

## **TOWN PLANNING BOARD**

### **Minutes of 405th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 23.10.2009**

#### **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

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Mr. Rock C.N. Chen

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

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

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

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

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

Secretary

**Absent with Apologies**

Mr. Alfred Donald Yap (Vice-chairman)

Professor Edwin H.W. Chan

Professor David Dudgeon

Mr. Edmund K.H. Leung

Dr. James C. W. Lau

Mr. Timothy K.W. Ma

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse

Town Planner/Town Planning Board  
Mr. Terence Leung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 404th RNTPC Meeting held on 9.10.2009

[Open Meeting]

1. The draft minutes of the 404th RNTPC meeting held on 9.10.2009 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) Town Planning Appeals Received

(a) Town Planning Appeal No. 7 of 2009 (7/09)

Temporary Vehicular Access Road, Car Parking Spaces, Sitting Out Area,  
Children's Play Area and Plantation of Trees

for a Period of 3 Years in "Green Belt" zone,

Lots 1558 (Part), 1559 (Part), 1560 (Part), 1564 (Part), 1565 (Part), 1566 (Part),  
1567 (Part) in DD 130 and Adjoining Government Land, Tuen Mun

(Application No. A/TM-LTY Y/181)

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2. The Secretary reported that the appeal was received by the Appeal Board Panel (Town Planning) on 13.10.2009 against the decision of the Town Planning Board (the Board) on 28.8.2009 to reject on review an application (No. A/TM-LTY Y/181) for temporary vehicular access road, car parking spaces, sitting out area, children's play area and plantation of trees at the application site in the zoned "Green Belt" ("GB") on the Lam Tei and Yick Yuen Outline Zoning Plan (OZP). The reasons for rejection by the Board were that the proposed width and area for the vehicular access were excessive; the proposed road layout failed to demonstrate that the proposal would not create road safety problems or affect the adjacent Small House developments; and the approval of the application would set an undesirable precedent for similar applications within the "GB" zone.

- (b) Town Planning Appeal No. 8 of 2009 (8/09)  
Temporary Warehouse and Workshop for Metal, Plastic and Construction  
Materials for a Period of 3 Years in “Village Type Development” zone,  
Lots 93 (Part) and 94 (Part) in DD 127 and Adjoining Government Land,  
Hung Uk Tsuen, Ping Shan, Yuen Long  
(Application No. A/YL-PS/298)
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3. The Secretary reported that the appeal was received by the Appeal Board Panel (Town Planning) on 15.10.2009 against the decision of the Board on 14.8.2009 to reject on review an application (No. A/YL-PS/298) for temporary warehouse and workshop for metal, plastic and construction materials at a site zoned “Village Type Development” (“V”) on the Ping Shan OZP. The reasons for rejection by the Board were that the development was not compatible with the surrounding residential uses and no planning justification had been given to justify a departure from the planning intention of the “V” zone; there was no information to demonstrate that the proposed development would not pose adverse environmental impact on the surrounding areas; and the approval of the application would set an undesirable precedent for other similar uses to proliferate in the “V” zone.

4. The hearing dates of the appeals were yet to be fixed. The Secretary would represent the Board to handle the appeals in the usual manner.

(ii) Town Planning Appeal Statistics

5. The Secretary said that as at 23.10.2009, a total of 22 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows :

Allowed	:	24
Dismissed	:	110
Abandoned / Withdrawn / Invalid	:	134
Yet to be Heard	:	22
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	291

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

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

**Agenda Item 3**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/TP/12                      Application for Amendment to the  
Approved Tai Po Outline Zoning Plan No. S/TP/21  
from “Village Type Development” to “Open Space”,  
Government Land in D.D. 11, Nam Hang, Tai Po  
(RNTPC Paper No. Y/TP/12)

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6.                      The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. Mr. Alfred Donald Yap and Mr. Y.K. Cheng had declared interests in this item for having current business dealings with Sun Hung Kai Properties Ltd. Members noted that Mr. Yap had tendered apologies for being unable to attend the meeting and Mr. Cheng had not arrived at the meeting yet.

**Presentation and Question Sessions**

7.                      Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Ms. Lisa Cheng, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN) and the applicant’s representatives, Mr. Cheung Kin Yip and Mr. Lai Yat Tung, were invited to the meeting at this point.

8.                      The Chairperson extended a welcome and briefly explained the hearing procedures. The Chairperson then invited Ms. Lisa Cheng to brief Members on the background to the application.

[Mr. Andrew Tsang, Ms. Maggie Chan, Mr. Y.M. Lee and Mr. Tony Kan arrived to join the

meeting at this point.]

9. With the aid of a Powerpoint presentation, Ms. Cheng presented the application as detailed in the Paper and made the following points:

- (a) the application sought to rezone a piece of vacant Government land in Nam Hang, Tai Po from “Village Type Development” (“V”) zone to “Open Space” (“O”) zone. The applicant was the representative of the residents of Cameo Court, which was located to the immediate northwest of the site;
- (b) the applicant opposed the development of four proposed Small Houses at the subject site. ‘House’ use was always permitted within the “V” zone. The current application was submitted to rezone the site to “O” under which ‘House’ was not a permitted use;
- (c) relevant Government departments had been consulted on the rezoning application. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) commented that the application site fell within the village environs of Nam Hang village. Four Small House applications were being processed at the subject site. According to his estimate, about 1.17 hectares (ha.) of land (or about 35 Small House sites) were available within the subject “V” zone, which were unable to meet the future Small House demand (about 95 Small Houses, or about 3.17 ha.). The Director of Leisure and Cultural Services (DLCS) objected to the application as there were already sufficient open space (91 ha.) within Tai Po to meet the requirements (60 ha.) stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). Within walking distance from the application site, leisure facilities including Chung Nga Road Children’s Playground, Ting Tai Road Children’s Playground and Tai Po Sports Ground had already been provided. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as Small House developments at the site would unlikely result in ventilation problem or urban design issues;
- (d) during the statutory publication period, 64 public comments were received.

60 comments were from the residents of Cameo Court supporting the application for the reasons that (i) the rezoning would bring about improvements in air ventilation; (ii) the additional open space would meet the needs of the increasing population; and (iii) there would be adverse traffic impacts arising from the proposed Small House developments. Three public comments were received from the Tai Po Rural Committee (TPRC), Chairman of the TPRC and village representatives of Nam Hang respectively. They objected to the application on the ground that the rights of indigenous villagers to construct Small Houses should be respected. The remaining public comment was received from a member of the Tai Po District Council. He commented that the four Small House applications should be taken into account when considering the subject rezoning application. An objection had been received by the District Officer (Tai Po) from the village representatives of Nam Hang Village. They commented that the proposed rezoning would deprive them of their right to develop Small Houses at the site; and

- (e) Planning Department (PlanD) did not support the application based on the assessments made in paragraph 10 of the Paper. The current “V” zone was appropriate as it would optimise the use of valuable land and infrastructural resources and concentrate village type developments within the “V” zone for a more orderly development. The proposed rezoning would aggravate the shortage of land for Small House developments. Besides, sufficient open space had already been provided in Tai Po to meet the needs of the local residents. It was not necessary to rezone the site to “O” for the development of a public open space.

10. The Chairperson then invited the applicant’s representatives to elaborate on the application. With the aid of a Powerpoint presentation, Mr. Cheung made the following main points:

- (a) the residents of Cameo Court had been opposing the proposed Small House developments for a number of years. In 2006 and 2008, they raised objection to the DLO/TP regarding the proposed Small Houses at the

application site, but their objection was not accepted. Hence, they turned to the Town Planning Board for a rezoning application;

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

- (b) the current application was submitted on planning grounds and was for the benefit of all residents in the Nam Hang area. It was not intended to infringe upon the rights of the indigenous villagers;
- (c) the proposed Small House developments were an incompatible use and would result in bulky and out-of-context buildings, leading to air ventilation problem. Although DLCS commented that the open space provision was more than that required under the HKPSG, it was uncertain whether the active to passive ratio of 3:2 for open space provision in the area could be satisfied. DLCS had not explained why an area of 750m<sup>2</sup> of open space could not be developed as open space, considering that there was already a surplus of 31 hectares of open space. Regarding CTP/UD&L, PlanD's comments that the small-scale, fragmented and piecemeal nature of the open space could not contribute to the greater open space network, it was not uncommon to find similar small-scale open spaces in other parts of Hong Kong; and
- (d) regarding the comments that the rezoning proposal would aggravate the shortage of Small House sites in Nam Hang, it should be noted that the application site was small and the impact on the overall "V" zone would not be significant. A part of the "V" zone was being used for other purposes such as vehicle parks, and therefore the land within the "V" zone was not used efficiently.

11. The Chairperson asked whether the applicant represented the residents of Cameo Court, and whether the 60 public comments supporting the application were submitted by the residents themselves. Mr. Cheung replied that Mr. Lai and himself were representing the residents of Cameo Court in making the application and the public comments were submitted by the residents individually.

12. In response to a Member's question, Mr. Cheung replied that he represented all 64 units in Cameo Court in making the application.

13. A Member asked whether there was an owners' corporation representing the residents of Cameo Court. Mr. Cheung replied that although there was no owners' corporation for Cameo Court, the residents had submitted a joint written declaration in 2008 to the Tai Po District Lands Office objecting to the proposed Small House developments. The same Member asked whether the views of the local residents had been gathered recently. Mr. Cheung replied that a notice had been issued to all residents of Cameo Court recently and no residents had indicated that they had changed their views regarding the proposed Small House developments.

14. As the applicant's representatives had no further comment to make and Members had no question to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicant's and PlanD's representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

15. A Member did not support the application and considered that it was not justified to rezone the application site for open space use only to benefit the residents nearby. That Member also noted that LCSD did not support the application and hence would not be responsible for constructing and maintaining the proposed open space.

16. Another Member commented that the proposed Small Houses would only be 3 storeys in height and such development would not be incompatible with Cameo Court.

17. The Chairperson said that public comments supporting the application basically came from the residents themselves. Cameo Court itself fell within the subject "V" zone which allowed Small House development. The justifications provided by the applicant for the rezoning proposal were not strong.

18. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the existing “Village Type Development” (“V”) zone for Small House developments at the application site was considered appropriate as it would optimize the use of valuable land and infrastructural resources; and
- (b) there was no planning justification for rezoning the application site from “V” to “Open Space” (“O”) as there was adequate open space provision to cater for the requirements of the population in Tai Po New Town. Rezoning the site to “O” would aggravate the deficit of land for Small House development for Nam Hang Village.

### **General**

[Mr. Y. K. Cheng arrived to join the meeting at this point.]

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

Study on the Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas -

Stage 1 Community Engagement

(RNTPC Paper No. 16/09)

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19. The following representative of Planning Department (PlanD) and the consultants were invited to the meeting at this point:

- Ms. Sandy Ng - Senior Town Planner/Studies & Research, PlanD
- Prof. Alex Lui - Ove Arup and Partners Hong Kong Ltd.
- Ms. Theresa Yeung - Ove Arup and Partners Hong Kong Ltd.

20. The Chairperson extended a welcome and invited the representative of PlanD and

the study consultants to brief Members on the Paper.

21. Ms. Ng said that the Study on the Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas (the Study) was commissioned by PlanD in early 2009. Since then, the consultants had completed a baseline review of the Study area. The stage 1 community engagement exercise had just been launched to collect the views of the public and the local community. They would like to take this opportunity to present the consultants' findings to the Committee and to gather Members' views.

22. With the aid of a Powerpoint presentation, Ms. Yeung made the following main points as detailed in the Paper:

- (a) the Study Area covered the Sha Tau Kok Town proper and had a total land area of about 33 hectares (ha.). The Linkage Area had a total land area of about 305ha. It covered the east coasts and some outer islands in the Northern New Territories which had potential tourism linkages with the Study Area. The Linkage Area included Fung Hang, Kuk Po, Yung Shue Au, So Lo Pun, Lai Chi Wo, Sam A Tsuen, Ap Chau and Kat O;
- (b) the Study Area covering Sha Tau Kok Town and Starling Inlet was within the Frontier Closed Area (FCA) and would remain so in the revised FCA. The Linkage Area was mostly surrounded by Plover Cove Country Park;
- (c) the objective of the Study was to formulate an Integrated Area Improvement Plan, with a view to enhancing the physical environment of Sha Tau Kok Town and its surrounding areas. The Study would also assess the tourism potential of the area, taking into account its Frontier Closed Area status, and examine the possibility of enhancing the connection of Sha Tau Kok Town with other tourist attractions in the North East New Territories;
- (d) historically, there were close connections between the Study Area and the Linkage Area, both of which fell within the Shap Yeuk boundary. Within Shap Yeuk, villages were joined together for security purposes and

engaged in trading in Sha Tau Kok Town. The area was rich in Hakka culture;

- (e) within the Study Area, Sha Tau Kok Town could be broadly divided into three districts, namely, the rural village district, the residential district and the promenade district. The promenade district was especially suitable for further development of tourist facilities. In the Linkage Area, Lai Chi Wo, Kat O and Ap Chau were popular destinations for tour groups; Fung Hang and Kuk Po were suitable tourist spots for families; and So Lo Pun and Sam A Tsuen were popular among hikers;
- (f) the key issues for consultation with the public could be summarized as follows:
  - (i) the need to provide adequate community facilities such as bicycle parking and open space;
  - (ii) the need to provide public transport facilities, taking into account the access restrictions;
  - (iii) the need to provide adequate supporting tourist facilities such as public toilets, information plates and hiking trails; and
  - (iv) the need to improve infrastructure facilities such as sewerage and drainage facilities.
- (g) a number of opportunities for improvements within the Study and Linkage Areas had also been identified and they were summarized as follows:
  - (i) enhancement of the connections between Sha Tau Kok Town and the tourist spots in the Linkage Area via the Sha Tau Kok public pier;
  - (ii) exploration of the cultural heritage and eco-tourism opportunities

and appreciation of local culture and natural habitats;

- (iii) rationalization of land uses, including making use of the vacant Government sites, public car parks and the old fire station;
  - (iv) adaptive re-use of the old buildings with local characteristics, such as buildings along San Lau Street, which were historic buildings of Grade II status; and
  - (v) encouragement of local initiatives to provide guided tours and cuisine by locals.
- (h) a number of public comments from the local residents had already been collected. In general, they welcomed the showcasing of their unique historical and cultural resources, and the promotion of eco/cultural tourism. Comments were also received on the improvement of the existing transport facilities such as pier, car/bicycle parking and small boat shelter anchorage.

[Mr. Simon Yu left the meeting at this point.]

23. A Member supported proposals to encourage tourism industry but was concerned about the possible conflict with the needs of the residents in Sha Tau Kok such as providing more land for Small House developments. That Member asked how the Study would balance the needs of the local residents and the promotion of tourism industry. Ms. Yeung replied that there was a clear separation of land uses in Sha Tau Kok. Village housing was mostly concentrated in the northern part of Sha Tau Kok, and opportunities were available to locate the tourist facilities in the vacant Government land in the promenade district in the south. Therefore, the development of tourist facilities would not take away land for Small House development. As the Study Area would still remain a closed area, the number of tourists allowed would be restricted and hence the impacts on the daily life of the local residents would likely be limited. In the next stage of the Study, the impacts of the tourism proposals on the Sha Tau Kok residents would be assessed.

24. A Member asked how adaptive reuse of old buildings would be carried out and

whether homestay or guesthouses would be considered as a kind of accommodation for tourists. Ms. Yeung replied that no definitive proposals were formulated at this stage yet and different approaches might have to be considered for Government or private properties. Views of the local residents were being collected and more concrete proposals would be formulated as the Study progressed.

25. A Member asked how many tourists would be allowed in the Study Area. Ms. Sandy Ng replied that as the Security Bureau was concerned about the security issues in the Study Area which would remain as a closed area. The number of tourists to be allowed would need to be further considered by the Government.

26. A Member said that the Study Area was attractive to tourists because of its special historical background. If the area was opened up, the attractiveness and character of the Study Area would diminish and the influx of tourist in great numbers would also affect the environment of the Linkage Area. In view of that, that Member said that the restriction on the number of tourists accessing the area should be carefully studied. Besides, any proposals that would be formulated should not just focus on the preservation of buildings, but should include the existing character and landscape of the area in an overall “point, line, area” approach.

27. A Member asked whether the local residents welcomed the proposals to promote tourism in the area. Ms. Yeung replied that consultation had been carried out with the local residents and organizations. Many of them commented that the local population was aging as young people had to look for jobs elsewhere. They hoped that the proposals would bring in more tourists and business opportunities, so that the young people could return to the local area for jobs. The increase in the number of tourists would also bring in better transport and supporting facilities for the residents. On the other hand, some local residents commented that they did not want their daily life to be disturbed by the influx of tourists, and any future proposals should take into account their concerns.

28. The Chairperson said that the public engagement exercise had just commenced and Members’ views would be taken into consideration in the course of the Study. More concrete proposals would be prepared by the consultant in the next stage of the Study. As Members had no question to raise, the Chairperson thanked Ms. Ng, Prof. Lui and Ms. Yeung

for attending the meeting. They all left the meeting at this point.

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

## **Sai Kung and Islands District**

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CC/8                      Proposed Ten 3-Storey Houses  
in “Village Type Development” zone,  
Lot No. 26RP (Part) in D.D. Cheung Chau, Cheung Chau  
(RNTPC Paper No. A/I-CC/8)

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

29.            The Committee noted that on 8.10.2009, the applicant requested for deferment of the consideration of the application for two months to allow more time for the applicant to address the concerns of Government departments.

#### **Deliberation Session**

30.            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 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/167

Proposed Three Houses

(New Territories Exempted Houses - Small Houses)

in “Village Type Development” and “Green Belt” zones,

Lot 45 sO, sP and sAD in D.D. 213, Lung Mei Tsuen, Sai Kung

(RNTPC Paper No. A/SK-PK/167)

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### **Presentation and Question Sessions**

31. The Committee noted that on 28.9.2009, the applicant requested for deferment of the consideration of the application for two months in order to address the concerns raised by various Government departments.

### **Deliberation Session**

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

[Mr. Tony Kan returned to join 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. Lisa L.S. Cheng, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

**Agenda Item 7**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/404      5 Proposed Houses  
(New Territories Exempted Houses - Small Houses)  
in “Agriculture” zone,  
Lots 1677 in D.D.76, Leng Pei Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/404)

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Presentation and Question Sessions

33.            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 5 Proposed Houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was a piece of abandoned land and was adjacent to a vegetable field and a plant nursery. There was water supply for irrigation and the potential for agricultural rehabilitation was high. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as he considered that the proposed Small Houses should be confined within the “Village Type Development” (“V”) zone as far as possible where the necessary traffic and transport facilities had been planned and provided. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application as the proposed developments were not quite compatible with the surrounding natural and green environment.

Moderate changes or disturbances to the existing landscape character and resources due to the proposed developments were anticipated.

- (d) during the statutory publication period, one public comment stating “no comment” was received; 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 Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories” (“Interim Criteria”) in that not less than 50% of the footprints of the proposed NTEHs/Small Houses fell within the village ‘environs’ of a recognized village and there was a general shortage of land in meeting the demand for Small House development. The application site was in close proximity to the boundary of the “V” zone and the proposed NTEHs were not incompatible with the adjacent village setting and the surrounding environment of a rural character. Although there were reservations on transport, landscape and agricultural grounds, it should be noted that the application site fell entirely within the ‘VE’ of Leng Pei Tsuen. Eleven similar applications for NTEH had previously been approved in the vicinity of the application site.

34. Members had no question on the application.

#### Deliberation Session

35. A Member asked whether the approval of the application would constitute an undesirable precedent for similar applications for NTEH in “Agriculture” zone. Mr. Hui replied that eleven similar applications for NTEHs had been approved before. There was a shortage of land in the subject “V” zone to meet the future demand for Small House development. The application also complied with the “Interim Criteria” and therefore no undesirable precedent would be set if the subject application was approved. The Chairperson said that the eleven similar applications that were approved were shown in Plan A-1 of the paper.

36. Noting that some applications had already been approved and some others were rejected, the same Member asked whether it was possible to expand the “V” zone to include areas suitable for NTEH development. The Chairperson replied that the review of “V” zone boundary had to be examined in a wider context and it would be more appropriate to consider Small House applications on an individual basis at the present stage.

37. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.10.2013, 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 design and provision of firefighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage 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.

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

- (a) note the Chief Engineer/Development(2), Water Supplies Department’s (WSD) comments that:
  - (i) the application site was located within flood pumping gathering ground associated with River Indus and River Ganges pumping stations;
  - (ii) 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 applicants should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

(iii) water mains in the vicinity of the above site could not provide the standard fire-fighting flow.

(b) note the comments of the Chief Engineer/Boundary Control Point, Civil Engineering and Development Department (CE/BCP, CEDD):

a new dual 2-lane trunk road was being planned to connect the proposed Liantang/Heung Yuen Wai Boundary Control Point (BCP) with the Tolo Highway via Fanling Highway. The construction of the BCP and its connecting road were scheduled to commence in end-2013 for completion by mid-2018. It was noted that the proposed development was about 140m west of the preliminary alignment of the proposed connecting road of the BCP project. As it did not seem to have any direct conflict with the road works, he had no objection to the application. At present, the alignment of the connecting road was being circulated for departmental comments and public consultation. The alignment was not confirmed yet and was subject to change. The applicants had to be reminded about the uncertainty of the alignment of the proposed connecting roads, as well as any indirect impacts such as visual and noise, etc.

(c) 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) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Ms. Anna Kwong left the meeting temporarily at this point.]

**Agenda Items 8 to 10**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/59      Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lot 331 S.A in D.D. 37, Man Uk Pin, Sha Tau Kok  
(RNTPC Paper No. A/NE-MUP/59)

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A/NE-MUP/60      Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lot 331 S.B in D.D. 37, Man Uk Pin, Sha Tau Kok  
(RNTPC Paper No. A/NE-MUP/60)

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A/NE-MUP/61      Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lot 331 S.C in D.D. 37, Man Uk Pin, Sha Tau Kok  
(RNTPC Paper No. A/NE-MUP/61)

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39.            Noting that the three 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.            Mr. W.K. Hui, DPO/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the three proposed houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and

Conservation (DAFC) did not favour the applications. The sites were located in the vicinity to the Man Uk Pin Stream, the upstream of which was listed as an Ecologically Important Stream. There was no information in the applications to address the potential impact to the stream and its riparian zone. The subject sites were also located within a large and well-established ornamental plant garden. The proposed developments might cause adverse impact on the operation of the garden. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the applications as he considered that the proposed Small Houses should be confined within the “Village Type Development” (“V”) zone as far as possible where the necessary traffic and transport facilities had been planned and provided. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the applications as the proposed developments were not quite compatible with the surrounding natural and green environment. Moderate changes or disturbances to the existing landscape character and resources due to the proposed developments were anticipated;

- (d) during the statutory publication period, one public comment stating “no comment” was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments given in paragraph 11 of the Paper. The proposed Small Houses complied with the “Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories” in that the footprints of the proposed NTEHs/Small Houses fell entirely within the village ‘environs’ of a recognized village and there was a general shortage of land in meeting the demand for Small House development. The application sites were in close proximity to the village proper of Man Uk Pin and the proposed NTEHs were not incompatible with the surrounding rural environment. Although there were reservations on transport, landscape and agricultural grounds, it should be noted that similar applications within the same

“AGR” zone had been approved before. To avoid disturbing the stream, the applicants should be advised to strictly confine the construction works within the sites and implement good site practices and other appropriate measures.

41. A Member said that the 10-year Small House demand forecast for Man Uk Pin Village of 100 seemed to have decreased substantially as compared with the forecast figure contained in a previous application for Small House development in the same village. Mr. Hui said that the demand forecast was provided by Lands Department (LandsD). His office had verified with LandsD on the accuracy of the data, and LandsD had reconfirmed that there was a decrease in the demand forecast.

42. The same Member said that the Small House demand forecast could be verified based on the existing population profile of the village. The Secretary said that Members had previously raised concern about the accuracy of the Small House demand forecast data. The Secretariat had discussed the matter with LandsD and it was agreed that LandsD would seek clarification from village representatives on the demand forecast if the figures differed substantially from the previous returns. The change in the demand forecast for Man Uk Pin Village was probably a result of verification with the village representative.

43. The Chairperson said that it was difficult to verify the demand forecast based on the population profile of a village as some of the villagers who were living abroad might have lost contact with the village representatives. The Chairperson said that PlanD and LandsD should be more careful in obtaining the demand forecast figures provided by the village representatives.

#### Deliberation Session

44. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 23.10.2013, and after the said date, each permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

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

45. The Committee also agreed to advise the applicants to :

- (a) strictly confine the construction works within the site and implement good site practices and other appropriate measures to avoid disturbance to the nearby stream;
- (b) note the Chief Engineer/Development(2), Water Supplies Department's comments:
  - (i) for provision of water supply to the site, the applicant might need to extend his inside services to the nearest Government water mains for connection. He should resolve any land matter associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services in the private lots; and
  - (ii) watermains in the vicinity of the site could not provide the standard fire-fighting flow.
- (c) note the Chief Engineer/Boundary Control Point, Civil Engineering and Development Department's comments:

a new dual 2-lane trunk road was being planned to connect the proposed Liantang/Heung Yuen Wai Boundary Control Point (BCP) with the Tolo

Highway via Fanling Highway. The construction of the BCP and its connecting road were scheduled to commence in end 2013 for completion by mid 2018. It was noted that the proposed development was about 260m east of the preliminary alignment of the proposed connecting road of the BCP project. As it did not seem to have any direct conflict with the road works, he had no objection to the application. At present, the alignment of the connecting road was being circulated for departmental comments and public consultation. The alignment was not confirmed yet and was subject to change. The applicants had to be reminded about the uncertainty of the alignment of the proposed connecting roads, as well as any indirect impacts such as visual and noise, etc; and

- (d) 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) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Dr. C.N. Ng left the meeting at this point.]

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

**Agenda Items 11 to 14**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/323      Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” and “Green Belt” zones,  
Lot 17 S.A in D.D. 46, Tai Tong Wu, Sha Tau Kok  
(RNTPC Paper No. A/NE-TKL/323)

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A/NE-TKL/324 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lot 17 S.B in D.D. 46, Tai Tong Wu, Sha Tau Kok  
(RNTPC Paper No. A/NE-TKL/324)

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A/NE-TKL/325 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lot 17 S.C in D.D. 46, Tai Tong Wu, Sha Tau Kok  
(RNTPC Paper No. A/NE-TKL/325)

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A/NE-TKL/326 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lot 17 RP in D.D. 46, Tai Tong Wu, Sha Tau Kok  
(RNTPC Paper No. A/NE-TKL/326)

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

#### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the four proposed houses (New Territories Exempted Houses - Small Houses);

[Ms. Anna Kwong returned 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 applications as he considered that the proposed Small Houses should be confined within the “Village Type Development” (“V”) zone as far as possible where the necessary traffic and transport facilities had been

planned and provided;

- (d) during the statutory publication period, one public comment stating “no comment” was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments given in paragraph 13 of the Paper. The proposed Small Houses complied with the “Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories” (“Interim Criteria”) in that the footprints of the proposed NTEHs/Small Houses fell entirely within the village ‘environs’ of a recognized village and there was a general shortage of land in meeting the demand for Small House development. The proposed NTEHs were not incompatible with the low-rise residential/village houses in the neighbourhood. Although there were reservations on transport ground, it should be noted that the application sites were close to the village proper of Tai Tong Wu.

48. Members had no question on the applications.

#### Deliberation Session

49. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 23.10.2013, and after the said date, each permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

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

50. The Committee also agreed to advise the applicants to:

- (a) note the Director of Agriculture, Fisheries and Conservation's comment that the applicants should take preventive measures to avoid causing disturbance to the wooded area in the adjacent "Green Belt" zone;
- (b) note the Chief Town Planner/Urban Design & Landscape of Planning Department's comment that landscape planting should be proposed along the perimeters of the sites to enhance the screening and greening effect;
- (c) note the Chief Engineer/Development(2), Water Supplies Department's comments that:
  - (i) for provision of water supply to the development, the applicants might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicants 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 his department's standards;
  - (ii) water mains in the vicinity of the application sites could not provide the standard fire-fighting flow; and
  - (iii) the application sites were located within the flood pumping gathering ground; and
- (d) note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) would comply 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 15**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/684                      Proposed Public Utility Installation (Package Substation)  
in “Village Type Development” zone,  
Tsang Tai Uk, Sha Tin  
(RNTPC Paper No. A/ST/684)

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### **Presentation and Question Sessions**

51.            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 public utility installation (package substation);
- (c) departmental comments – the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) commented that as the application site was designated as amenity area on the adopted Sha Tin New Town Area 5D – Tsang Tai Uk Layout Plan No. L/ST 5D/2A, screen planting around the substation was highly recommended;
- (d) no public comment was received during the statutory publication period. The District Officer (Sha Tin) reported that two village representatives of Shan Ha Wai supported the application; 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 proposed package substation was required to provide electricity to the existing village, and in particular, the newly built 40 village houses at Tsang Tai Uk, Sha Tin. In view of its small scale, it would not have

adverse visual and traffic impacts on the surrounding areas.

52. Members had no question on the application.

#### Deliberation Session

53. 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 23.10.2013, 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 condition:

the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the Chief Building Surveyor/NTE1&LU, Buildings Department's comment that once the land status had been changed from government land to other form of tenancy, the applicant should be reminded that no building works should be carried out unless approval and consent have been sought from the Building Authority;
- (b) note the Chief Engineer/Development(2), Water Supplies Department's comment that water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (c) note the Chief Town Planner/Urban Design & Landscape, Planning Department's comment that as the application site was designated as amenity area on the Layout Plan, screen planting around the substation was highly recommended.

## **Agenda Item 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/685                      Shop and Services (Fast Food Counter)  
                                         in “Industrial” zone,  
                                         Unit 51, G/F, Wah Luen Industrial Centre,  
                                         15-21 Wong Chuk Yeung Street, Fo Tan, Sha Tin  
                                         (RNTPC Paper No. A/ST/685)

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### **Presentation and Question Sessions**

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

- (a)      background to the application;
- (b)      the shop and services (fast food counter);
- (c)      departmental comments – the District Lands Officer/Shah Tin, Lands Department commented that the basic terms of the temporary waiver for a fast food shop had been accepted by the owner of the premises. The waiver letter was being executed;
- (d)      during the statutory publication period, one public comment stating “no comment” was received; and
- (e)      the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments given in paragraph 11 of the Paper. A previous planning permission (No. A/ST/672) had been granted for shop and services (fast food counter) before and there were no changing planning circumstances to justify a departure from the previous decision of the Committee. The proposed fast food counter was small in size and no adverse environmental, hygienic and infrastructural impacts on the surrounding areas were

expected. However, a temporary approval of three years was recommended in order not to jeopardize the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

56. Members had no question on the application.

#### Deliberation Session

57. Mr. Y.M. Lee suggested that advisory clause (c) should be amended to tie in more closely with Transport Department's comments in paragraph 9.1.3 of the Paper and should read "to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that there should be adequate space inside the shop for queuing of customers such that the queue would not obstruct pedestrian flow on the public footpaths". Members agreed.

58. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.10.2012, on the terms of the application as submitted to the Town Planning Board (TPB).

59. The Committee also agreed to advise the applicant :

- (a) that a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (b) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the fast food shop should be separated from remaining part of the workshop by compartment walls and floors having adequate fire resisting period;
- (c) to note the comments of the Assistant Commissioner for Transport/New

Territories, Transport Department that there should be adequate space inside the shop for queuing of customers such that the queue would not obstruct pedestrian flow on the public footpaths; and

- (d) to note the comments of the Director of Fire Services that the proposed fast food counter should only be licensed as a ‘food factory’ or as a ‘factory canteen’.

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/437                      Proposed House (New Territories Exempted House - Small House)  
in “Village Type Development” and “Green Belt” zones,  
Lot 495 S.A in D.D.21, Pun Shan Chau, Tai Po  
(RNTPC Paper No. A/TP/437)

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

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (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; 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 proposed Small House complied with the “Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories” in that 58% of the footprint of the proposed NTEH/Small House fell within the “Village Type Development” (“V”) zone and there was a general shortage of land in meeting the demand for Small House development. The proposed NTEH was not incompatible with the rural character of the surrounding area, with some village houses to the north of the application site.

61. Members had no question on the application.

#### Deliberation Session

62. 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 23.10.2013, 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 landscaping proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission of a Natural Terrain Hazard Study and implementation of the mitigation measures recommended therein to the satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.

63. The Committee also agreed to advise the applicant :

- (a) the applicant should note that there were no existing Drainage Services

Department maintained public stormwater drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the subject site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;

- (b) that Environmental Protection Department should be consulted regarding the preferred sewerage treatment/disposal method for the proposed development;
- (c) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should also resolve any land matters associated with the provision of water supply and be responsible for construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (d) that the water mains in the vicinity of the site could not provide the standard fire-fighting flow and detailed fire safety requirements would have to be formulated upon receipt of formal application referred by Lands Department; and
- (e) to 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. Base on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
  - (i) for application site within the preferred working corridor of high

voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;

- (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (iii) 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 Mr. W.K. Hui, DPO/STN, and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members’ enquires. Mr. Hui and Ms. Cheng left the meeting at this point.]

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

[Mr. Anthony C.Y. Lee, Mr. C.K. Tsang and Ms. S.H. Lam, Senior Town Planner/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

**Agenda Item 18**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/169            Temporary Place of Recreation (including Outdoor Barbecue Area),  
Eating Place and Shop and Services (Retail of Frozen Food)  
for a Period of 3 Years in “Open Space” zone,  
Lots 4580, 4583 S.A RP, 4583 RP, 4584 RP and 4627 S.A RP in D.D. 116,  
Tai Kei Leng Road, Shap Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL/169)

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Presentation and Question Sessions

64.            The Committee noted that on 5.10.2009, the applicant requested for deferment of the consideration of the application for two months so as to allow time for him to prepare further information in order to address departmental comments.

Deliberation Session

65.            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 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/623            Temporary Open Storage of Containers for a Period of 1 Year  
in “Green Belt” and “Comprehensive Development Area” zones,  
Lots No. 167 (Part), 168 (Part), 169 (Part), 171 (Part), 172 (Part),  
173 (Part), 175 (Part), 176 (Part), 177 (Part), 178 (Part), 179,  
181 (Part), 182, 183, 184, 185, 192 S.A, 257 (Part), 258 (Part)  
and 259 (Part) in D.D.125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/623)

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66.            The Secretary reported that World Wild Fund (WWF) Hong Kong had submitted comments on the application. Prof. David Dudgeon had declared interests on this application as he was a trustee of WWF. The Committee noted that Prof. Dudgeon had tendered apologies for being unable to attend the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of containers for a period of 1 year;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the application and along the access road. Environmental nuisance was expected. One air pollution complaint and one waste pollution complaint pertaining to the site were received in 2009. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as it appeared that the site was only recently formed by dumping of construction and demolition materials onto abandoned agricultural land. The Chief Town Planner/Urban Design & Landscape, Planning Department

(CTP/UD&L, PlanD) objected to the application as the development would inevitably disturb the existing vegetation and adversely change the landscape character at the local level. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that a drainage impact assessment should be carried out and flood mitigation measures should be provided and maintained to his satisfaction.

- (d) during the statutory publication period, four public comments against the application were received. They were summarized as follows:
- the Kadoorie Farm and Botanic Garden Corporation objected to the application on the grounds that the function and value of the subject “Green Belt” (“GB”) zone had been lost due to the unauthorized development which was formed through dumping of construction and demolition materials. This “destruction-first” approach should not be encouraged;
  - two members of the Yuen Long District Council objected to the application on the grounds that the site was in close proximity to the residential dwellings, and the noise and dust nuisance would affect the nearby residents. The vehicular access to the site might also have potential traffic safety problems;
  - a Fung Kong Tsuen villager objected to the application on the grounds that the “GB” zone was an environmental buffer for the village against the nearby open storage yards. The site was filled and formed illegally and such unlawful acts should not be encouraged;
  - World Wild Fund Hong Kong considered that the application should not be approved as it would set an undesirable precedent for other similar unauthorized development. The development was not in line with the planning intention of the “GB” zone;
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application based on the assessments as detailed in Paragraph 12 of the Paper. According to “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 site fell within Category 4 areas where applications would normally be rejected. The development was not in line with the planning intention of the “GB” zone. According to the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10), there was a presumption against development within the “GB” zone and any development should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, and should not adversely affect drainage or aggravate flooding in the area. No planning permission for temporary open storage and port backup uses had been granted by the Committee/Board at the subject site, which had remained largely undisturbed until the unauthorized land filling at the site early this year. Approval of the subject application would encourage the westward expansion of the existing container storage area and would set an undesirable precedent for similar developments within this part of the “GB” zone.

68. Members had no question on the application.

#### Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Green Belt” (“GB”) zone, which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There was 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. 10 for Application for Development within the Green Belt zone in that the development involved extensive clearance of existing natural vegetation, affected the existing natural landscape, and adversely affected drainage and aggravated flooding in the area;
- (c) 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
- (d) approval of the application would set an undesirable precedent for unauthorized filling of land in the “GB” zone, the cumulative effect of which would result in a general degradation of the environment of the area.

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

**Agenda Item 20**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/644            Proposed Pond Filling for Agricultural Use  
in “Agriculture” zone,  
Lots 399 RP (Part) and 401 (Part) in D.D. 128 and  
Adjoining Government Land, Deep Bay Road, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/644)

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70.            The Secretary reported that the World Wild Fund (WWF) Hong Kong had submitted comments on the application. Prof. David Dudgeon had declared interests on this application as he was a trustee of WWF. The Committee noted that Prof. Dudgeon had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed pond filling for agricultural use;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as it was revealed in an ecological assessment for Deep Bay Link that the fishponds around Ngau Hom Shek provided feeding grounds for waterbirds, aerial feeding insectivorous birds and bats, and therefore were of moderate ecological value. He considered that the fishponds should be preserved for fish culture purposes. The approval of the application would set an undesirable precedent for similar applications leading to the degradation of habitats in the Deep Bay area. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application but considered that the applicant should develop the site for the use as committed in the application, in view of the high landscape value of the application site. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection in principle to the application, but suggested that approval conditions regarding a proper drainage system for the proposed development be imposed. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) commented that the site included a piece of Government Land for which no permission had been granted for its occupation. He had no objection to the application provided that the Government Land portion be excluded from the application site;
- (d) during the statutory publication period, two public comments against the application were received. The Kadoorie Farm and Botanic Garden Corporation commented that the site was a non-intertidal freshwater pond, which were important roosting and feeding habitats for waterbirds during high tide. The site was of conservation value and the proposed filling

would result in wetland loss. The World Wild Fund Hong Kong objected to the application and commented that rejecting the application would help conserve part of the Outer Deep Bay ecosystem which was an important stopover area for migratory waterbirds every year. The District Officer (Yuen Long) reported that an objection from the village representative of Pak Nai Tsuen and two other villagers was received. They objected the application on the grounds that the traffic generated by the proposed development would lead to traffic congestion and accidents, and that there would be environmental and ecological concerns; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. Although the growing of vegetables was in line with the planning intention of the “AGR” zone, DAFC commented that a previous ecological assessment had concluded that the fishponds around Ngau Hom Shek were of moderate ecological value. Approval of the application would set an undesirable precedent for similar applications leading to the degradation of habitats in the Deep Bay area. DLO/YL, LandsD did not support the filling of the Government Land portion of the pond. CE/MN, DSD considered that a proper drainage system for the proposed pond filling was required. Adverse public comments had also been received from environmental groups and from local villagers.

72. A Member asked whether PlanD would support the application if the filling of pond was for genuine agricultural purpose. Mr. Lee replied that PlanD would not support the filling of pond as DAFC considered that the fishpond should be preserved in view of its ecological value and the pond would result in a loss of feeding ground for waterbirds. DSD had also indicated that no drainage proposal had been submitted for the subject application.

73. The same Member noted that the site was zoned “Agriculture” (“AGR”) and asked whether the Planning Authority could take any enforcement action if the water in the pond was pumped away. The Chairperson said that it would be difficult to collect enough evidence for carrying out enforcement action in such a case.

Deliberation Session

74. A Member said that as agricultural use was always permitted in the “AGR” zone, the applicant could drain out the water in the pond and farm on the pond. The Secretary said that as long as pond filling was not involved, agricultural use was always permitted.

75. A Member said that if the application was rejected, the applicant could not fill the pond for the growing of vegetables. There would be no incentive for the applicant to drain out the pond. That Member did not support the application.

76. A Member had reservation on rejecting the application on ecological ground as agricultural use was always permitted in “AGR” zone which was not intended for ecological conservation. The Chairperson said that the applicant had not justified why the level of filling was required and there was no drainage proposal included in the submission. The approval of the application would result in an undesirable precedent.

77. The Chairperson asked why the similar application No. A/YL-HT/506 was rejected by the Committee on 28.9.2007. Mr. Lee replied that Application No. A/YL-HT/506 was rejected on the grounds that (i) the existing topography and condition of the site rendered the proposed land filling unjustifiable; (ii) the site was filled with construction wastes not suitable for cultivation; (iii) there was no information in the submission to demonstrate that land filling would not have adverse drainage and landscape impacts on the surrounding areas; and (iv) approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The Chairperson said that the application site under Application No. A/YL-HT/506 was already filled with construction wastes at the time of application and therefore was different from the current application.

78. A Member said that if the application was approved, an approval condition specifying that only soil suitable for cultivation purpose should be used could be imposed. Another Member agreed with the suggestion.

79. The Chairperson noted that the subject application involved government land. There were practical difficulties to prevent the filling of pond but without affecting the

government land portion of which LandsD had indicated should be excluded from the application site. A similar case was a subject of a complaint to the Ombudsman. Therefore, the Committee should be careful in considering pond filling applications when government land was involved.

80. The Chairperson said that the applicant's proposal was to fill up the pond including the government land portion. She noted that DLO/YL indicated that the government land should be excluded from the application site. Besides, no information had been submitted to demonstrate that a proper drainage system would be provided. Having considered the above, the Chairperson suggested and Members agreed that the application be rejected.

81. A Member said that if the ecological value of the site was a concern, it would be more appropriate to rezone the area to "Conservation Area" to protect its ecological value. Other Members agreed. The Chairperson said that if DAFC had a strong view that the site should be conserved for ecological reasons, a review of the zoning of the site was warranted. The Committee agreed to request DAFC to conduct a review on the ecological value of the area to set the basis for a review of the zoning.

82. After further deliberation, the Committee decided to reject the application and the reason was that the applicant failed to demonstrate that the proposed pond filling would not cause adverse drainage impact on the surrounding areas.

83. The Committee also agreed to advise the applicant to note District Lands Officer/Yuen Long's comments that the government land portion should be excluded from the site.

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

**Agenda Item 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/647            Temporary Open Storage of Containers and Logistics Centre  
for a Period of 3 Years in “Recreation” zone,  
Lots No. 232 (Part), 240 (Part), 241, 242 (Part), 243 (Part)  
and 244 (Part) in D.D.125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/647)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of containers and logistics centre for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access road (Ping Ha Road) and environmental nuisance was expected. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the development had adversely changed the landscape character at the local level. Although the development was temporary in nature, the impact on the landscape character was quite severe;
- (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 assessments as detailed in Paragraph 12 of the

Paper. The site fell within the “REC” zone which was primarily for recreational developments for the use of the general public. While there were approved open storage yards within the subject “REC” zone, they were mainly located to the further south in close proximity to the neighbouring “Open Storage” zone. The open storage yard to the west of the application site was approved by the Committee on 17.4.2009 (Application No. A/YL-HT/606) taking into account the special history of the case where Short Term Waiver (STW) for rattan factory was granted in 1990 before the IDPA plan for the area was gazetted. There was no similar application approved previously in this remote and relatively green part of the “REC” zone. Even though there was no known development programme for the “REC” zone and the site fell mainly within Category 2 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), approval of the application would encourage the proliferation of similar developments within this part of the “REC” zone resulting in a general degradation of the environment of the area.

85. Members had no question on the application.

#### Deliberation Session

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

- (a) 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 there were adverse departmental comments, and the development would have adverse environmental and landscape impacts on the surrounding areas; and
- (b) approval of the application would encourage the proliferation of similar developments within this part of the “Recreation” zone resulting in a

general degradation of the environment of the area.

**Agenda Item 22**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/648            Temporary Open Storage of Metal Ware and Machinery with Ancillary Office and Parking Facilities for a Period of 3 Years in “Undetermined” zone,  
Lots 1803 (Part), 1804 (Part), 1805 (Part), 1806 S.A (Part) and 1806 S.B (Part) in D.D.125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/648)

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Presentation and Question Sessions

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

- (a) background to the application – the application was the subject of six previous applications, the last four of which (Applications No. A/YL-HT/341, 394, 427 and 554) were all revoked due to non-compliance with approval conditions including the condition on the submission of drainage proposal;
- (b) the temporary open storage of metal ware and machinery with ancillary office and parking facilities for a period of 3 years;
- (c) departmental comments – the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection in principle to the development. Should the application be approved, the applicant was required to propose, provide and maintain a proper drainage system to his satisfaction.
- (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 assessments as detailed in Paragraph 12 of the Paper. Although the temporary open storage of metal ware and machinery with ancillary office and parking facilities was not incompatible with the surrounding uses in the subject “U” zone, the applicant had only submitted a drainage proposal which was the same as the one submitted under the previous application No. A/YL-HT/554 and was not accepted by DSD. Of the five previous planning permissions, the last four were revoked due to non-compliance with approval conditions. In granting the last approval (Application No. A/YL-HT/554), the Committee had already warned the applicant that no favourable consideration to further planning application would be given if the permission was revoked again. Noting the applicant's repeated failure to comply with the approval conditions, there were doubts that the potential drainage impacts could be addressed. Under such circumstances, it was considered that the development would cause adverse drainage impact to the surrounding areas.

88. Members had no question on the application.

#### Deliberation Session

89. The Chairperson said that four previous planning permissions had been revoked for failing to comply with the approval conditions. Warnings had also been given to the applicant that the application would not be favourably considered if the planning permission was revoked again. Against this background, the planning application should not be approved.

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

- (a) the development would have adverse drainage impacts on the surrounding areas, and the submitted information could not demonstrate that the adverse

drainage impacts could be mitigated; and

- (b) the application involved four previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with approval conditions, thus nullifying statutory planning control.

[Ms. Maggie Chan left the meeting at this point.]

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/196      Temporary Open Storage of Cable, Construction Machinery and Materials, Recyclable Materials (including Metal and Plastic) for a Period of 3 Years in “Residential (Group E)” zone, Lots No. 2177(Part), 2178(Part), 2179, 2180(Part), 2181 RP(Part), 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199(Part), 2200, 2201(Part), 2203, 2204 S.A(Part), 2225(Part), 2228 S.A(Part), 2228 S.B(Part), 2334(Part), 2336 S.A(Part), 2336 S.B(Part), 2337(Part), 2338, 2339 S.A(Part), 2340, 2341(Part), 2342, 2343, 2344 S.A(Part), 2344 S.B(Part), 2344 S.C, 2349(Part), 2350, 2351(Part), 2352(Part), 2353(Part), 2364(Part), 2365(Part), 2366 S.A(Part), 2366 RP(Part), 2367, 2368(Part), 2369, 2370, 2371, 2373 S.A, 2373 RP(Part), 2374, 2375, 2376 S.A, 2376 S.B(Part), 2376 S.C(Part), 2377, 2378 RP(Part) and 3450(Part) in D.D. 129, Lau Fau Shan Road, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/196)

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91.           The Secretary informed the meeting that replacement page 2 of the Paper updating the revocation date of the previous planning permission (No. A/YL-LFS/188) in paragraph 1.1 had been tabled at the meeting for Members’ reference.

Presentation and Question Sessions

92. 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 cable, construction machinery and materials, recyclable materials (including metal and plastic) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road, and environmental nuisance was expected. Although an Environmental Impact Assessment (EIA) was included in the application, no proper assessment with reference to noise nuisance was made. The assessment was conducted in 2004 and was therefore not up-to-date. The site boundary was also different from the application site. The EIA report was therefore considered not adequate to address the nuisance issue. One air pollution complaint against the site was also received in 2009;
- (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 development 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 2 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 guidelines as there were no adverse comments from concerned Government departments and the concerns of Government departments could be addressed through approval conditions. Although

the development was not in line with the planning intention of “R(E)” zone, there was no immediate development proposal for the site and the development was only temporary in nature. The development was not incompatible with the general character of the area, which, apart from a few residential dwellings, was predominantly occupied by vehicle parks, workshops and open storage yards. To address DEP’s concerns, relevant approval conditions had been recommended.

93. Members had no question on the application.

#### Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.10.2012, 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 8:00 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 stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) no cutting, dismantling, cleansing, repairing, recycling and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no open storage of containers, as proposed by the applicant, was allowed on the site during the planning approval period;
- (f) all the existing landscape plantings implemented on the site should be

maintained at all times during the planning approval period;

- (g) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.4.2010;
- (h) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.4.2010;
- (i) in relation to (h) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.7.2010;
- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.4.2010;
- (k) in relation to (j) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2010;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2010;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) 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

- (o) 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.

95. The Committee also agreed to advise the applicant :

- (a) that the permission was given to the use/development under application. It did not condone container vehicle parking, canteen and workshop uses or any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; and his office reserved the right to take enforcement/control action against the unauthorized structures (including converted containers) within the site, the 2.5m high solid boundary wall erected on Government land (GL), and under the conditions of Letter of Approval No. 13569. The occupier of the GL and the registered owner of the lots concerned should apply to his office for Short Term Tenancy/Short Term Waiver (STT/STW) to regularize the irregularities on-site. Should no STT/STW application be received/approved and the irregularities persist on-site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owner;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department to construct a run-in/out at the access point at Lau

Fau Shan Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5115 and H5116, whichever set was appropriate to match with the pavement of the adjacent areas, and to provide adequate drainage measures at the site access to prevent surface runoff flowing from the site to the nearby public roads/drains;

- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to undertake proper horticultural care to the existing trees and landscape plantings on-site including regular weeding, watering, and replacement of any dying/dead trees;
- (g) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations proposals as stated in Appendix V of the Paper; and
- (h) 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 BO and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structures, for approval under the BO was required; if the site did not abut a specified street having a width not less than 4.5m wide, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage; use of containers as office and storage were considered as temporary buildings and were subject to control under B(P)Rs.

**Agenda Item 24**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/317      Proposed Residential Development and Enhanced Wetland Reserve in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zone,  
Lots 111 RP, 112 RP, 114 RP, 115 RP, 116 RP, 120 RP,  
260 RP (Part), 261 RP, 262 RP, 263 (Part), 264 S.(A to D) RP,  
264 S.(E to H) RP, 266 S.B RP, 268 S.(A to B) (Part), 268 S.C RP  
and 269 S.B (Part) in D.D. 109 and Adjoining Government Land,  
Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/317)

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96.            The Secretary reported that Dr. James C.W. Lau had declared interests on this item as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was a consultant for the applicant of the application. As the World Wide Fund Hong Kong (WWF HK) had submitted comments on the application, Professor David Dudgeon, who was a trustee of WWF HK, had also declared interests on this item. Both of them had tendered apologies for being unable to attend the meeting.

**Presentation and Question Sessions**

97.            The Committee noted that on 6.10.2009, the applicant requested for deferment of the consideration of the application for two months in order to allow more time for continuing coordination with respective government departments in response to the departmental comments.

**Deliberation Session**

98.            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 25**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/474      Temporary Open Storage of Vehicles and Vehicle Parts  
for a Period of 3 Years in “Agriculture” zone,  
Lot 466 RP in D.D. 106 and Adjoining Government Land,  
Kam Sheung Road, Yuen Long  
(RNTPC Paper No. A/YL-KTS/474)

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Presentation and Question Sessions

99.      Mr. C.K. Tsang, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of vehicles and vehicle parts for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application. Even though the site had been paved and was currently used as an open storage yard, the site had high potential for rehabilitation for agricultural use. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, in the vicinity of the site and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment from a Member of the Yuen Long District Council (YLDC) was received. He considered that the TPB should comprehensively assess the impact of the

proposed development on the environment and take into account the views of the village representatives and the land uses in considering the subject application. The District Officer (Yuen Long) reported that he had received the same comments from the YLDC Member; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the development 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 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 development was generally in line with the guidelines as the site had been approved for the same use under Application No. A/YL-KTS/450 before. Although the planning permission was revoked due to non-compliance with the approval condition on fire safety, the applicant had submitted the fire service installation proposal and was accepted by D of FS. The development was considered not incompatible with the surrounding environment. As there was no major change in the planning circumstances since the last planning approval, sympathetic consideration could be given to the current application. However, shorter compliance periods were suggested to monitor the progress of complying with the conditions. Although the DAFC was not in favour of the application, it should be noted that the development had been in operation since 2000. To address DEP's concerns, relevant approval conditions had been recommended. The applicant would also be advised that 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 to any future application.

100. Members had no question on the application.

#### Deliberation Session

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

temporary basis for a period of 3 years until 23.10.2012, 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., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed for the operation of the site at any time during the planning approval period;
- (e) no machinery was allowed to be stored at the application site at any time during the planning approval period;
- (f) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fence of the application site at any time during the planning approval period;
- (g) the maintenance of existing trees and landscape plantings on the site at all times during the planning approval period;
- (h) the drainage facilities within the site should be maintained at all times during the planning approval period;
- (i) the implementation of accepted 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 23.1.2010;

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

102. The Committee also agreed to advise the applicant:

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter compliance period was granted so as to monitor the fulfillment of approval condition. 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 issue relating to the development with other concerned owner(s) of the application site;
- (d) to note District Lands Officer/Yuen Long's comments that the subject lot included unauthorized structures in the form of converted container and some Government Land (GL). His office did not grant any permission for occupation of the GL. His office reserved the right to take lease enforcement and control action against the irregularities. Besides, the revised vehicular access would require passing through another private land and some GL onto Kam Sheung Road. His office had no maintenance

works on the GL concerned and did not guarantee right of way. The registered owner of the lot and occupier should also apply to his office for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on the site. Should no STW/STT application be received/approved and any irregularities persist on the site, his office, on review of the situation, would take appropriate lease enforcement and control action against the registered owner and the occupier;

- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department’s (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of this 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. Formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. Besides, use of containers as office or store were considered as temporary buildings and were subject to control under B(P)R Part VII;
- (h) to note the Director of Electrical and Mechanical Services’s 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. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures including prior consultation and arrangement with the electricity supplier for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Besides, prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. In addition, the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/461 Proposed Temporary Barbecue Area for a Period of 3 Years in “Open Space” zone,  
Lots 1444 (Part), 1445 (Part), 1446 RP (Part), 1461 RP, 1462 RP, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1499 (Part), 1500 (Part), 1501, 1502 RP, 1503 RP and 1505 RP in D.D. 122 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/461)

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### **Presentation and Question Sessions**

103. The Committee noted that on 15.10.2009, the applicant requested for deferment of the consideration of the application for two months so as to allow time for him to address

some technical issues and submit further information to substantiate his application.

### Deliberation Session

104. 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 Items 27 and 28

#### Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/376 Temporary Public Vehicle Park (excluding Container Vehicle)  
for a Period of 3 Years in “Village Type Development” zone,  
Lot 145 (Part) in D.D. 102, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/376)

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A/YL-ST/377 Temporary Public Vehicle Park (excluding Container Vehicle)  
for a Period of 3 Years in “Village Type Development” zone,  
Lot 3405 in D.D. 102 and Adjoining Government Land,  
San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/377)

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105. 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

106. Ms. S.H. Lam, STP/TMYL, presented the applications and covered the following

aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the temporary public vehicle parks (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications as the applicant had failed to maintain the existing trees at the application site properly;
- (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 developments could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Papers. Both application sites were subjects of previous planning permissions for the same use (Nos. A/YL-ST/300 and 304 respectively). The developments were considered not incompatible with the surrounding land uses which included village houses, vehicle parks and storage yards. The temporary public car parks could satisfy some of the local parking demand arising from the local villagers in San Tin area. Given their temporary nature and that there was no Small House application received in respect of the concerned lots, the proposed developments would not frustrate the long-term planning intention of the subject “Village Type Development” (“V”) zone. Regarding CTP/UD&L, PlanD's concerns, it was suggested that the applicant should be required to submit and implement landscape proposals again. Relevant approval conditions had also been recommended to mitigate any potential environmental nuisance to nearby residents.

107. Members had no question on the application.

Deliberation Session

108. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 23.10.2012, on the terms of the applications as submitted to the Town Planning Board (TPB). Each application was subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing and vehicle repair workshop were allowed on the site at any time during the planning approval period;
- (d) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.4.2010;
- (g) the submission of the landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2010;

- (h) in relation to (g) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2010;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

109. The Committee also agreed to advise the applicant of Application No. A/YL-ST/376:

- (a) that planning permission should have been renewed before continuing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) to note District Lands Officer/Yuen Long's comments that the lot within the application site was Old Schedule Agricultural Lot held under Block

Government Lease under which no structures were allowed to be erected without prior approval from his Office. Modification of Tenancy (MOT) No. M10115 was issued for erection of structures over Lots No. 145 & 146 in D.D. 102 for agricultural purposes. If structures of else purpose were found on the above lot, his Office would arrange to terminate the MOT as appropriate. Should planning approval be given, the registered owner(s) of lot(s) concerned should apply to his Office for Short Term Wavier (STW) to regularize the irregularities if structure(s) other than those covered by M10115 was/were to be erected on-site. Should no application be received/approved and the irregularities persist on-site, his Office would consider taking appropriate lease enforcement action against the registered owner(s). The site was accessible by an informal village track running on other private lot(s) which eventually led to a local access on Government Land (GL) connecting Castle Peak Road. His Office did not provide maintenance works on the GL nor guarantee right-of-way;

- (e) to note the Drainage Services Department's detailed comments indicated in Appendix IV of the Paper;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – San Tin;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found; and formal submission of any proposed new works, including any temporary structure (including the use of containers as offices) for approval under the BO was required. If the site did not abut a specified street having a width not less than 4.5m wide, the development intensity should be determined by the Building Authority

under Building (Planning) Regulations 19(3) during building plan submission stage; and

- (h) 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. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the measures as prescribed in Appendix V of the Paper.

110. The Committee also agreed to advise the applicant of Application No. A/YL-ST/377:

- (a) that planning permission should have been renewed before continuing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) to note District Lands Officer/Yuen Long's comments that the Government Land (GL) within the site ought not to be occupied without approval from his Office. He reserved the right to take land control action against the irregularities if indeed found in due course. Should planning approval be given, the occupier of the GL should apply to his Office for a Short Term Tenancy (STT) to regularize the irregularities on-site. Should no STT application be received/approved and the irregularities persist on-site, his Office would consider taking appropriate land control action against the occupier according to the prevailing programme of his Office in this regard.

The site was accessible via an informal village track that runs through GL/other private land to formal public road. His Office did not provide maintenance works on the GL nor guarantee right-of-way;

- (e) to note the Drainage Services Department's detailed comments indicated in Appendix IV of the Paper;
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that this 'no objection' should not be construed as condoning to any unauthorized building works carried out on the site. These were subject to enforcement action under Section 24 of the Buildings Ordinance (BO); and formal submission of any proposed new works, including any temporary structure (including the use of containers as offices) for approval under the BO was required. If the site did not abut or was not accessible from a street having a width not less than 4.5m wide, the development intensity should be determined by the Building Authority under Building (Planning) Regulations 19(3) during building plan submission stage; and
- (g) to 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. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the measures as prescribed in Appendix V of the Paper.

**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/597          Proposed Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Residential (Group D)” and “Agriculture” zones, Lots 2879 (Part), 2881 (Part), 2888 (Part), 2889 (Part), 2890 (Part) and 2900 (Part) in D.D. 111, Wang Toi Shan Wing Ning Lei, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/597)

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**Presentation and Question Sessions**

111.          Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and machinery for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were scattered houses in the vicinity of the site and along the access road, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there was a nursery garden in the vicinity of the site, and the site was of high potential for rehabilitation of agricultural activities;
- (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

development 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 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 development was generally in line with the guidelines as the site had been approved for the same use and no local objection had been received against the application. The development was considered not incompatible with the adjoining mixture of open storage uses in the area. Although the DAFC was not in favour of the application, it should be noted that the application site had first been approved for open storage uses in 2001 and only a portion of the site (38%) fell within the “AGR” zone. The approval of the application for three years would not frustrate the planning intention of the “AGR” zone on the OZP. To address DEP’s concerns, relevant approval conditions had been recommended. As the last planning permission (No. A/YL-PH/553) was revoked due to non-compliance with the approval condition, shorter compliance periods were suggested to monitor the progress of complying with the conditions. The applicant would also be advised that 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 to any future application.

112. Members had no question on the application.

#### Deliberation Session

113. Considering that the previous planning permission was revoked for failing to comply with an approval condition, a Member asked whether a shorter approval period should be given. The Chairperson said that shorter compliance periods of the approval conditions had been recommended. If the applicant was not able to comply with the approval conditions by the specified dates, the planning permission would be revoked.

114. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.10.2012, on the terms of the application as

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

- (a) no operation between 5:00 p.m. to 9:00 a.m. on Mondays to Fridays and between 1:00 p.m. to 9:00 a.m. on Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site during the planning approval period;
- (d) no heavy goods vehicles (i.e. exceeding 24 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;
- (e) the provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.4.2010;
- (f) the submission of landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.1.2010;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2010;
- (h) 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 23.1.2010;
- (i) in relation to (h) 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 23.4.2010;

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

115. The Committee also agreed to advise the applicant :

- (a) that shorter compliance periods were imposed in order to monitor the progress of compliance of 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;
- (b) to resolve any land issues relating to the development with concerned owners of the site;
- (c) to note District Lands Officer/Yuen Long's (DLO/YL) comments that the site was situated on Old Schedule Agricultural Lots (OSALs) held under Block Government Lease upon which no structure was allowed to be erected without prior approval from his office. Unauthorized structures in the form of converted containers were included on the OSALs. His office reserved the right to take lease enforcement against these irregularities. The

registered owners of the relevant lots should apply for Short Term Waiver (STW) to regularize the irregularities on-site in addition to the application received earlier for which he should re-activate processing. Should no STW application be received/approved and any irregularities persist on-site, his office would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme. The site was accessible to Kam Tin Road via long haul of an informal village track on private land and open Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;

- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (e) that the applicant was advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department for implementation of appropriate mitigation measures;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant was reminded that DLO/YL or relevant lot owners should be consulted as regards all proposed drainage works to be carried outside the lot boundary or the applicant's jurisdiction;
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (h) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements as stated in Appendix V of the Paper;
  
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on-site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
  
- (j) 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. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, 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 and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out

works in the vicinity of the electricity supply lines.

[The Chairperson thanked Mr. Anthony C.Y. Lee, Mr. C.K. Tsang and Ms. S.H. Lam, STPs/TMYL, for their attendance to answer Members' enquires. Mr. Lee, Mr. Tsang and Ms. Lam left the meeting at this point.]

**Agenda Item 30**

**Any Other Business**

116. There being no other business, the meeting was closed at 5:00 p.m.