

**TOWN PLANNING BOARD**

**Minutes of 401st Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 21.8.2009**

**Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Dr. James C. W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

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

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

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

Deputy Director of Planning/District  
Mr. Lau Sing

Secretary

**Absent with Apologies**

Professor David Dudgeon

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

Ms. Maggie M.K. Chan

Ms. Anna S.Y. Kwong

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

**In Attendance**

Assistant Director of Planning/Board  
Ms. Christine K.C. Tse

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

**Agenda Item 1**

Confirmation of the Draft Minutes of the 400th RNTPC Meeting held on 7.8.2009

[Open Meeting]

1. The draft minutes of the 400th RNTPC meeting held on 7.8.2009 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(a) Town Planning Appeal Abandoned

Town Planning Appeal No. 17 of 2006

Temporary Showroom (Ship) and Office, Open Storage of Ship, Steel Frame for Sign Board, Store Room for a Period of 3 Years in “Green Belt” zone,

Ground Floor of House 38 and Adjoining Government Land,

Tai Chung Hau Village, Sai Kung

(Application No. A/SK-HH/36)

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2. The Secretary reported that the subject appeal was received by the Town Planning Appeal Board (TPAB) on 25.9.2006 against the Board’s decision on 14.7.2006 to reject on review an application (No. A/SK-HH/36) for temporary showroom (ship) and office, open storage of ship, steel frame for sign board, store room at a site zoned “Green Belt” on the approved Hebe Haven OZP No. S/SK-HH/6 for the reason that the proposed temporary office and showroom were not compatible with the surrounding developments, which were primarily for residential use. The Appellant has repeatedly asked for deferment of the hearing of the appeal. On 11.8.2009, the appeal was abandoned by the Appellant on his own accord. On 12.8.2009, TPAB confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(b) Appeal Statistics

3. The Secretary said that as at 21.8.2009, a total of 21 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	24
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	134
Yet to be Heard	:	21
Decision Outstanding	:	1
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Total	:	289

**Sai Kung and Islands District**

[Mrs. Margaret W.F. Lam, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

**Agenda Items 3 to 6**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/98            Proposed House (New Territories Exempted House)  
                         in “Green Belt” zone,  
                         Lot 12 in D.D. 336, Ham Tin, Lantau Island  
                         (RNTPC Paper No. A/SLC/98)

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A/SLC/99            Proposed House (New Territories Exempted House)  
                         in “Green Belt” zone,  
                         Lot 13 in D.D. 336, Ham Tin, Lantau Island  
                         (RNTPC Paper No. A/SLC/99)

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A/SLC/100 Proposed House (New Territories Exempted House)  
in “Green Belt” zone,  
Lot 1 in D.D. 336, Ham Tin, Lantau Island  
(RNTPC Paper No. A/SLC/100)

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A/SLC/101 Proposed House (New Territories Exempted House)  
in “Green Belt” zone,  
Lot 61 in D.D. 336, Ham Tin, Lantau Island  
(RNTPC Paper No. A/SLC/101)

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

#### Presentation and Question Sessions

5. Mrs. Margaret W.F. Lam, STP/SKIs, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed House (New Territories Exempted House) at each of the application sites;

[Professor Paul K.S. Lam arrived to join the meeting at this point.]

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the four applications and raised concern on setting undesirable precedent and cumulative adverse traffic impact;
- (d) three public comments were received during the statutory publication period for each of the application. One commenter supported the applications while two commenters objected to the applications on the grounds that the proposed developments would create sewerage problems

and nuisance to local community during the construction period in terms of traffic and noise; the “Green Belt” zone should be protected; and the site notice had been unlawfully removed for several times thus the public consultation period should be extended; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the four applications based on the assessments given in paragraph 12 of the Papers. According to the District Lands Officer/Islands, Lands Department, each of the application site enjoyed a building entitlement of two and half storeys with covered area of 65.03m<sup>2</sup>, same as total floor area of 162.58m<sup>2</sup>, which was equivalent to the total gross floor area under application. According to the Interim Criteria for assessing planning applications for NTEH/Small House development, sympathetic consideration might be given to the four applications in that the application sites had a building status. The proposed developments were considered not incompatible with the surrounding areas. It would not involve clearance of vegetation, felling of mature trees and cause adverse impacts on the nearby stream. As such, the proposed redevelopments were considered in line with the TPB Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “GB” zone and the Interim Criteria in that (i) the subject sites had a building status, (ii) the proposed developments were compatible with the surrounding areas in terms of land use and scale, and (iii) the proposed developments would not have adverse landscape, environmental, drainage and geotechnical impacts on the surrounding areas. Regarding the comments from AC for T/NT, TD, no car parking facility for the proposed developments was proposed and the traffic associated with the proposed developments were anticipated not to be significant. Regarding the public concerns on the sewerage, waste and noise issues, relevant Government departments consulted had no adverse comments on the applications.

6. A Member asked whether the building licences were already obtained before the first statutory town plan covering the area was published. Mrs. Margaret W.F. Lam responded that there were building licences covering these sites and the building licences

were granted by District Lands Officer prior to the publication of the first statutory plan covering the area in 1980. The Chairperson noted that the District Lands Officer/Islands had advised that the building licences were issued between 1974 to 1975 which was well before the publication of the first statutory plan covering the area.

7. Noting that some commenters were concerned about nuisance created by construction vehicles, Mr Y. M. Lee clarified that the local access road was not managed by Transport Department.

### Deliberation Session

8. The Chairperson remarked that as the application sites had building status and the proposed developments was in line with the relevant TPB Guidelines, the applications could be approved.

9. After deliberation, the Committee decided to approve the four applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 21.8.2013, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed.

10. Each of the permissions of Applications No. A/SLC/98, 99 and 100 was subject to the following conditions:

- (a) the submission and implementation of a Landscape Proposal including a Tree Preservation Proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of a proper drainage system to the satisfaction of the Director of Drainage Services or of the TPB.

11. The permission of Application No. A/SLC/101 was subject to the condition that the submission and implementation of a proper drainage system to the satisfaction of the Director of Drainage Services or of the TPB.

12. The Committee also agreed to advise the applicants of Applications No. A/SLC/98, 99 and 100 :

- (a) to note the District Lands Officer/Islands, Lands Department's comments that lease modification was required for any proposed 3-storey building with total GFA exceeding 162.58m<sup>2</sup>;
- (b) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that if the proposed redevelopment would involve any substantial site formation works such that the conditions for issue of Certificate for Exemption for Site Formation Works could no longer be met, the site formation works proposal for the NTEH should be submitted to Buildings Department for approval and consent prior to commencement of the site formation works;
- (c) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments :
  - (i) that for provision of water supply to the proposed development, the applicant might need to extend the inside services of the proposed development to the nearest suitable government water mains for connection and might need to make use of his/her private sump and pump system to effect adequate water supply to the development. The applicant should be responsible for the construction, operation and maintenance, to the WSD standards, of any private water supply system for water supply to the development;
  - (ii) that water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (d) to note the Director of Electrical and Mechanical Services' comments:
  - (i) to approach the electricity supplier for the requisition of the cable



plans to find out whether there was any underground cable (and/or overheadline) within or in the vicinity of the application site; and

- (ii) to take appropriate measures and follow the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out any works in the vicinity of the electricity supply lines.

13. The Committee also agreed to advise the applicant of Application No. A/SLC/101:

- (a) to note the Chief Town Planner/Urban Design and Landscape, Planning Department’s comments that the applicant should preserve and protect the tree next to the application site and nearby vegetation from damage during the construction stage;
- (b) to note the District Lands Officer/Islands, Lands Department’s comment that lease modification was required for any proposed 3-storey building with total gross floor area exceeding 162.58m<sup>2</sup>;
- (c) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department’s comment that if the proposed redevelopment would involve any substantial site formation works such that the conditions for issue of Certificate for Exemption for Site Formation Works could no longer be met, the site formation works proposal for the New Territories Exempted House should be submitted to Buildings Department for approval and consent prior to commencement of the site formation works;
- (d) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments :
  - (i) that for provision of water supply to the proposed development, the applicant might need to extend the inside services of the proposed

development to the nearest suitable government water mains for connection and might need to make use of his/her private sump and pump system to effect adequate water supply to the development. The applicant should be responsible for the construction, operation and maintenance, to the WSD standards, of any private water supply system for water supply to the development;

- (ii) that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (e) to note the Director of Electrical and Mechanical Services' comments :
- (i) to approach the electricity supplier for the requisition of the cable plans to find out whether there was any underground cable (and/or overheadline) within or in the vicinity of the application site; and
  - (ii) to take appropriate measures and follow the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out any works in the vicinity of the electricity supply lines.

[The Chairperson thanked Mrs. Margaret W.F. Lam, STP/SKIs, for her attendance to answer Members' enquires. Mrs. Lam left the meeting at this point.]

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

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

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/95            Proposed 2 Houses (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lots 214 S.A and 214 S.B in D.D. 52, Fu Tei Au, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/95)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed 2 houses (New Territories Exempted House - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site was graded “good” agricultural land with “high” potential for agricultural rehabilitation and construction activities might cause adverse impact on the adjacent agricultural land. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application and raised concern on setting undesirable precedent and cumulative adverse traffic impact. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application as the application site was covered with shrubs and grass and it was disconnected from the existing village house clusters in Wa Shan Village. Should the application be approved, it was likely that village developments would gradually encroach onto the vegetated rural area. As a result, the existing rural landscape character of the area would be replaced by ad-hoc and sporadic developments;
- (d) District Officer (North), Home Affairs Department (DO(N), HAD) advised

that the Indigenous Inhabitants Representative (IIR) and Residents' Representative (RR) of Wa Shan supported the application. The IIRs and RRs of Sheung Shui Heung had raised an objection to the application on the grounds that the application fell within the boundary of Sheung Shui Heung and there were doubts on the applicants' indigenous status; and the Chairman of Sheung Shui District Rural Committee and concerned North District Council member had no comment on the application. Two public comments were received during the statutory publication period. While one of them stated "no comment", the other had doubt on the applicants' status as indigenous villagers and he considered that should the application be approved, the right for Small House development by the indigenous villagers of Sheung Shui Heung would be affected; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed Small Houses complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that both the application site and the footprints of the proposed Small Houses fell entirely within the village 'environs' of Wa Shan Village, and there was a general shortage of land in meeting the demand for Small House development in the "Village Type Development" zone of the same village. Though there were reservations on traffic, landscape and agricultural development grounds, the application site was close to the village proper of Sheung Shui Wa Shan and the proposed NTEHs were not incompatible with the adjacent village setting and surrounding environment of a rural character. Moreover, four similar applications for Small House developments were approved by the Committee. Regarding the public comment on indigenous villager status, as advised by District Lands Officer/North (DLO/N), the application site fell within the boundary of Sheung Shui Heung and both Wa Shan Village and Sheung Shui Village were within the same Sheung Shui Heung and he had no objection to the application.

15. Members had no question on the application.

Deliberation Session

16. The Chairperson noted that the Small Houses application complied with the Interim Criteria for assessing planning applications for NTEH/Small House development and it would be up to DLO/N to verify if the applicants were indigenous villagers of Wa Shan Village.

17. 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 21.8.2013, 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;
- (b) the provision of firefighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

18. The Committee also agreed to advise the applicant :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
  - (i) for provision of water supply to the proposed development, the applicants might need to extend their inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the

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

- (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
  - (iii) the application site was located within the flood pumping gathering ground;
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed developments, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/131 Proposed Comprehensive Residential Development with Minor Relaxation of Plot Ratio and Site Coverage Restrictions in "Comprehensive Development Area" and an area shown as "Road" zones, Lots 684 RP, 705 RP (Part), 706 RP (Part), 709 (Part), 711 (Part), 712, 713 RP, 715, 716, 717, 718 RP (Part), 719, 721 RP (Part), 2158 RP (Part) in D.D. 92 and adjoining Government Land, Kwu Tung North, Sheung Shui  
(RNTPC Paper No. A/NE-KTN/131)

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

19. The Committee noted that the applicant requested on 17.8.2009 for a deferment of the consideration of the application for one month to allow time to address comments

raised by various Government departments in relation to the application.

### 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 one month was allowed for preparation of submission of further information. The applicant should also be advised that since this was already the third deferment of the application and sufficient time should have been allowed for the preparation and submission of further information, no further deferment would be granted unless under very special circumstances.

### Agenda Item 9

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/397 Proposed Public Utility Installation (Electricity Package Transformer)  
in “Village Type Development” zone,  
Government Land in D.D. 51, Tong Hang, Fanling  
(RNTPC Paper No. A/NE-LYT/397)

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#### Presentation and Question Sessions

21. The Committee noted that the applicant requested on 6.8.2009 for a deferment of the consideration of the application for two months to resolve certain unexpected technical constraints regarding the application site and more time was required to submit the additional information to the Board for consideration.

### Deliberation Session

22. 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 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/398      Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lot 10 S.L in D.D. 85, Tung Kok Wai, Lung Yeuk Tau, Fanling  
(RNTPC Paper No. A/NE-LYT/398)

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

23.            Mr. W.K. Hui, DPO/STN, said that a replacement page (P. 6) to rectify a typo error was tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House - Small House);
- (c) departmental comments – the District Lands Officer/North, Lands Department (DLO/N, LandsD) did not support the application in accordance with prevailing land policy as the application site fell outside the village ‘environs’ (‘VE’). The Director of Agricultural, Fisheries and Conservation (DAFC) did not support the application since the application site was graded as ‘good’ agricultural land with high potential for agricultural rehabilitation. Seasonal vegetables and fruit trees could be found growing in the vicinity. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had



reservation on the application and raised concern on setting undesirable precedent and cumulative adverse traffic impact;

- (d) District Officer (North), Home Affairs Department advised that Indigenous Inhabitants Representative of Lung Yeuk Tau raised an objection to application on the ground that the application site fell outside the 'VE' and it was a cross village application. A public comment stating 'no comment' was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed Small House development did not comply with the Interim Criteria for assessing planning application for NTEH/Small House development in that the proposed Small House footprint fell entirely outside the "Village Type Development" ("V") zone and 'VE' of a recognized village. There was no previous approval granted to the application site and there was no exceptional circumstances to merit special consideration of the application. The approval of the application would set an undesirable precedent for other similar applications within the "Agriculture" zone. The cumulative impacts of approving such application would result in adverse traffic impacts of the area.

24. Members had no question on the application.

#### Deliberation Session

25. The Chairperson remarked that the proposed Small House development did not comply with the Interim Criteria for assessing planning application for NTEH/Small House development in that the proposed Small House footprint fell entirely outside the "V" zone and 'VE' of a recognized village.

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

- (a) the proposed development did not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development as the application site fell entirely outside the “Village Type Development” zone and village ‘environs’ of a recognized village. There was no exceptional circumstances to merit special consideration of the application; and
- (b) the approval of the application would set an undesirable precedent for other similar applications within the “Agriculture” zone. The cumulative impacts of approving such application would result in adverse traffic impact of the area.

**Agenda Item 11**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/321 Warehouse and Container Vehicle Repair Yard  
in “Open Storage” zone,  
Lots 2158 and 2159(Part) in D.D. 76  
and Adjoining Government Land, Wang Leng, Ping Che  
(RNTPC Paper No. A/NE-TKL/321)

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**Presentation and Question Sessions**

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

- (a) background to the application highlighting that only the container vehicle repair yard within “Open Storage” zone required planning permission;
- (b) the warehouse and container vehicle repair yard;
- (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 environmental nuisance was expected. However, there was no record of environmental complaint for the application site for the past three years;

- (d) District Officer/North, Home Affairs Department advised that the concerned North District Council Member, Indigenous Inhabitants Representative (IIR) and Resident Representative of Kwan Tei Village had no comments on the application. However, another IIR of Kwan Tei Village raised an objection to the application on the grounds that the development scheme would affect ecology and cause pollution for nearby river channel. Two public comments were received during the statutory publication period. The first public comment stated “no comment” while the second public comment offered support to the application for the reasons that the application site was suitable for using as container vehicle repair workshop since it was situated in an area with a number of open storage yards and the workshop was operated for more than ten years without any complaint from the locals; and

[Mr. Rock C. N. Chen 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 three years based on the assessments given in paragraph 12 of the paper. The container vehicle repair yard was generally in line with the planning intention for “Open Storage” zone. In addition, the development at the application site was not incompatible with the surrounding environment. The development was generally in line with the TPB Guidelines TPB PG-No. 13E in that most of the relevant departments had no major adverse comment or their comments could be addressed through implementation of approval conditions. Regarding DEP’s and public concerns on ecological and environmental aspect, the site was the subject of four previous approvals for similar uses from 1994 onwards and there were no record of environmental complaints for the past 3 years. However, to minimise the possible environmental impacts and to closely monitor the situation, a

shorter approval period of 3 years, instead of permanent approval as applied, and approval conditions restricting operational hours and days were recommended. The applicant had demonstrated genuine efforts in compliance with all approval conditions for the previous application and as such, sympathetic consideration could be given to the application.

28. The Chairperson asked if there was any proposal to change the land use of the area under the North East New Territories Study New Development Areas Planning and Engineering Study - Investigation (NENT Study). Mr W. K. Hui replied that the area was proposed to be used for industrial and low-density development under the NENT Study. Since the NENT Study was still on-going, the Ping Che area was still intended for port back-up and open storage uses as recommended under the Hong Kong 2030 Planning Vision and Strategy Study.

#### Deliberation Session

29. The Chairperson said that the granting of temporary approval for 3 years would be more appropriate so as not to pre-empt the long term planning of the area.

30. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.8.2012, 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 application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the peripheral fencing and paving of the application site should be maintained during the planning approval period;
- (d) the submission of a scaled plan showing the vehicular access and ingress/egress point arrangement within 6 months from the date of planning

approval to the satisfaction of the Commissioner for Transport or of the TPB by 21.2.2010;

- (e) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.2.2010;
- (f) in relation to (e) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.5.2010;
- (g) the submission of landscaping proposals with indication of existing and proposed trees within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.2.2010;
- (h) in relation to (g) above, the implementation of landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.5.2010;
- (i) the submission of proposals on water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2010;
- (j) in relation to (i) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2010;
- (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; and
- (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.

31. The Committee also agreed to advise the applicant :

- (a) that temporary approval of three years period had been imposed in order to monitor the situation;
- (b) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) to apply to the District Lands Officer/North for a Short Term Waiver and Short Term Tenancy for the regularization of structures erected on the application site;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorised Person had to be appointed to coordinate all building works. 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;
- (e) to note the Director of Fire Services' comments that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Fire-fighting and Rescue administered by Buildings Department;
- (f) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments on the following:
  - (i) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourses from being polluted or

silting up;

- (ii) the applicant should comply with the latest effluent discharge requirements stipulated in the “Water Pollution Control Ordinance”;
  - (iii) surface run-off from within the site should be collected into an oil interceptor before being discharged into the public stormwater drainage system. The oil interceptor should be designed to Highways Department’s standards;
  - (iv) the applicant should prepare an action plan to prevent flood pumping gathering grounds from being contaminated by fuel or lubricating oil leaks from vehicles to the satisfaction of WSD;
  - (v) for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection and 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 lot to WSD’s standards; and
- (g) to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the DEP in order to minimize any possible environmental nuisances.

[Mr. Tony C.N. Kan left the meeting at this point.]

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/64            Temporary Private Car Park (Private Car and Light Goods Vehicle)  
for a Period of 3 Years in “Village Type Development” zone,  
Lots 205 S.A (Part), 231(Part), 235(Part), 236(Part), 240(Part),  
241, 245(Part) and 1497(Part) in D.D. 165 and  
Adjoining Government Land, Tai Tung Village,  
Shap Sz Heung, Sai Kung North  
(RNTPC Paper No. A/NE-SSH/64)

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**Presentation and Question Sessions**

32.            Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary private car park (private car and light goods vehicle) for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application and raised concern on setting undesirable precedent and cumulative adverse traffic impact;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The application site fell within the “Village Type Development” zone which was primarily intended



for development of Small Houses. Notwithstanding the above, District Lands Officer/Tai Po had no objection to the application and confirmed that there was no Small House application at the application site. The applicant undertook to give up the carpark use when the site was developed for Small House use in future. As the traffic associated with the temporary car park was not expected to be significant, the temporary use of private car park was unlikely to have significant adverse environmental or drainage impacts on the surrounding areas. As a short-term approval would not frustrate the long-term use of the site, sympathetic consideration could be given to the application.

33. Members had no question on the application.

#### Deliberation Session

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles other than private cars and light good vehicles were allowed to be parked within the application site;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities should be permitted within the site during the planning approval period;
- (c) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.2.2010;
- (d) in relation to (c) above, the implementation of the landscape proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 21.5.2010;

- (e) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.2.2010;
- (f) in relation to (e) above, the implementation of the drainage proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.5.2010;
- (g) if any of the above planning conditions (a) or (b) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (c), (d), (e) and (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked on the same date without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

35. The Committee also agreed to advise the applicant that :

- (a) the applicant should resolve any land issues relating to the development with the concerned owners of the application site;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) the applicant should apply to District Lands Office/Tai Po for a short term waiver in case any structure would be constructed as office;
- (d) the applicant should apply to District Lands Office/Tai Po for a Short Term

Tenancy to cover the government land for the occupation of car park at the application site;

- (e) the applicant should note that there was no existing Drainage Services Department maintained public stormwater drain 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. Any existing flow path affected should be reprovisioned. 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;
- (f) the applicant should extend his/her inside services to the nearest suitable government water mains for connection for 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 Water Supplies Department's standards;
- (g) the applicant should ensure the proper preservation of existing trees and improve the greening of the area at the application site;
- (h) the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site;
- (i) prior to establishing any structure within the application site, the applicant and 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;  
and

- (j) 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.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/286            Proposed House (New Territories Exempted House - Small House)  
                                 in “Green Belt” zone,  
                                 Government Land in D.D. 15, Shan Liu Village, Tai Po  
                                 (RNTPC Paper No. A/NE-TK/286)

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

36.            Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House - Small House);

[Mr. Tony C.N. Kan returned to join the meeting at this point.]

- (c)    departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site was not within the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) of any recognised villages. The Director of Agriculture, Fisheries and Conservation (DAFC) objected to the application as the site had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application in view of the potential water quality impact on the water gathering ground (WGG) and the uncertainty on whether the proposed Small House could be

connected to the planned sewerage system in the area. The Director of Water Supplies (DWS) objected to the application for reason of the potential water quality impact on the WGG and it would set an undesirable precedent for other similar application to apply for Small House on Government land within WGG. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application and raised concern on setting undesirable precedent and cumulative adverse traffic impact. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as there had been extensive vegetation clearance in the vicinity of the site causing significant damage to the existing landscape quality and it would set an undesirable precedent to other similar applications in the area;

- (d) three public comments were received during the statutory publication period. One of them, submitted by the Indigenous Inhabitant Representative of Shan Liu Village, objected to the application on fung shui ground. The other two, submitted by an individual and Kadoorie Farm & Botanic Garden Corporation (KFBGC), objected to the application on the ground that the proposed development would cause adverse environmental and fung shui impacts on the surrounding area. The individual commenter and KFBGC also pointed out that unauthorised site formation was carried out and construction waste was dumped at the application site. The District Officer (Tai Po) advised that the IIR of Shan Liu Village raised objection to the application; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development as the site was entirely outside the “V” zone and ‘VE’ of any recognised villages. The proposed Small House could not be connected to the planned sewerage system in the area. In this regard, DEP did not support and DWS objected to the application. The DEP further advised that even the use of septic

tanks as an interim measure for the proposed development was not acceptable as the use of septic tank was not sufficient to safeguard the water quality. There was insufficient information in the submission to demonstrate that the proposed development would not cause adverse impact on the water quality in the area. As pointed out by the CTP/UD&L, PlanD, there had been gradual removal of dense vegetation in the vicinity of the site and the size of the vegetation clearance was extensive causing significant damages to the existing landscape quality. Should the application be approved, it would set an undesirable precedent to other similar applications in the area encouraging urban sprawl/village developments in this otherwise pleasant rural landscape setting and degrading the existing landscape quality in the area. As no similar planning application for Small House development had been approved before in the vicinity, approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such application would result in a general degradation of the environment and the landscape quality of the area.

37. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development as the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages; and the proposed development could not be connected to the planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the Water Gathering Ground would not cause adverse impact on the water quality in the area; and

- (b) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such application would result in a general degradation of the environment and landscape quality of the area.

**Agenda Items 14 and 15**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/287          Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Government Land in D.D. 15, Shan Liu Village, Tai Po  
(RNTPC Paper No. A/NE-TK/287)

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[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/288          Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lot 607 RP in D.D. 15, Shan Liu Village, Tai Po  
(RNTPC Paper No. A/NE-TK/288)

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

Presentation and Question Sessions

40.            Ms. Jessica K.T. Lee, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed House (New Territories Exempted House - Small House) at each of the application site;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not supported the applications as the site had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the applications in view of the potential water quality impact on the water gathering ground (WGG) and the uncertainty on whether the proposed Small House could be connected to the planned sewerage system in the area. The Director of Water Supplies (DWS) objected to the application No. A/NE-TK/287 since the site was a piece of Government land located in a relatively low-lying sloping terrain, it could not be served by the planned sewerage system in future. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on both applications and raised concerns on setting undesirable precedent and cumulative adverse traffic impact. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to both applications as there had been extensive vegetation clearance in the vicinity of the sites causing significant damage to the existing landscape quality and it would set an undesirable precedent to other similar applications in the area;
  
- (d) three public comments were received during the statutory publication period of both applications. One of them, submitted by the Indigenous Inhabitant Representative of Shan Liu Village, objected to the applications on fung shui ground. The other two, submitted by an individual and Kadoorie Farm & Botanic Garden Corporation (KFBGC), objected to the applications on the ground that the proposed developments would cause adverse environmental impact on the surrounding area. They also pointed out that unauthorised site formation was carried out and construction waste was dumped at the application sites. The District Officer (Tai Po) advised that the Indigenous Inhabitants Representative of Shan Liu Village raised objection to both applications; and
  
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessment made in paragraph 11 of the Paper. The proposed development did not comply with the interim criteria for



assessing planning application for NTEH/Small House development as the proposed Small Houses, being located within the WGG, could not be connected to the planned sewerage system in the area. For planning application No. A/NE-TK/287, the DWS and the DSD advised that the site was located in a relatively low-lying sloping terrain and the proposed Small House could not be connected to the planned sewerage system in the area. DEP did not support both applications for the potential water quality impact on the WGG. The DEP further advised that even the use of septic tanks as an interim measure for the proposed developments was not acceptable as the use of septic tank was not sufficient to safeguard the water quality. There was insufficient information in the submission to demonstrate that the proposed developments would not cause adverse impact on the water quality in the area. As pointed out by the CTP/UD&L, PlanD, there had been gradual removal of dense vegetation in the vicinity of the sites and the size of the vegetation clearance was extensive causing significant damages to the existing landscape quality and it would set an undesirable precedent to other similar applications in the area encouraging urban sprawl/village developments and degrading the existing landscape quality in the area. Approval of the applications would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and the landscape quality of the area.

41. Members had no question on the applications.

#### Deliberation Session

42. The Chairperson noted that there were gradual removal of vegetation in the vicinity of the sites which should not be encouraged.
43. After further deliberation, the Committee decided to reject the Applications No. A/NE-TK/287 and A/NE-TK/288 and the reasons were :

- (a) the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development as the proposed development could not be connected to the planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGG would not cause adverse impact on the water quality in the area; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such application would result in a general degradation of the environment and landscape quality of the area.

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/289          Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lot 699 S.B in D.D. 17, Ting Kok Village, Tai Po  
(RNTPC Paper No. A/NE-TK/289)

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

44. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the applications as the site was not within the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’) of any recognised villages. The Director of Agriculture,

Fisheries and Conservation (DAFC) objected to the application as the site had high potential for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application and raised concern on setting undesirable precedent and cumulative adverse traffic impact. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the site served as a buffer between the existing villages and the planned spa resort hotel development to relieve the adverse impact arising from urban sprawl and maintain the rural landscape character;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development as the site was entirely outside the “V” zone and the ‘VE’ of any recognised villages. Concerned Government departments including DLO/TP, LandsD, DAFC, CTP/UD&L, PlanD, AC for T/NT, TD had adverse comments on the applications. As no similar planning application for Small House development had been approved before in the vicinity, approval of the application would set an undesirable precedent for other similar applications in the area.

45. The Chairperson asked when the two existing Houses adjacent to the proposed house development as shown on Plan A-2 of the Paper were approved. Mr W. K. Hui replied that the two houses were in existence prior to the publication of the first statutory plan covering the area. Ms. Jessica Lee advised that according to the LandsD's records, the two houses were granted by DLO/TP before 1990.

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

- (a) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development as the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN and Ms. Jessica K.T. Lee, STP/STN, for their attendance to answer Members’ enquires. Mr. Hui and Ms. Lee left the meeting at this point.]

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

[Mr. C.C. Lau, 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 17**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/387                      Proposed Columbarium  
in “Government, Institution or Community” zone,  
Tuen Mun Town Lot No. 392 and Adjoining Government Land,  
Tsing Shan Tsuen, Tuen Mun  
(RNTPC Paper No. A/TM/387)

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Presentation and Question Sessions

47. 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 proposed columbarium;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) a total of 16 public comments were received during the statutory publication period, including 14 comments objecting to the application, 1 comment stating support and 1 comment indicating no objection to the planning application. The 14 commenters objecting to the application included 7 commenters from the nearby residential dwellings, namely Tuen King Villa, Felicity Garden and Richie House, 6 individuals and 1 religious institution. The nearby residents and individuals objected to the application on the grounds that the proposed columbarium use would generate adverse environmental and traffic impacts on the surrounding environment; the burning of incense would cause air pollution nuisances and affect the living environment and health of local villagers and the nearby schools; some information in the submission was not true in that there were residents nearby; there were local objections in the current and withdrawn applications; the application affected a commenter's lot boundary for temple extension; and the proposed columbarium use would also generate adverse psychological impacts to the nearby residents and students. One commenter supported the application as the proposed development would improve the quality of the surrounding environment with comfortable visual outlook and also meet the social needs. A commenter, the principal of Ju Ching Chu Secondary School, stated no objection; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the

application based on the assessments given in paragraph 10 of the Paper. The columbarium use was generally in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone which was primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. The site fell within an area which was predominated by religious uses and other GIC facilities and the columbarium use was considered not incompatible with the surrounding area. The small-scale columbarium was unlikely to generate significant adverse visual, traffic and infrastructural impacts. Regarding the potential air nuisances, the applicant would provide a purpose-designed furnace to control incense or paper offering burning and therefore Director of Environmental Protection had no objection to the application. On the request of Director of Fire Services (D of FS) for an emergency vehicular access (EVA), an approval condition requiring the provision of EVA and fire services installations prior to the commencement of the operation of the columbarium use was imposed. Regarding the public comments on the environmental issue, given that the applicant would provide a purpose-designed furnace to preserve the air quality of the locality, the proposed columbarium use would not pose significant adverse impact on the air quality in the surrounding areas.

48. Noting that an approval condition on the provision of EVA prior to the commencement of operation was proposed, the Chairperson asked whether the columbarium was already in operation and whether the vehicular access to serve the development was in existence. Mr C.C. Lau replied that the development was substantially completed but had not yet started operation according to his observation and there was an existing vehicular access serving the development. He further advised that the existing informal vehicular access serving the columbarium fell within the proposed TMTL No. 472 for religious development of Tin Tak Sing Kau and District Lands Officer/Tuen Mun advised that the vehicular access would have to be closed to make way for the land grant of TMTL No. 472. The applicant would need to liaise with District Lands Officer/Tuen Mun or the grantee of TMTL No. 472 with regard to the provision of an EVA before the operation of the columbarium.

Deliberation Session

49. The Chairperson said that as the area was predominated by religious uses, the subject development was considered not incompatible with the surrounding area. Noting that there were objections from the local residents, a Member opined that there was a need to strike a balance between the demand of columbarium use and the impact on the adjacent developments. The Member considered that the proposed use was acceptable as the surrounding uses comprised mainly religious and other GIC uses.

50. 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 21.8.2013, 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 provision of emergency vehicular access, water supply for fire fighting and fire services installations prior to the commencement of operation of the columbarium use to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and provision of the design of emergency vehicular access, water supply for fire fighting and fire services installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2010;
- (c) the submission and 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 21.2.2010;
- (d) the submission and implementation of stormwater disposal facilities proposal within 6 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 21.2.2010;
- (e) if the above planning condition (a) was not complied with during the

approval period, the approval hereby given would cease to have effect and should on the same date be revoked without further notice; and

- (f) if any of the above planning conditions (b), (c) and (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.

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

- (a) note District Lands Officer/Tuen Mun's (DLO/TM) comments on the land status and possessions of STT No. 1390, the informal local track and 'Green Hatch Black Area'. The applicant should liaise with DLO/TM and the concerned owner of TMTL No. 472 to resolve any land issues relating to the application;
- (b) note the Director of Environmental Protection's comments that the applicant was required to comply with all relevant pollution ordinances including the Air Pollution Control Ordinance and the Water Pollution Control Ordinance;
- (c) note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (d) note Director of Leisure and Cultural Services' comments that the applicant would be responsible for the cost of construction and maintenance of the landscape; and
- (e) liaise with the nearby residents and other parties and to provide them with relevant information of the proposed development to address their concerns.



**Agenda Item 18**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/388                      Proposed Public Utility Installation (Sewage Pumping Station)  
in “Residential (Group B)” zone,  
Government Land to the South of Block E,  
The Castle Bay, 6-18 Lok Chiu Street in D.D. 381, Tuen Mun  
(RNTPC Paper No. A/TM/388)

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Presentation and Question Sessions

52.            The Committee noted that the applicant requested on 4.8.2009 and 5.8.2009 for a deferment of the consideration of the application for two months to allow time for him to prepare further information to address departmental comments and public comments.

Deliberation Session

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

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

**Agenda Item 19**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/389                      Proposed Public Utility Installation (Sewage Pumping Station)  
in “Residential (Group B)” zone,  
Government Land to the northeast of Aqua Blue,  
28 Tsing Fat Street in D.D. 379, Tuen Mun  
(RNTPC Paper No. A/TM/389)

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Presentation and Question Sessions

54.            The Committee noted that the applicant requested on 4.8.2009 and 5.8.2009 for a deferment of the consideration of the application for two months to allow time for him to prepare further information to address departmental comments and public comments.

Deliberation Session

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

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

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/624            Temporary Open Storage of Construction Materials and Recyclable  
Materials for a Period of 3 Years in “Residential (Group D)” zone,  
Lot 1031 in D.D.124, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/624)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) temporary open storage of construction materials and recyclable materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive users in the vicinity of the site and along the access roads (Hung Chi Road and Hung Shui Kiu Main Street) and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Office (Yuen Long); and

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

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was to improve and upgrade existing temporary structures within the rural areas through redevelopment

into low-rise, low-density permanent residential buildings. Although the uses in the immediate neighbourhood of the site mainly comprised vehicle parks, warehouses and open storage yards, these were mostly suspected unauthorised developments subject to enforcement action by the Planning Authority. The applied use which comprised open storage of recyclable materials and construction materials was incompatible with these surrounding residential dwellings. Approval of the subject application would not only frustrate the upgrading of the site for residential use, but also that of the nearby sites due to existing and potential industrial/residential interface problems. The site fell within Category 3 areas under the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) and the proposed was not in line with the guidelines since no previous approval for open storage use had been granted for the site, and there was no information in the submission to address the adverse comments from DEP and demonstrate that the applied use would not have adverse environmental impacts on the surrounding areas. Approval of the application would set an undesirable precedent and the cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

57. Members had no question on the application.

#### Deliberation Session

58. The Chairperson said that similar applications in the vicinity of the site were rejected by the Committee and the approval of the application would set an undesirable precedent for similar applications.

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

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, which was for improvement and upgrading of existing temporary structures within the rural areas through

redevelopment of existing temporary structures into low-rise, low-density permanent residential buildings subject to planning permission from the Board. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments on the environmental aspect and there were adverse environmental impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

## **Agenda Item 21**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/636      Proposed Temporary Logistics Transport Transit Centre with Ancillary Vehicle Parking Facilities for a Period of 3 Years in “Comprehensive Development Area” and “Village Type Development” zones,  
Lots No. 51(Part), 54(Part), 55-58, 60-67, 71, 140(Part), 141(Part), 143(Part), 144-146, 148(Part), 149(Part), 150(Part), 151, 152(Part) and 157(Part) in D.D.125, Lots No. 3213 RP(Part), 3219(Part), 3220, 3221 S.A(Part), 3221 S.B, 3222, 3223, 3224(Part), 3225 S.A(Part), 3225 S.B(Part), 3226-3232, 3234(Part) and 3235(Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/636)

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### **Presentation and Question Sessions**

60.            The Committee noted that the applicant requested on 6.8.2009 for a deferment of

the consideration of the application for two months in order to allow time for him to prepare responses to address Drainage Services Department's and Highways Departments' comments.

### Deliberation Session

61. 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 22

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/637      Temporary Open Storage of Construction Machinery with Ancillary Workshop for a Period of 3 Years in "Comprehensive Development Area" zone, Lots No. 100 (Part), 105 (Part), 106 (Part), 107 (Part), 108 (Part), 110 (Part) and 116 (Part) in D.D.125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/637)

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#### Presentation and Question Sessions

62. 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 construction machinery with ancillary workshop for a period of 3 years;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The applied use was not incompatible with the surrounding open storage uses. Besides, it was considered that approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone on the OZP since there was no known intention to implement the zoned use on the OZP. The site fell within Category 1 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that there was no adverse comment from concerned Government departments. Regarding DEP’s comment, there was no environmental complaint against the site over the past 3 years despite that the open storage use had been in operation for some time. To mitigate any potential environmental impacts, approval conditions to restrict the operation hours had been recommended. A number of planning applications for similar uses were approved by the Committee and approval of the subject application was in line with the Committee’s previous decisions. Nevertheless, since the latest planning application No. A/YL-HT/121 was revoked due to non-compliance with approval condition, shorter compliance period was proposed to monitor the progress of compliance.

63. Members had no question on the application.

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.8.2012, 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 9:00 p.m. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.11.2009;
- (d) in relation to (c) above, the provision of drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.2.2010;
- (e) the implementation of the accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.11.2009;
- (f) the submission of fire service installations proposals for the structures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.11.2009;
- (g) in relation to (f) above, the provision of fire service installations for the structures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2010;
- (h) if any of the above planning conditions (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;



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

65. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the development on site;
- (b) that shorter compliance periods were imposed in order to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; his office did not guarantee right-of-way of the vehicular access to the site through private land from Ping Ha Road; the applicant should apply for Short Term Waiver (STW) to regularize the unauthorized structures on-site. Should no STW application be received/approved and the irregularities persist on-site, his office would consider taking appropriate lease enforcement action against the registered owner of the lots according to his office's prevailing

programme;

- (e) to note the following comments of Chief Engineer/Mainland North, Drainage Services Department on the drainage proposal:
  - (i) the size of the ‘discharge path’ at the proposed discharge points should be shown in the drainage proposal;
  - (ii) to ensure that the discharge path into which the runoff collected by the site was adequate to discharge the additional flow from the site. DLO/YL should be consulted and relevant lot owners’ consent should be obtained as regards all proposed drainage works outside the site; and
  - (iii) to construct and maintain all proposed drainage facilities at the applicant’s own costs;
- (f) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) to 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) to note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the access road to the site was located near Ping Ha Road which was within the works limit of Contract No. CV/2006/01 “Ping Ha Road Improvement Works (Ha Tsuen Section)”, the construction works for which had already commenced in December 2007

for completion in end 2010. The ingress/egress route to/from the site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation thereof;

- (i) to submit an as-built landscape plan for record purpose upon implementation of the approved landscape proposal;
- (j) to note the comments of the Director of Fire Services on the requirements of formulating FSI proposals as stated in Appendix V of the Paper; and
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; appropriate action under the BO or other enactment might be taken if contravention was found; containers used 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 under the BO was required for any proposed new works, including any temporary structure; if the site did not abut 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; provision of emergency vehicular access was applicable under B(P)R 41D.

**Agenda Items 23 and 24**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/190      Renewal of Planning Approval for Temporary Private Car Park under Application No. A/YL-NSW/148 for a Period of 2 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lot 1212 S.A ss.3 (Part) in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/190)

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[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/191      Renewal of Planning Approval for Temporary Container Tractor/Trailer Park under Application No. A/YL-NSW/147 for a Period of 2 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 1212 S.A ss.2 and 1212 S.A ss.3 (Part) and Adjoining Government Land in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/191)

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

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

**Presentation and Question Sessions**

67.            Mr. Anthony C.Y. Lee, STP/TMYL, informed the meeting that a replacement page which contained a revision to the advisory clause in relation to District Lands Officer/Yuen Long’s comments (P. 16) had already been distributed to Members. He then presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b)
  - (i) A/YL-NSW/190 - the renewal of planning approval for temporary private car park for a period of 2 years under application No. A/YL-NSW/148; and
  - (ii) A/YL-NSW/191 - the renewal of planning approval for temporary container tractor/trailer park for a period of 2 years under application No. A/YL-NSW/147;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support both applications as there were sensitive uses in the vicinity of the access road (Chung Yip Road) and the sites and environmental nuisance was expected. However, no complaint was received in the past few years for both applications;
- (d) District Officer/Yuen Long (DO/YL) advised that 47 comments from the locals supported the applications on the grounds that the sites were suitable for vehicle parking in view of the insufficient vehicle parking spaces in the area, the reasonable price the site offered, the convenient location and the good management of the site. One objection was received from a Yuen Long District Council member, relaying objections from The Owners' Committee of The Parcville and the residents of The Parcville. They objected to the applications as the vehicle park had destroyed the tranquil environment; created noise pollution, dust impact and affected environmental hygiene; endangered the pedestrians including the nearby residents and the students; and overloaded the existing road network;
- (e) 3 public comments from The Owners' Committee of The Parcville and two private individuals were received during the statutory public inspection period of both applications. The Owners' Committee of The Parcville stated that some 380 signatures from the residents had been collected, expressing their objections to the applications as the developments would create noise, traffic and environmental hygiene problems. Besides, the

subject vehicle park would undermine the opportunity of wetland restoration and hence against the planning intention of the OZP. One private individual also shared similar objection grounds as mentioned by The Owners' Committee of The Parcville. Another private individual objected to the application mainly on the grounds that the use contradicted with the planning intention of the "OU(CDWRA)" zone; long-term existence of an inconsistent uses would discourage any incentive for wetland restoration; the Committee should not follow the logic applied by Town Planning Appeal Board in the decisions of A/YL-NSW/147 and 148 which should not be a basis for decision until it was proved and established by evidence; the uses were incompatible with the nearby residential developments; and

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses could be tolerated for a period of 12 months based on the assessments given in paragraph 12 of the papers. There were no major changes in the planning circumstances since the last approval of the applications by TPAB in 2007. Although the applied uses were not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") zone, there had been no residential development proposal received for the site or in the vicinity. Hence, approvals of the applications on a temporary basis would not frustrate the planning intention of the area. All the conditions of both applications were complied with. Regarding DEP's environmental concern, there was no environmental complaint received by DEP in the past three years and approval conditions restricting the operation hours had been proposed. Although the sites fell within Category 3 areas under the "Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance" (TPB PG-No. 13E), the proposed developments were in line with the TPB PG-No. 13E in that there were previous planning approvals; all approval conditions of the previous applications were complied with and concerned Government departments had no adverse comments on the applications. Regarding public

comments on the traffic, drainage and ecological aspects, relevant departments consulted had no adverse comment on both applications. On the noise impact, approval conditions to restrict the operation hours and type of activities were recommended.

68. Members had no question on the applications.

#### Deliberation Session

69. Noting that adverse comments were mainly submitted by residents of The Parcville, the Chairperson asked if the traffic to the application sites would need to pass through The Parcville. Mr Anthony C. Y. Lee replied that the traffic to the application sites might need to use the access road adjacent to The Parcville.

70. A Member asked whether any restriction could be imposed on the applicants regarding the use of the road adjacent to The Parcville. The Chairperson said that it would be difficult to enforce the implementation of such restriction. The Chairperson remarked that an approval of only 12 months was granted so as to monitor the compliance with the approval conditions. The same Member suggested adding an advisory clause reminding the applicants to minimize the noise and traffic impact on the adjacent residential developments. The Members generally agreed to include such an advisory clause.

71. After further deliberation, the Committee decided to approve the application No. A/YL-NSW/190 on a temporary basis for a period of 12 months until 21.8.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 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) no parking of container tractors and trailers should be permitted on the site

at any time during the planning approval period;

- (d) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities implemented on the site under planning application No. A/YL-NSW/148 should be maintained at all times during the planning approval period;
- (f) 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 21.11.2009;
- (g) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if the above planning condition (f) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

72. The Committee also agreed to advise the applicant of the Application No. A/YL-NSW/190:

- (a) that the applicant should be reminded that the permission was given to the use/development under application. It did not condone any other use/development (including parking of container tractors/trailers) which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such



use/development not covered by the permission;

- (b) that a shorter approval period of 12 months and shorter compliance periods were granted so as to allow time for the applicant to relocate the business to other suitable locations and to monitor the situation of the site;
- (c) the applicant should take necessary measures to minimize the noise and traffic impact on the adjacent residential developments including The Parcville;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) to resolve any issues relating to the use of Chung Yip Road which was managed and maintained by Hong Kong School of Motoring;
- (f) to note the District Lands Officer/Yuen Long's comments that, should there any structures to be erected on-site, the registered owners of the lots were reminded to apply to his Office for Short Term Waiver. His Office would consider taking appropriate land control action against unauthorised occupation of Government land to the southwest of the site which was not included in the current application;
- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (h) to note the Director of Fire Services' comments that the applicant was advised that if roofed structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the site, fire services installations (FSIs) would be required for the structures. In such circumstance, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval;

and

- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that any 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 BO or other enactment might be taken if contravention was found. An emergency vehicular access under the Building (Planning) Regulations (B(P)R) 41D should be provided. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut a specified street not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at building plan submission stage.

#### Deliberation Session

73. After deliberation, the Committee decided to approve the application No. A/YL-NSW/191 on a temporary basis for a period of 12 months until 21.8.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 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 existing vegetation on the site should be maintained at all times during the planning approval period;
- (d) the drainage facilities implemented on the site under planning application No. A/YL-NSW/147 should be maintained at all times during the planning

approval period;

- (e) 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 21.11.2009;
- (f) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if the above planning condition (e) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

74. The Committee also agreed to advise the applicant of Application No. A/YL-NSW/191:

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to resolve any issues relating to the use of Chung Yip Road which was managed and maintained by Hong Kong School of Motoring;
- (c) that a shorter approval period of 12 months and shorter compliance periods were granted so as to allow time for the applicant to relocate the business to other suitable locations and to monitor the situation of the site;
- (d) the applicant should take necessary measures to minimize the noise and traffic impact on the adjacent residential developments including The Parcville;

- (e) to note the District Lands Officer/Yuen Long's comments that, should there any structures to be erected on-site, the registered owners of the lots were reminded to apply to his Office for Short Term Waiver;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (g) to note the Director of Fire Services' comments that the applicant was advised that if roofed structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the site, fire services installations (FSIs) would be required for the structures. In such circumstance, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval; and
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that any 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 BO or other enactment might be taken if contravention was found. An emergency vehicular access under the Building (Planning) Regulations (B(P)R) 41D should be provided. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut a specified street not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at building plan submission stage.

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

**Agenda Item 25**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/239      Proposed Social Welfare Facility  
in “Green Belt” zone,  
Lots 323 (Part) and 324 (Part) in D.D. 104, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/239)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed social welfare facility;
- (c) departmental comments – the Director of Social Welfare (D of SW) supported the application considering the need to have an office base for continued service delivery and no other welfare premises could be identified for the applicant;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The applicant had been providing welfare services to the deprived/transient communities under the Ngau Tam Mei Community Development Project under the subventions of Social Welfare Department and the policy portfolio of Home Affairs Bureau. The ex-library of Yau Tam Mei Primary School had been used as an office base for the purpose since 1993. The Director of Social Welfare gave his support to the application.

Although the site fell within the “GB” zone, the house was already in existence and the proposed use only incurred internal alternation works. The proposed development did not involve extensive clearance of existing natural vegetation, and would not affect the existing natural landscape or cause any adverse visual impact on the surrounding environment. In view of the nature and small scale of the proposed social welfare facility, it was anticipated that the proposed development would not result in significant adverse traffic, environmental, sewage, drainage, water supply and geotechnical impacts to the surrounding areas.

76. Members had no question on the application.

#### Deliberation Session

77. 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 21.8.2013, 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 existing landscape planting on the site should be maintained at all times;
- (b) the existing drainage facilities on the site should be maintained at all times; and
- (c) the submission and implementation of fire service installations proposals to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note District Lands Officer/Yuen Long’s comments that the Gross Floor Area figure should be clarified;

- (b) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that the applicant was advised to submit an as-planted plan for record;
- (c) note the Director of Fire Services' comments that, in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal, the applicant should observe his requirements on provisions of emergency lighting, directional and exit sign, fire alarm system, hose reel system and portable hand-operated approved appliances. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration; and
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorised structures on site which were liable to action under section 24 of the Buildings Ordinance (BO) should be removed. The granting of this 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 BO or other enactment might be taken if contravention was found. An emergency vehicular access under the Building (Planning) Regulation (B(P)R) 41D should be provided. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site was not abutting and accessible from a street having a width of no less than 4.5m, the development intensity should be determined by the Building Authority under the B(P)R 19(3) at building plan submission stage.

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

**Agenda Item 26**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/587            Temporary Open Storage of Recyclable Office Equipment  
for a Period of 3 Years  
in “Village Type Development” and “Agriculture” zones,  
Lot 2616(Part) in D.D. 111, Wang Toi Shan, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/587)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the temporary open storage of recyclable office equipment for a period of 3 years;
- (c)    departmental comments – the Director of Environmental Protection (DEP) did not support the planning application as there were residential dwellings in the vicinity of the site and along the access road, and environmental nuisance was expected on the sensitive receivers by the traffic of container vehicles via the access road to the site. However, there was no environmental complaint on the site received in the past three years. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the agricultural life in the vicinity of the site was active and the site could be rehabilitated for agricultural purposes. The Chief Town Planning/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application as the site was in close proximity to the existing village houses and the natural stream. It had a greater landscape impact on the existing landscape resources and the adjacent Small Houses as the applied use might pose threats to the landscape quality of the stream and was not compatible with the existing



Small Houses on the adjacent lots;

- (d) a public comment from villagers of Wang Toi Shan Shan Tsuen, Pat Heung was received during the statutory publication period. They objected to the application on the ground that the proposed open storage of recyclable office equipment would release radiation, pollute the surrounding areas and pose hazards to their health; and
  
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The development was considered not in line with the planning intention of both “Village Type Development” and “Agriculture” zones. Approval of the application would frustrate the planning intention of the zones and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis. Although the adjoining area of the site was intermixed with various kinds of open storage yards, most of the yards in the area were suspected ‘unauthorized developments’ subject to enforcement action to be taken by the Planning Authority. The site fell within Categories 3 and 4 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E) and the development did not comply with the guidelines in that the applied use was not the subject of any previous planning approval and there were local objections and adverse departmental comments against the application. No technical assessments had been conducted to demonstrate that the applied use would not pose any adverse environmental, traffic and landscape impacts or to propose mitigation measures to address the potential issues. Approval of the application would set an undesirable precedent for similar uses. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

80. Members had no question on the application.

Deliberation Session

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

- (a) the development was considered not in line with the planning intention of both the “Village Type Development” and “Agriculture” zones which was to designate both existing recognized villages and areas of land considered suitable for village expansion and, to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. Approval of the application would frustrate the planning intention of the zones and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that the applied use was not the subject of any previous planning approval on-site and there were local objections and adverse departmental comments against the application;
- (c) there were residential dwellings in the vicinity of the site and along the access road. The development would pose adverse environmental, traffic and landscape impacts to the surrounding areas, and no technical assessments had been conducted to demonstrate the applied use would not pose any adverse impacts to the surrounding areas or to propose mitigation measures to address the potential issues; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate into the zones. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/591            Temporary Open Storage of Vehicles  
(including Private Cars and Light Goods Vehicles)  
for a Period of 3 Years in “Agriculture” zone,  
Lots 2813(Part), 2878(Part), 2879(Part) and 2880(Part) in D.D. 111 and  
Adjoining Government Land, Wang Toi Shan, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/591)

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**Presentation and Question Sessions**

82.            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 (including private cars and light goods vehicles) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential dwellings in the vicinity of the site and along the access road, and environmental nuisance was expected on the sensitive receivers by the traffic of container vehicles via the access road to the site. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the agricultural life in the vicinity of the site was active and the site had high potential to rehabilitate for agricultural purposes;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application based on the assessment made in paragraph 12 of the Paper. The development was considered not in line with the planning intention of the “Agriculture” zone. Approval of the application would frustrate the planning intention of the zone and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis. Although the adjoining area of the site was intermixed with various kinds of open storage yards, most of the yards in the area were suspected unauthorized developments subject to enforcement action to be taken by the Planning Authority. The site fell within Category 3 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E) and the development did not comply with the guidelines in that the applied use was not the subject of any previous planning approval and there were adverse departmental comments against the application. No technical assessments had been conducted to demonstrate that the applied use would not pose any adverse environmental and traffic impacts or to propose mitigation measures to address the potential issues. Approval of the application would set an undesirable precedent for similar uses. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

83. Members had no question on the application.

#### Deliberation Session

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

- (a) the development was considered not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Approval of the application

would frustrate the planning intention of the zone and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E) in that the applied use was not the subject of any previous planning approval on-site and there were adverse departmental comments against the application;
- (c) there were residential dwellings in the vicinity of the site and along the access road. The development would pose adverse environmental and traffic impacts to the surrounding areas, and no technical assessments have been conducted to demonstrate the applied use would not pose any adverse impacts to the surrounding areas or to propose mitigation measures to address the potential issues; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate into the zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Professor Paul K. S. Lam left the meeting at this point.]

**Agenda Item 28**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/148            Proposed Three Houses (New Territories Exempted Houses)  
                              in “Agriculture” zone,  
                              Lots 1504(Part) and 1505 (Part) in D.D. 112, Tsing Tam Village,  
                              Shek Kong, Yuen Long  
                              (RNTPC Paper No. A/YL-SK/148)

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85.            The Secretary reported that the World Wild Fund for Nature (WWF) Hong Kong

had submitted comments on the application. Professor David Dudgeon had declared interests on this application as he was a member of the Management and Development Committee of WWF. The Committee noted that Professor Dudgeon had tendered apologies for being unable to attend the meeting.

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed three houses (New Territories Exempted Houses);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) four public comments were received during the statutory publication period. The first comment was from 4 local villagers of Yuen Kong San Tsuen Tsing Tam Village. They objected to the application as they considered that the site was not suitable for house development. They indicated that the access leading to Tsing Tam Village was narrow and heavy vehicles using the access road during construction would affect the safety of the villagers and children. Moreover, they were worried that heavy vehicles would damage the access road which was built by the villagers and the proposed NTEHs would affect the fung shui of the village. Another comment was received from a Yuen Long District Council member who relayed the objection from the villagers of Yuen Kong San Tsuen Tsing Tam Village to the Board. The commenter said that the villagers were concerned about the potential danger and damage caused by the heavy vehicles and he requested the Board to consider the application prudently taking into account the actual traffic condition of the access to Tsing Tam Village. District Officer (Yuen Long) (DO(YL)) also received the two written representations as above. Two other comments from Kadoorie

Farm and Botanic Garden Corporation (KFBGC) and World Wide Fund For Nature Hong Kong (WWF) objected to the application. KFBGC considered that the approval of the application would set an undesirable precedent for Shek Kong area, thus spoiling the rural characters. The commenter considered that Small Houses should be confined in the “Village Type Development” (“V”) zone and raised concerns on the potential pollution of the stream nearby and degradation on the value and function of the “CA” zone. Another comment, from WWF, objected to the application as he considered that the 3 proposed houses were not in line with the planning intention of the “Agriculture” zone and he raised concerns on the extensive clearance of woodland which was an ecologically sensitive feature that should be conserved. Moreover, the overflow of domestic sewage from the septic tanks of the development could pose adverse impact on the nearby natural stream, and approving the application would set a bad precedent; and

[Professor Paul K. S. Lam returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper. Although the proposed development was not entirely in line with the planning intention of the “Agriculture” zone, the site had building entitlement under the lease and Director of Agriculture, Fisheries and Conservation (DAFC) considered that the potential for agricultural rehabilitation at the subject site was low and he had no objection to the development. The development was of a relatively small scale and was considered not incompatible with the surrounding environment which was predominantly rural in character. Regarding the public comments received, Government departments generally had no adverse comment on the application on the agricultural, natural conservation, traffic impacts, environmental pollution and drainage aspects. The advisory comments of DAFC on the need to undertaken precautionary and mitigation measures to avoid any potential disturbance on the surrounding wooded area, pond and watercourse would be conveyed to the applicant.

87. The Chairperson asked about the availability of vehicular access to the application site and whether the access could serve as an emergency vehicular access complying with the Director of Fire Service (D of FS)'s requirement. Miss Paulina Y.L. Kwan replied that there was an informal vehicular access built by the villagers leading from Kam Sheung Road to the application site. She said that the applicant was willing to improve the access road but since the access road passed through some other private lots, the applicant was advised to resolve any land issues relating to the use of the access with the concerned land owners. She added that D of FS had no in-principle objection to the application and the applicant was advised to note D of FS's comment in meeting the fire safety requirements.

#### Deliberation Session

88. 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 21.8.2013, 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 landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

89. The Committee also agreed to advise the applicant :

- (a) that the proposed development had also to conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as might be applicable;
- (b) that no hard paving, site clearance, site leveling and erection of any structure should be carried out on the agricultural land owned by the



applicant to the immediate northwest of the site as mentioned in the submission;

- (c) to resolve any land issues relating to the use, management and maintenance of the access leading to the site with the concerned land owner(s);
- (d) to note District Lands Officer/Yuen Long, Lands Department's (DLO/YL) comments that his acceptance of the claimed "House" status of the lots should not be construed as a commitment or confirmation whatsoever. The rebuilding proposal on the lots was subject to approval. When he received the application for redevelopment, he would then look into the "House" status as well as the entitlement in considering the rebuilding application. The lot owner should apply to his office for the establishment of the "House" status for such development. However, there was no guarantee that the redevelopment proposal in respect of the lots would ultimately be approved by his office. In the event that no evidence could be found to prove the development restrictions, his office might not adopt the development potential permitted under GN 364 of 1934 as the development restrictions under the lease were not known;
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that if DLO/YL did not consider that the proposed houses were New Territories Exempted Houses under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121), submission of plan to the Building Authority for approval was required under the Buildings Ordinance. Moreover, the applicant should submit site formation and drainage plans, if necessary, with reference to PNAP 147;
- (f) to note the Director of Agriculture, Fisheries and Conservation's comments that the agricultural land to the northwest of the site was considered suitable for agricultural rehabilitation and was of agricultural value that needed to be preserved. As the site was surrounded by some wooded area with mature trees, the proposed development should avoid affecting the

trees as far as possible. Besides, there was a pond and watercourse near the site. Precautionary and mitigation measures should be undertaken to avoid any potential disturbance, particularly in terms of surface runoff, to the surrounding environment;

- (g) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that due to the relatively high level and remoteness of the site, the applicant might need to make use of his private sump and pump system to effect adequate water supply to the development. The applicant should be responsible for the construction, operation and maintenance to WSD's standards of any private water supply system for water supply to the development. Moreover, the applicant should not be allowed to use the existing waterworks vehicular access road along the catchwater for making access to the proposed development;
- (h) to note the Director of Fire Services' comments that emergency vehicular access (EVA), fire hydrant and fire service installations (FSIs) would be required in accordance with the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by Lands Department. Detailed fire safety requirements on EVA, fire hydrant and FSIs would be formulated upon receipt of formal application referred by DLO/YL; and
- (i) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity

Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[Mr. Rock Chen left the meeting at this point.]

**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/443      Temporary Warehouse and Open Storage of Building Materials and Miscellaneous Goods for a Period of 3 Years  
in “Undetermined” zone,  
Lots 748 (Part), 749, 753 (Part), 754, 758, 759, 760 S.B,  
761 to 763, 764 S.A&B (Part), 793 to 796, 797 (Part), 798 (Part)  
and 804 RP in D.D. 117 and Adjoining Government Land,  
Kung Um Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/443)

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**Presentation and Question Sessions**

90.            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 warehouse and open storage of building materials and miscellaneous goods for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the planning application as there were sensitive receivers, i.e. residential structures, to the immediate east and south and in the vicinity of the site, and environmental nuisance was expected. There was no environmental complaint concerning the site received in the past three years;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell within Category 1 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E) and the development was generally in line with the TPB PG-No.13E in that the concerns departments had no adverse comments on the application and there were also similar applications approved in the “Undetermined” zone. The approval of the application on a temporary basis for not more than 3 years would not frustrate the long-term use of the area. Regarding DEP's comments, approval conditions restricting the operation hours and types of activities on site were proposed. Although the previous two planning applications were revoked for non-compliance with approval conditions, the applicant had put effort to comply with the conditions in relation to the submission of drainage proposal and implementation of drainage facilities. In this regard, the application should be tolerated for one more time but subject to shorter compliance periods to closely monitor the progress on compliance with the approval conditions should the application be approved.

91. Members had no question on the application.

#### Deliberation Session

92. The Chairperson noted that a shorter compliance period to monitor the progress on compliance with the approval conditions was required.

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

temporary basis for a period of 3 years until 21.8.2012, 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 6:00 p.m. and 9:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no plastic waste, electronic waste and used electrical appliances were allowed to be stored or processed on the application site at any time during the planning approval period;
- (d) no repairing, cleaning, dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (f) the existing boundary fence on the application site should be maintained at all time during the planning approval period;
- (g) the existing landscape planting implemented under Application No. A/YL-TYST/288 on the application site should be maintained at all times during the planning approval period;
- (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 21.11.2009;
- (i) in relation to (h) above, the provision of run-in/out within 6 months from

the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 21.2.2010;

- (j) 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 21.11.2009;
- (k) in relation to (j) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.2.2010;
- (l) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.11.2009;
- (m) in relation to (l) 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 21.2.2010;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (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; and
- (p) 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.

94. The Committee also agreed to advise the applicant :

- (a) that the permission was given to the use/development under application. It did not condone any other use/development, including assembly of electrical machinery, which currently exists 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;
- (b) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) that shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (d) that no sympathetic consideration would be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (e) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (f) to note District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take land control/lease enforcement action against the unauthorized occupation of Government land and erection of unauthorized structures on the site. The occupier of the Government land and the registered owner of the lots concerned should apply to his office for Short Term Tenancy (STT) and Short Term Waiver (STW) to regularize the irregularities on the site. Should no STT/STW application be received/approved and the irregularities persist on the site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owner according to his prevailing programme;
- (g) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the

road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (h) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run-in/out to be constructed at the access point should be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114 or H5115 and H5116, whichever set was appropriate, to match with the existing pavement condition. Adequate drainage measures should be provided at the site access to prevent surface water flowing out from the site to the nearby public roads/drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (i) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (j) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (k) to note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix V of the Paper;
- (l) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Containers



used as offices or store were considered to be temporary buildings and were subject to control under Building (Planning) Regulations (B(P)Rs) Part VII. Formal submission of any proposed new works, including any temporary structures, for approval under the Buildings Ordinance was required. If the site did not abut 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. Provision of emergency vehicular access was applicable under B(P)R 41D; and

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

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

### **Agenda Item 30**

#### **Any Other Business**

95. There being no other business, the meeting was closed at 4:10 p.m..