D.119,  
Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/420)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of construction machinery for a period of 3 years granted under Application No. A/YL-TYST/314;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site and environmental nuisance was expected. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for renewal of the planning permission based on the assessment

in paragraph 12 of the Paper. The area was generally intended for open storage use, but was designated as “Undetermined” on the concerned statutory plan mainly due to the concern on the capacity of Kung Um Road. In this regard, the Assistant Commissioner for Transport/New Territories, Transport Department had no adverse comments on the application. The proposed development was not incompatible with the surrounding areas which were mixed with open storage yards, warehouses, workshops, residential/vacant structures and fallow agricultural land. Regarding the DEP’s concern, approval conditions restricting the operation hours and prohibiting repairing, fixing, maintenance and workshop activities had been recommended. Non-compliance with the approval conditions would result in revocation of the planning permission. The application was generally in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ as the concerned Government departments had no adverse comments on the application or their comments could be addressed through the imposition of approval conditions. The application site was the subject of two previously approved applications for the same use. There were also planning approvals for similar applications in this part of the “U” zone. The application was also generally in line with the Town Planning Board Guidelines No. 34A on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ in that there had been no material change in planning circumstances since the granting of the previous planning approval; the approval conditions under the previous approval had been complied with; and the 3-year approval period sought was of the same timeframe as the previous approval.

131. Members had no question on the application.

#### Deliberation Session

132. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 27.3.2012, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 8:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed during the planning approval period;
- (c) no repairing, fixing and maintenance of construction machinery and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (f) 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; and
- (g) 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.

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

- (a) note the comments of the District Lands Officer/Yuen Long that the site was accessible through other private lots without maintenance works to be carried out thereon by his office. His office would not guarantee right-of-way to the site;

- (b) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement to the site from Kung Um Road;
- (d) follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances; and
- (e) note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

[The Chairperson thanked Miss Paulina Y.L. Kwan, STP/TMYL, for her attendance to answer Members’ enquiries. Miss Kwan left the meeting at this point.]

**Agenda Item 37**

**Any Other Business**

134. There being no other business, the meeting was closed at 4:55 p.m..