

**TOWN PLANNING BOARD**

**Minutes of 393rd Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 17.4.2009**

**Present**

Director of Planning  
Mr. Jimmy C.F. Leung

Chairman

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

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

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

Assistant Director/New Territories, Lands Department  
Mr. Alan K.L. Lo

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

Secretary

**Absent with Apologies**

Mr. Rock C.N. Chen

Professor David Dudgeon

Mr. Tony C.N. Kan

Dr. James C. W. Lau

Mr. Edmund K.H. Leung

Professor Paul K.S. Lam

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

**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 392nd RNTPC Meeting held on 27.3.2009

[Open Meeting]

1. The draft minutes of the 392nd RNTPC meeting held on 27.3.2009 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(a) Approval of Draft Plans

2. The Secretary reported that on 31.3.2009, the Chief Executive in Council approved the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) (to be renumbered as S/K15/17) and the draft Tung Chung Town Centre Area OZP (to be renumbered as S/I-TCTC/16) under section 9(1)(a) of the Town Planning Ordinance. The approval of the plans would be notified in the Gazette on 24.4.2009.

(b) New Town Planning Appeal Received

Town Planning Appeal No. 4 of 2009

Proposed House (New Territories Exempted House (NTEH) – Small House) in  
“Agriculture” Zone, Government Land in D.D. 9, Tai Wo Village, Tai Po  
(Application No. A/NE-KLH/374)

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3. The Secretary reported that on 31.3.2009, an appeal was received by the Town Planning Appeal Board against the decision of the Town Planning Board on 16.1.2009 to reject on review an application for a Proposed House (New Territories Exempted House (NTEH) – Small House) at a site zoned “Agriculture” (“AGR”) on the approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11. The application was rejected by the Board for the main reasons that (i) the application was not in line with the planning intention

of the “AGR” zone. No strong justifications had been provided in the submission for a departure from the planning intention; and (ii) the proposed development, which affected the mature trees and an ecologically important stream, was not supported from nature conservation point of view.

4. The Secretary said that the hearing date of the appeal was yet to be fixed. The Secretariat would act on behalf of the TPB in dealing with the appeal in the usual manner.

5. The Secretary reported that as at 17.4.2009, a total of 24 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	130
Yet to be Heard	:	24
<u>Decision Outstanding</u>	:	<u>1</u>
<b>Total</b>	:	<b>287</b>

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

[Ms. Ann O.Y. Wong and Mrs. Margaret W.F. Lam, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

### **Agenda Item 3**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/162      Proposed Minor Relaxation of Plot Ratio,  
Site Coverage and Building Height Restrictions  
in “Residential (Group C) 1” and “Residential (Group C) 3” zones,  
Lot 1107 and Extension to Lot 1107 in D.D. 217,  
Pak Sha Tou, Sai Kung  
(RNTPC Paper No. A/SK-PK/162)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio, site coverage and building height restrictions;
- (c) departmental comments – the District Lands Officer/Sai Kung commented that Lot No. 1107 should be used for private residential purpose only, and Extensions to Lot No. 1107 should be used for pleasure garden purpose only. To reflect the proposed development, the owner of the application site was required to apply for a lease modification or land exchange, as appropriate, upon obtaining planning permission from the Town Planning Board (the Board);
- (d) during the statutory publication period, three public comments were received. Two of them were from Members of Sai Kung District Council, with one of them having reservation and the other objecting to the application. They both considered that the proposed development would have visual impact on the nearby houses and would be incompatible with the surrounding areas. The remaining public comment considered that there was insufficient information on the layout of the existing building. The commenters requested the applicant to provide further information and reserved their right to raise objection to the application; 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. According to the existing practice of the Board, land which was not intended for building development and carried no development right under the lease, such as Extensions to Lot No. 1107, should not be included

in plot ratio and site coverage calculations. This principle was to help maintain the overall character and amenity of Sai Kung area. Under this principle, the gross floor area (GFA) of the proposed development of 355m<sup>2</sup> would result in a significant increase in plot ratio and site coverage based on the existing site area of the building lot (i.e. Lot 1107). The proposed increases in plot ratio by 35% (from 0.96 to 1.3) and site coverage by 74% (from 33% to 57.5%) were not minor in scale. As the applicant did not provide strong justification and planning merits to support the application for minor relaxation, the approval would set an undesirable precedent for other similar applications.

7. Members had no question on the application.

#### Deliberation Session

8. The Chairperson said that an important consideration in this application was the existing practice of the Board to exclude garden extension from plot ratio and site coverage calculations. Members generally agreed that the application should be rejected.

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

- (a) the gross floor area of the proposed development which was 355m<sup>2</sup> would result in a significant increase in plot ratio and site coverage above the existing level based on the existing site area of the building lot (i.e. Lot 1107). The proposed increase of plot ratio by 35% (from 0.96 to 1.3) and site coverage by 74% (from 33% to 57.5%) were not minor in scale. There was no strong justification and planning merit in the submission to support the proposed relaxation of plot ratio and site coverage restrictions; and
- (b) the approval of the application would set an undesirable precedent for other similar applications, the cumulative impact of which would not only lead to adverse impacts on the existing character of the area, but would also have

general implications on residential zonings for other similar areas.

**Agenda Items 4 and 5**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/91                      Proposed House (New Territories Exempted House - Small House)  
in “Green Belt” zone, Government Land in Mong Tung Wan,  
Lantau Island  
(RNTPC Paper No. A/SLC/91)

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[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/92                      Proposed House (New Territories Exempted House - Small House)  
in “Green Belt” zone, Government Land in Mong Tung Wan,  
Lantau Island  
(RNTPC Paper No. A/SLC/92)

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10.            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.

11.            The Secretary reported that the World Wild Fund for Nature (WWF) Hong Kong had submitted comments on the two applications. Prof. David Dudgeon, Dr. James Lau and Prof. Paul Lam had declared interests on these applications as Prof. Dudgeon was a member of the Management and Development Committee of WWF, and Dr. Lau and Prof. Lam were ex-members of WWF. The Committee noted that Prof. Dudgeon, Dr. Lau and Prof. Lam had tendered apologies for being unable to attend the meeting.

**Presentation and Question Sessions**

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

- (a) background to the applications;

- (b) the proposed houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the proposed developments might affect a number of native trees. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (GEO, CEDD) objected to the proposed developments as they were located below steep natural hillside. A natural terrain hazard study and a Geotechnical Planning Review Report were required. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the applications as there was concern on the cumulative adverse traffic impacts. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the proposed developments as they would cause adverse landscape impacts to the existing green belt. Some existing large trees outside the application sites might be affected by the formation of building terraces and construction access;
- (d) during the statutory publication period for both applications, four public comments from Green Lantau Association, Kadoorie Farm & Botanic Garden Corporation, WWF and an individual were received. All of them objected to the applications for the reasons that there would be clearance of vegetation, detrimental effects on the local landscape character, and potential landslip risks. They considered that Small House developments should be contained within the “Village Type Development” (“V”) zone, and the general presumption against development in the “Green Belt” (“GB”) zone should be adhered to; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments as detailed in Paragraph 12 of the Papers. It was estimated that about 5 hectares of land (equivalent to about 200 Small House sites) were available within the “V” zone of Mong Tung Wan Village, while the 10-year Small House demand forecast for the

village was 5. There was sufficient land in the “V” zone to meet the demand of indigenous villagers for Small House development. The application sites fell entirely within the “GB” zone where there was a presumption against development. The proposed developments were not in line with the planning intention of the GB” zone. There was no information in the submissions to demonstrate that the proposed developments would have no adverse landscape and geotechnical impacts on the surrounding areas.

13. Members had no question on the applications.

#### Deliberation Session

14. The Chairperson noted that the applications did not meet the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories.”

15. After further deliberation, the Committee decided to reject the applications and the reasons were :

- (a) the proposed houses (New Territories Exempted Houses (NTEHs)/Small Houses) were not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily to define the limits of development areas, to preserve existing well-wooded hillslopes and other natural features, as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submissions for a departure from this planning intention;
- (b) the applications did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ and the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” in that there was no information in the submissions to demonstrate that the proposed developments would have no

adverse traffic, landscape and geotechnical impacts on the surrounding areas; and

- (c) approval of the applications would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in the encroachment of “GB” zone and have adverse traffic and landscape impacts on the surrounding areas.

[The Chairperson thanked Ms. Ann O.Y. Wong and Mrs. Margaret W.F. Lam, STPs/SKIs, for their attendance to answer Members’ enquires. Ms. Wong and Mrs. Lam left the meeting at this point.]

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

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

### **Agenda Item 6**

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

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-LYT/9                      Application for Amendment to the Approved Lung Yeuk Tau and Kwan Tei (South) Outline Zoning Plan No. S/NE-LYT/12 from “Agriculture” and “Village Type Development” to “Residential (Group C)”, Lots 897 RP(Part) and 916 S.BRP(Part) in D.D. 83 and Adjoining Government Land, Kwan Tei South, Fanling  
(RNTPC Paper No. Y/NE-LYT/9)

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16.            The Secretary reported that Dr. James C.W. Lau had declared interest on this item as he had current business dealings with Ben Yeung & Associates Ltd., which was a consultant for the applicant of the application. The Committee noted that Dr. Lau had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

17. The Committee noted that on 9.4.2009, the applicant requested for deferment of the consideration of the application for two months so that the applicant could seek further clarifications with the Agriculture, Fisheries and Conservation Department on the proposed land use changes in the area.

Deliberation Session

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

**Agenda Item 7**

Section 16 Application

[Open Meeting]

Proposed Amendments to the

Approved Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/12

(RNTPC Paper No. 6/09)

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Presentation and Question Sessions

19. Mr. W.K. Hui, DPO/STN, presented the proposed amendments to the approved Ping Che and Ta Kwu Ling South Outline Zoning Plan (OZP) and covered the following aspects as detailed in the Paper :

- (a) background

- (i) On 28.9.2007, the RNTPC agreed to a rezoning request (No. Z/NE-TKL/4) submitted by Wun Chuen Sin Kwoon (WCSK) for amendment to the OZP. The request involved the rezoning of a site adjoining the existing WCSK from “Agriculture” (“AGR”) to “Government, Institution or Community (1)” (“G/IC(1)”) to facilitate expansion of WCSK for proposed temple buildings and regularization of the as-built columbarium use; and
  - (ii) on 23.1.2009, the RNTPC partially agreed to a rezoning application (No. Y/NE-TKL/2) (also submitted by WCSK) for amendment to the approved OZP. It involved the rezoning of an area adjoining the above expansion area of WCSK from “AGR” to “G/IC(1)” to provide three additional columbarium buildings. Although the RNTPC agreed in-principle to the rezoning, it was decided that the provision of columbarium use shall be further considered subject to planning application supported by technical assessments, so that the possible traffic generation during festive seasons could be further assessed;
- (b) main proposed amendments
- (i) to rezone a site adjoining WCSK from “AGR” to “G/IC(1)” to facilitate expansion of WCSK with associated columbarium use. The “G/IC(1)” zone was subject to a maximum gross floor area of 3,099m<sup>2</sup>, a maximum site coverage of 15.8% and a maximum building height of 19m above the mean site formation level. ‘Columbarium’ use with a specified number of niches (6,776) was always permitted in the “G/IC(1)” zone. An additional number of niches up to 6,072 might be permitted on application to the Town Planning Board. In any event, the maximum number of niches for the columbarium use within the “G/IC(1)” zone should not exceed 12,848;
  - (ii) to rezone two pieces of land from “AGR” to “G/IC” and one piece of land from “Green Belt” (“GB”) to “G/IC” to reflect the existing boundary of WCSK in accordance with the land grant document; and

- (iii) to incorporate a new paragraph to state clearly the Board's intention to exclude all non-building areas, garden, slope areas and access roads within the development site from GFA/plot ratio calculation to avoid over-development;
  - (c) departmental comments – the proposed amendments had been circulated to the relevant departments and their comments had been incorporated where appropriate; and
  - (d) should the Committee agree to the proposed amendments, PlanD would consult the North District Council (NDC) (or its sub-committee) and the Ta Kwu Ling District Rural Committee (TKLDRC) either before the gazetting of the proposed amendments to the OZP or during the exhibition period depending on the meeting schedules of NDC and TKLDRC.
20. Members had no question on the proposed amendments.
21. After further deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/12 and the Notes as mentioned in paragraphs 4 and 5 of the Paper;
  - (b) agree that the amendment Plan No. S/NE-TKL/12A at Annex B (to be renumbered to S/NE-TKL/13 upon gazetting) and its Notes at Annex C were suitable for exhibition for public inspection under section 5 of the Ordinance;
  - (c) adopt the revised Explanatory Statement (ES) at Annex D as an expression of the planning intentions and objectives of the Board for various land use zones on the draft Ping Che and Ta Kwu Ling OZP and to be issued under the name of the Board; and

- (d) agree that the revised ES at Annex D was suitable for exhibition for public inspection together with the draft OZP No. S/NE-TKL/12A (to be renumbered to S/NE-TKL/13 upon gazetting).

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/91            Renewal of Planning Approval for Temporary Vehicle Repair Workshop (for Private Use) for a Period of 3 Years under Application No. A/NE-FTA/74 in “Green Belt” and “Agriculture” zones, Government Land in D.D. 51, Shek Wu San Tsuen, Sheung Shui (RNTPC Paper No. A/NE-FTA/91)

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

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

- (a) background to the application - Application No. A/NE-FTA/74 was approved with conditions by the Committee on 16.6.2006 for a period of three years;
- (b) the renewal of planning approval for temporary vehicle repair workshop (for private use) for a period of 3 years under application No. A/NE-FTA/74;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site;
- (d) during the statutory publication period, one public comment stating “no comment” was received. The District Officer (North) reported that objections from the village representatives of Wa Shan had been received

on the grounds that the use under application would cause traffic congestion and traffic safety problem to the area; and

- (e) the Planning Department (PlanD)'s views – the PlanD considered that the temporary vehicle repair workshop could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. There had been no change in planning circumstances since the last planning approval on 16.6.2006. As the applicant had complied with all approval conditions of the previous application, the development was unlikely to cause any significant adverse traffic, drainage and landscape impacts. Although the DEP did not support the application, no environmental complaint in relation to the application site had been received by DEP in the past 5 years. The applicant would be advised to undertake environmental mitigation measures. While there were local objections to the application on traffic and safety grounds, the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) and the Chief Highway Engineer/New Territories East, Highways Department had no objection/comment on the application.

23. Members had no question on the application.

#### Deliberation Session

24. The Chairperson noted that DEP did not support the application. In response, Mr. Sam Wong indicated that DEP did not support this application as a matter of principle since there were domestic structures in the vicinity of the application site. However, he also noted that there were no environmental complaints in relation to the application site in the past 5 year.

25. Mr. Ambrose Cheong suggested adding an advisory clause to remind the applicant to note AC for T/NT, TD's comment that the vehicular access road in front of the application site was not managed by Transport Department. Members agreed.

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

temporary basis for a period of 3 years until 17.4.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no repairing work for and parking of medium/heavy goods vehicles were allowed during the planning approval period;
- (b) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2009;
- (c) in relation to (b) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.1.2010;
- (d) the submission of proposals of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2009;
- (e) in relation to (d) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.1.2010;
- (f) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

27. The Committee also agreed to advise the applicant :

- (a) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that :
- (i) any unauthorized building works carried out on the site were subject to enforcement action under section 24 of the Buildings Ordinance (BO);
  - (ii) formal submission by an authorized person for the proposed development was required under the BO and if the site did not abut on a street of not less than 4.5 m wide, the development intensity of the site should be determined under the Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. The applicant's attention was also drawn to B(P)R 41D regarding the provision of emergency vehicular access to the development under application; and
  - (iii) the granting of planning permission should not be construed as condoning any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found;
- (b) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comment :
- (i) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
  - (ii) no discharge of effluent within the gathering grounds was allowed without prior approval from WSD. All wastes and sludge arising from the development should be disposed of properly outside the gathering grounds;
  - (iii) no chemicals, including fertilizers, pesticides or herbicides were allowed to be used within the gathering grounds without prior

approval from WSD. The storage and discharge of pesticide or toxicant, flammable or toxic solvents, petroleum oil or tar and other toxic substances were strictly prohibited within the gathering grounds;

- (iv) if public sewer was not available, approval was required for the installation of toilets with septic tank/soakaway pit systems;
  - (v) the septic tank/soakaway pit system should be at a distance of not less than 30m away from any watercourse. The whole system should be properly maintained and desludged at a regular frequency. The sludge should be carried away and disposed of properly outside the gathering grounds;
  - (vi) licensing of the septic tank/soakaway pit system was required by Environmental Protection Department (EPD) if the site fell within Water Control Zones. EPD should control household septic tanks by design and maintenance standards;
  - (vii) should pollution be detected due to the development, immediate remedial actions to clear the pollution had to be taken by the applicant; and
  - (viii) for provision of water supply to the application site, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (c) to note the Director of Fire Services' (FSD) advice that detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans and his recommendations regarding fire service

installations proposals :

- (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
  - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008;
  - (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and FSD Circular Letter 1/2002. One actuation point and one audio warning device should be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
  - (iv) a modified hose reel system supplied by a 2 m<sup>3</sup> FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30 m of hose reel tubing. The FS water tank, FS pumping room and hose reel should be clearly marked on plans;
  - (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; and
  - (vi) sprinkler system should be provided to the entire building in accordance with BS EN 12845: 2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet, sprinkler control valve group should be clearly marked on plans;
- (d) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential

environmental impacts on the adjacent area; and

- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the vehicular access road in front of the application site was not managed by Transport Department.

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/272      Proposed Utility Installation for Private Project (Transformer Room, Switch Room, Refuse Chamber, Telecommunications and Broadcasting Equipment Room and Meter Room) in "Village Type Development" zone, Lots 516 S.D, 527 S.A and 528 S.D in D.D. 92, Kam Tsin Village, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/272)

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28.            The Secretary reported that Dr. James C.W. Lau had declared interest on this item as he had current business dealings with Ben Yeung & Associates Ltd., which was a consultant for the applicant of the application. The Committee noted that Dr. Lau had tendered apologies for being unable to attend the meeting.

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

29.            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 utility installation for private project (transformer room, switch room, refuse chamber, telecommunications and broadcasting equipment room and meter room);

- (c) departmental comments – no objection from concerned Government departments was received;
- (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 10 of the Paper. The proposed utility installations were required for the provision of power supply, telephone lines and refuse collection facilities to the New Territories Exempted Houses – Small Houses in the vicinity of the application site. The proposed utility installations were small in scale and were considered not incompatible with the village character of the surrounding areas. It was unlikely that the proposed development would have adverse impacts on the surrounding areas.

30. Members had no question on the application.

#### Deliberation Session

31. 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 17.4.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the design and provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

32. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/North, Lands Department for a short term waiver for the proposed development;
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the structures of the proposed development should be covered by a Certificate of Exemption under Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121), and the applicant might follow the design guidelines laid down in Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) 201 on 'Access Facilities for Telecommunications and Broadcasting Services' for TBE room as a good practice;
- (c) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that :
  - (i) the application site was located within WSD flooding pumping gathering ground
  - (ii) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourses from being polluted or silted up;
  - (iii) the applicant should comply with the latest effluent discharge requirements stipulated in the 'Water Pollution Control Ordinance';
  - (iv) storage and discharge of toxicant, flammable or toxic solvents, petroleum oil or tar or any other toxic substances were prohibited;
  - (v) U-channels should be constructed to circumscribe the refuse chamber to intercept all foul water. The foul water should be led to a manhole, and be discharged through a pipe system to the

development's foul drainage system. Grating, desilting and fine screening facilities should be provided to prevent ingress of solids; and

- (vi) the foundation of the refuse chamber should be designed to be waterproof;
- (d) to note the Chief Highway Engineer/New Territories East, Highways Department's comments that for utility connection to the existing network underneath public roads to be carried out by CLP Power Hong Kong Limited (CLPP), CLPP was reminded to seek his comments on the utility layout plan and the minimum cover requirements as per Highways Department Technical Circular No. 3/90;
- (e) 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 application 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 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, 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;
  
- (f) to note the Chief Town Planner/Urban Design & Landscape, Planning Department’s comment that landscaping/planting design should be introduced for the whole site (including the proposed village houses and the utility installation) so as to reduce the solidness of the overall development; and
  
- (g) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) 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 10**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/384      Temporary Public Open Vehicle Park for Private Cars  
for a Period of 2 Years in “Agriculture” zone,  
Lots 1846 S.A, 1846 RP (Part), 1850 (Part) and 1851 and  
Adjoining Government Land in D.D. 76, Kan Tau Tsuen, Fanling  
(RNTPC Paper No. A/NE-LYT/384)

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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 temporary public open vehicle park for private cars for a period of 2 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural activities in the vicinity of the application were still active. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) considered that, should the Board approve the application, an approval condition should be imposed to require the access road connecting with Sha Tau Kok Road be widened to TD’s standards before operation of the car park;
- (d) during the statutory publication period, one public comment stating “no comment” was received. The District Officer (North) reported that objections were received from the Chairman of the Fanling District Rural Committee, the Resident Representative (RR) and Indigenous Inhabitants’ Representative of Kan Tau Tsuen and RR of Leng Tsai on the grounds that the proposed car park would involve site formation which might lead to flooding and noise and light pollution and the local road was dilapidated and further degradation was envisaged; 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. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. No strong justifications had been provided in the submission for a departure from the planning intention even on a temporary basis. Insufficient information was provided in the submission to demonstrate that the proposed development would not cause adverse traffic impacts on the surrounding areas. The application site was also subject to enforcement action of the Planning Authority.

34. Members had no question on the application.

Deliberation Session

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

- (a) the application site fell within an area zoned “Agriculture” (“AGR”) on the approved Outline Zoning Plan. The proposed development was not in line with the planning intention of the “AGR” zone for the area which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention even on a temporary basis;
- (b) there was insufficient information in the submission that the proposed development would not cause adverse traffic impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications. The cumulative impact of approving such similar applications would result in a general degradation of the area.

**Agenda Item 11**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/391 Proposed 5 Houses (New Territories Exempted Houses - Small Houses)  
in “Agriculture” zone,  
Lots 1666 S.B ss.3, 1666 S.B ss.4, 1666 S.B ss.5, 1666 S.B ss.6  
and 1764 S.D in D.D. 76, Leng Pei, Fanling  
(RNTPC Paper No. A/NE-LYT/391)

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Presentation and Question Sessions

36. 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 5 houses (New Territories Exempted Houses - Small Houses (NTEH/SH));
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was graded as ‘good’ agricultural land with high potential for agricultural rehabilitation. There were also plant nurseries and vegetable fields in the vicinity and agricultural activities were active. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considered that the proposed development was not totally incompatible with the surroundings. However, the development was piecemeal and haphazard and approval of this application would encourage even more similar applications into the area and further deterioration of the existing landscape. She suggested that, should the application be approved, approval conditions on landscaping should be imposed. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as he considered that NTEH developments should be confined within the “Village Type Development” (“V”) zone;
- (d) during the statutory publication period, one public comment stating “no comment” was received. The District Officer (North) reported that the Chairman of Fanling District Rural Committee, the Indigenous Inhabitants’ Representatives, Resident Representative of Leng Pei Tsuen 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 11 of the Paper. The proposed developments comply with “Interim Criteria for

Consideration of Application for New Territories Exempted House/Small House (NTEH/SH) in the New Territories” in that not less than 50% of the proposed NTEH/SH footprints fell within the village ‘environs’ (‘VE’) of a recognized village and there was a general shortage of land in meeting the demand for SH development in the “V” zone. Although the application site fell within the “AGR” zone, the application site was close to the boundary of the “V” zone and the proposed NTEHs were not incompatible with the adjacent village setting and surrounding environment of a rural character. While there was reservation on transport, landscape and agricultural rehabilitation grounds, the application site fell mainly within the ‘VE’ of Leng Pei Tsuen. Ten similar applications were previously approved in the vicinity of the application site.

37. Members had no question on the application.

#### Deliberation Session

38. 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 17.4.2013, 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.

39. The Committee also agreed to advise the applicant :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's comments :
  - (i) to assess the need to extend his inside services to the nearest Government water mains for connection, and to resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards; and
  - (ii) to note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed developments, the applicant should ensure that such access road (including any necessary filling/excavation of land) 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 12**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/394            Proposed House (New Territories Exempted House - Small House)  
in "Agriculture" zone,  
Lot 387 RP (Part) in D.D. 10, Chai Kek Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/394)

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Presentation and Question Sessions

40.            Ms. Lisa 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 – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the application site was not within any village ‘environs’ (‘VE’) of a recognized village and outside the “Village Type Development” (“V”) zone. His office would not process the small house application even if it was approved by the Committee. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site fell within the “Agriculture” (“AGR”) zone and agricultural activities were active. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the approval of the application might set an undesirable precedent for other similar applications outside the designated “V” zone;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (North); 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. The application was not in line with the planning intention of the “AGR” zone. There was no strong justification in the submission for a departure from the planning intention. The proposed development also did not meet the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” as the footprint of the proposed Small House was outside both the “V” zone and the ‘VE’.

41. Members had no question on the application.

### Deliberation Session

42. The Chairperson remarked that the application site was located quite far away from the “V” zone and the ‘VE’, and the application did not meet the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories”. Members generally agreed that this application should be rejected.

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the current submission for a departure from the planning intention; and
- (b) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development in that more than 50% of the footprint of the proposed house was outside both the village ‘environs’ and the “Village Type Development” zone of the recognised villages.

### **Agenda Item 13**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/395            Proposed House (New Territories Exempted House - Small House)  
in “Village Type Development” and “Agriculture” zones,  
Lot 727 in D.D. 10, Ng Tung Chai, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/395)

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Presentation and Question Sessions

44. Ms. Lisa 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 – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the planning application as the site fell within the “Agriculture” (“AGR”) zone and agricultural activities were active;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (North); 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 application was not in line with the planning intention of “AGR” zone and there was no strong justification in the submission for a departure from the planning intention. The application also did not meet the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” as less than 50% of the footprint of the proposed Small House fell within the “Village Type Development” (“V”) zone and there was no shortage of land in meeting the demand for Small House development in the “V” zone of Ng Tung Chai.

45. Members had no question on the application.

Deliberation Session

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

reasons were :

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the current submission for a departure from the planning intention;
- (b) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development in that less than 50% of the footprint of the proposed house fell within the “Village Type Development” (“V”) zone and there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Ng Tung Chai; and
- (c) Small Houses should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructures and services. There was also insufficient information in the submission to demonstrate why other suitable sites could not be made available within the “V” zone for the proposed Small House development.

### **Agenda Items 14 and 15**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/271            Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lot 644 S.G in D.D. 15, Shan Liu Village,  
Tai Po  
(RNTPC Paper No. A/NE-TK/271)

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[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/272            Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lot 654 S.O in D.D. 15, Shan Liu Village,  
Tai Po  
(RNTPC Paper No. A/NE-TK/272)

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47.            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.

48.            The Secretary reported that the World Wild Fund for Nature (WWF) Hong Kong had submitted comments on the two applications. Prof. David Dudgeon, Dr. James Lau and Prof. Paul Lam had declared interests on these applications as Prof. Dudgeon was a member of the Management and Development Committee of WWF, and Dr. Lau and Prof. Lam were ex-members of WWF. The Committee noted that Prof. Dudgeon, Dr. Lau and Prof. Lam had tendered apologies for being unable to attend the meeting.

#### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the applications and raised concerns on the potential water quality impact on the Water Gathering Ground (WGG). Although the Director of Drainage Services advised that public sewers would be laid along Shan Liu Road, DEP considered that the feasibility of connecting the proposed Small Houses to the public sewers was in doubt as the nearest trunk sewer was located about 60m and 25m away for

applications No. A/NE-TK/271 and A/NE-TK/272 respectively, and the sites were surrounded by private lots. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications as there had been extensive vegetation clearance in the vicinity of the application sites. 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 developments should be confined within the “Village Type Development” (“V”) zone;

- (d) during the statutory publication period for both applications, five public comments were received. One of them, submitted by the Indigenous Inhabitants’ Representative (IIR) of Shan Liu Village, supported the applications. The other four, submitted by a Member of the North District Council, an individual, WWF and Kadoorie Farm and Botanic Garden Corporation (KF), objected to the applications on the grounds that the proposed developments would cause adverse environmental and fung shui impacts on the surrounding area. The individual, WWF and KF also pointed out that unauthorized site formation was carried out and construction waste was dumped at the application sites. The District Officer (North) also reported that the IIR of Shan Liu Village and the concerned District Councillor raised objection to the applications; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments as detailed in Paragraph 11 of the Papers. Although the application sites were entirely within the village ‘environs’ (‘VE’) of Shan Liu Village and there was a general shortage of land in meeting the future Small House demand, the proposed developments did not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” as the sites were located within the WGG and there were concerns that the application sites might not be able to be connected to the planned sewerage system in the area.

50. Members had no question on the applications.

Deliberation Session

51. A Member asked if the Geotechnical Engineering Office of the Civil Engineering and Development Department (GEO, CEDD) had been consulted on slope stability, as the sites were located in an area on the upper foothills between Pat Sin Leng Country Park and Ting Kok Village. In response, the Chairperson pointed out that the GEO, CEDD had no comment on the applications, as was recorded in Paragraphs 9.3(b) and 9.4(b) of the Papers respectively. Ms. Cheng explained that the application sites were located on a flat ground with vegetation in the surrounding area.

52. After further deliberation, the Committee decided to reject the applications and the reasons were :

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



54. Members had no question on the application.

Deliberation Session

55. 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 17.4.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the applicant should apply for separate Short Term Waivers for the two different lots with payments of two administrative fees made by different land owners. No construction works was allowed until a Short Term Waiver or a written approval from the Lands Department had been given;
- (b) the applicant should note that Transport Department would not take up the management and maintenance responsibility of the proposed access road;
- (c) detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (d) the applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines;

- (e) there were wide gaps between the proposed plants at the southern portion of the site. More plants should be added to achieve the required screening effect; and
- (f) the proposed electricity substation should be in subdued colour so as to blend in with the surroundings.

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

### **Agenda Item 17**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/617-1            Application for Extension of Time for Commencement of the  
Approved Social Welfare Facility (Home for the Aged)  
Development under Application No. A/ST/617  
for a Period of 3 Years until 22.4.2012  
in “Village Type Development” zone,  
Lots 64, 65, 66RP, 108, 109 and 110B in D.D. 185, Sheung Wo Che,  
Sha Tin  
(RNTPC Paper No. A/ST/617-1)

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

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

- (a) background to the application – Application No. A/ST/617 was approved by the Board on review on 22.4.2005. The planning permission should cease to have effect on 22.4.2009 unless prior to the said date either the development thereby permitted was commenced or that permission was renewed;
- (b) the application for extension of time for commencement of the approved

social welfare facility (home for the aged) development for a period of 3 years until 22.4.2012;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) the District Officer/Shu Tin (DO/ST) reported that a Member of both Sha Tin District Council (STDC) and West Area 1 Area Committee supported the application. The Village Representatives of Sheung Wo Che Village objected to the application on the grounds that they suspected that the proposed development would be used as a columbarium. The application site adjoined the proposed Pai Tau and Sheung Wo Che Village Expansion Area and the proposed development might affect the future residents there. The application site was also zoned “Village Type Development” (“V”). Priority should be given to indigenous villagers for Small House developments; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 8 of the Paper. The application generally complied with the criteria set out in “Town Planning Board Guidelines on Extension of Time for Commencement of Development” (TPB PG-No. 35A). There was no material change in planning circumstances since the original planning permission was granted and there was no material change in the characteristics of the surrounding areas. The applicant had also demonstrated efforts in implementing the approved scheme by applying to Lands Department for land exchange. The proposed extension period of three years was acceptable. No adverse planning implication was anticipated from the extension of time. Regarding the local objections, it should be noted that columbarium was not permitted within the “V” zone. The proposed 3-storey development was considered compatible with the village environment in the area. It was suggested that the applicant, with the assistance of DO/ST, should explain to the commenters on the proposal.

58. Members had no question on the application.

[Ms. Maggie Chan returned to join the meeting at this point.]

Deliberation Session

59. After further deliberation, the Committee decided to approve the application for extending the time for commencement of the approved development for 3 years until 22.4.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of emergency vehicular access, street fire hydrants and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of sewage disposal proposals to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the submission and implementation of tree felling and landscaping proposals to the satisfaction of the Director of Planning or of the TPB; and
- (d) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

60. The Committee also agreed to advise the applicant :

- (a) that any extension of time(s) for commencement of development should not result in an aggregate extension period longer than the original duration for commencement of the approved development proposal. Should the applicant wish to seek any further extension of time for commencement of the development, the TPB Guidelines Nos. 35A and 36 should be referred to for details;
- (b) to note the comment of the District Lands Officer/Shia Tin, Lands

Department that there was no guarantee/commitment that a land exchange would be approved by the Sha Tin District Lands Office and the proposed land exchange, if approved, would be subject to such terms and conditions as might be imposed;

- (c) to note the Chief Building Surveyor/New Territories East, Buildings Department's comment that the development intensities of the proposed development should be subject to approval under Building (Planning) Regulations 5 and 19 (3), and the emergency vehicular access should be complied with paragraph 24 of the Code of Practice for Means of Access for Firefighting and Rescue;
- (d) to note the Project Manager/New Territories East, Civil Engineering Development Department's advice that the application site was in close proximity to the project limit of 7394CL "Sha Tin New Town, Stage II – Servicing and Extension of Pai Tau Village in Area 6A", the application site should not encroach upon the project limit of 7394CL;
- (e) to explain the proposal to the Villager Representatives of Sheung Wo Che Village with the assistance of the District Officer/Shan Tin, Home Affairs Department; and
- (f) to liaise with the Director of Water Supplies regarding the assessment of the impacts of dam break of Lower Shing Mun Dam of Lower Shing Mun Reservoir on the proposed development and make its own provisions.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN and Ms. Lisa L.S. Cheng, STP/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. C.C. Lau, Mr. W.M. Lam, Miss Paulina Y.L. Kwan and Mr. Anthony C.Y. Lee, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/376                      Proposed Comprehensive Residential Development (with Minor Relaxation of the Site Coverage Restrictions for the Proposed Podium to a Site Coverage of below 40% and Minor Relaxation of Building Height Restrictions to 10 Storeys above a Landscaped Recreational and Carpark Podium with E/M and other Ancillary Facilities) in “Comprehensive Development Area” zone, Various Lots in D.D. 374 and 375 and Adjoining Government Land, Area 56, So Kwun Wat, Tuen Mun  
(RNTPC Paper No. A/TM/376)

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61.            The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Donald Yap and Y.K. Cheng had declared interests in this item as they had current business dealings with SHKP. As the applicant had requested to defer consideration of the application, they could be allowed to stay at the meeting.

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

62.            The Committee noted that on 20.3.2009, the applicant requested for deferment of the consideration of the application for 2 months so as to allow time for him to prepare further information to address the departmental comments on urban design and landscape issues.

#### **Deliberation Session**

63.            After further 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 that the Committee had allowed a total of six months for preparation of submission of further information since October 2008, 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/TM/382                      Shop and Services (Retail Shop) in “Industrial” zone,  
Workshops No. 17 and 17A, G/F, Hang Wai Industrial Centre,  
6 Kin Tai Street, Tuen Mun (TMTL 114)  
(RNTPC Paper No. A/TM/382)

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

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

- (a) background to the application;
- (b) the shop and services (retail shop);
- (c) departmental comments – the Director of Fire Services (D of FS) had no in-principle objection to the application provided that a means of escape completely separated from the industrial portion was available and fire services installations being provided to the satisfaction to his department;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tuen

Mun); 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 application was in line with the “Town Planning Board Guidelines for Use/Development Within ‘Industrial’ Zone” (TPB PG-No. 25D) as the applied use was small in scale. No adverse traffic, environmental and infrastructural impacts were anticipated. To address D of FS's concerns, a condition to require the applicant to provide fire services installations was suggested. Although the applicant had applied for a permanent use, in order not to jeopardize the planning intention of industrial use for the subject premises, approval on a temporary basis for a period of three years was recommended.

65. Members had no question on the application.

#### Deliberation Session

66. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of fire service installations proposal in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2009; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

67. 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 condition 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 District Lands Officer/Tuen Mun, Lands Department's comments that he should apply to his office for a new waiver permitting retail shop uses to effect the planning proposal and the new waiver, if approved, would be subject to such terms and conditions to be imposed;
- (c) to note the Director of Fire Services' comments that the requirements stipulated in the 'Code of Practice for Fire Resisting Construction' administered by Buildings Department should be complied with for matters in relation to fire resisting construction requirements for the subject premises; and
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the application area was separated from the adjoining units and the corridor with walls of fire resisting period not less than 2 hours and the door to the corridor had a fire resisting period of not less than 1 hour and Barrier Free Access provisions should be complied with in accordance with Building (Planning) Regulation 72.

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

**Agenda Item 20**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/298            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 D.D. 127,  
and Adjoining Government Land, Hung Uk Tsuen, Ping Shan,  
Yuen Long  
(RNTPC Paper No. A/YL-PS/298)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse and workshop for metal, plastic and construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected;
- (d) during the statutory publication period, two public comments from the villagers of Hung Uk Tsuen were received. They objected to the application for the reasons that the development was an unauthorized development; the development would also affect their fung shui as it was in proximity to their ancestral graves; and the existing vehicular access was insufficient to support the busy traffic generated, in particular in case of fire. The development would also generate pollution and nuisance as well as blockage to the existing drainage system leading to flooding during the rainy season; 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. The proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone. No strong justification had been provided in the submission for a departure of the planning intention, even on a temporary basis. The proposed development was not compatible with the residential dwellings in the vicinity of the site. There was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental impacts on the surrounding areas, and there was no information to explain why the development could not be accommodated in the nearby “Industrial (Group D)” zone. No previous approval for temporary warehouse and workshop development had been granted within the same “V” zone. Approval of the application would set an undesirable precedent for other similar uses in the “V” zone.

69. Members had no question on the application.

#### Deliberation Session

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

- (a) the development was not compatible with the surrounding residential uses and no justification had been given in the submission to justify for a departure from the planning intention of the “Village Type Development” (“V”) zoning, which was to designate both existing and recognised villages and areas of land considered suitable for village expansion, even on a temporary basis;
- (b) there was no information to demonstrate that the proposed development would not pose adverse environmental impact on the surrounding areas; and

- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate in the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

## **Agenda Item 21**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/299                      Temporary War Game Centre for a Period of 3 Years  
in “Recreation” zone,  
Lots 404S.A-C (Part), 410 (Part), 411 (Part), 429 (Part), 430 (Part)  
and 431S.A-F (Part) in D.D. 126 and Adjoining Government Land,  
Yuen Long  
(RNTPC Paper No. A/YL-PS/299)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary war game centre for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as it might set an undesirable precedent for unauthorized filling of ponds within the Wetland Buffer Area (WBA). He also found traces of recent earthworks for dredging drainage channels around the application site during his site inspection and therefore he was concerned about the potential impact of the proposed development on the surrounding habitats. The applicant had not provided adequate information to demonstrate that the proposed

development would not result in any negative off-site ecological impacts on the fish ponds in the nearby Wetland Conservation Area (WCA). The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection in principle to the application, but pointed out that the “existing streamcourse” mentioned by the applicant was not a natural stream and the downstream could not be located on-site. The applicant was required to provide information about the downstream of this “stream”. Drainage works without proper discharge point would not be accepted and the existing drainage found at the site was not acceptable;

- (d) during the statutory publication period, two public comments from one of the land owners of the site and a villager were received. The land owner objected to the application as the applicant had converted his land to war game uses without his consent. The villager objected to the applicant for the reasons that the war game centre would cause noise nuisance and had adverse impacts on the nearby residents; 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 application did not meet the criteria set out in the “Town Planning Board Guidelines for Developments within the Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12B) as the war game centre would not contribute to any ecological functions of the area, and the applicant had failed to demonstrate that the development would not have any negative impacts on the WCA. Insufficient information had been submitted to demonstrate that the proposed development would not have adverse drainage impact on the surrounding areas. DAFC also had reservation on the application as the development might set an undesirable precedent for unauthorized filling of ponds within the WBA. However, PlanD considered that the focus of concern should be on the suitability of the site for the proposed war game centre use, rather than relating the application to a wrongful act in the past. Although two similar applications had been approved in the same “Recreation” zone, one of them was very far away from the WCA or the other was separated from

the WCA by a knoll, and therefore minimum impacts on the WCA were envisaged for these two applications.

72. A Member asked about the use applied for under the similar applications No. A/YL-PS/295 and 297 and whether they were submitted by the same applicant as in the current application. Mr. Lam replied that the two similar applications were for the development of war game centres, and they were submitted by the same applicant as in the current application.

### Deliberation Session

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

- (a) the development did not comply with the Town Planning Board Guidelines No. 12B for “Application for Developments within Deep Bay Area” in that there was no information in the submission to demonstrate that the development would not result in any adverse off-site ecological impacts on the fish ponds in the Wetland Conservation Area and the development would not complement the ecological functions of the wetlands and fish ponds in the Deep Bay Area; and
- (b) there was insufficient information in the submission to demonstrate that the development would not generate adverse drainage impact on the surrounding areas.

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/300            Temporary Container Storage for a Period of 3 Years  
in “Open Storage” zone,  
Lots 714 (Part), 715 (Part), 722 (Part), 728 (Part), 729 (Part),  
730 (Part), 731 (Part), 734 (Part), 762 S.D (Part), 768 in D.D. 123  
and Lot 588 (Part) in D.D. 126 and Adjoining Government Land,  
Yuen Long  
(RNTPC Paper No. A/YL-PS/300)

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**Presentation and Question Sessions**

74.            The Committee noted that on 25.3.2009, the applicant requested for deferment of the consideration of the application for two months so as to allow time for him to address comments on land status and to prepare further information to substantiate the application.

**Deliberation Session**

75.            After further 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.

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

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/301            Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” and “Undetermined” zones, Lots 390 (Part), 403 RP (Part) and 404 in D.D. 122 and Adjoining Government Land, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/301)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the temporary public vehicle park for private cars and light goods vehicles for a period of 3 years;
- (c)    departmental comments – no objection from concerned Government departments was received;
- (d)    no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e)    the Planning Department (PlanD)’s views – the PlanD considered that the development could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. There was currently no Small House application at the application site and therefore approval of the application would not frustrate the long-term planning intention of the “Village Type Development” (“V”) zone. Besides, the provision of public car park would help meet the parking demand of local villagers in the area

and visitors to the Ping Shan Heritage Trail. The development was not incompatible with the surrounding land uses. As the previous application No. A/YL-PS/259 was revoked for failing to comply with the approval condition prohibiting the parking of heavy vehicles at the site, shorter compliance periods were recommended to monitor closely the compliance of conditions. The applicant should also be advised that favourable consideration would not be given to any further application if the planning permission was revoked again due to non-compliance with the approval conditions.

77. Members had no question on the application.

#### Deliberation Session

78. Mr. Ambrose Cheong suggested that the wording of advisory clause (f) should be slightly revised to align with the comment of the Assistant Commissioner for Transport/New Territories, Transport Department in Paragraph 9.1.3 of the Paper. Members agreed.

79. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2012, 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 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no goods vehicles exceeding 5.5 tonnes, coaches, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (d) the existing drainage facilities implemented under Application No.

A/YL-PS/259 should be maintained at all times during the planning approval period;

- (e) the submission of the condition record of the existing drainage facilities on-site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2009;
- (f) the submission of a tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2009;
- (g) in relation to (f) above, the implementation of the tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2009;
- (h) the submission of fire service installation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2009;
- (i) in relation to (h) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2009;
- (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.

80. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter compliance periods were imposed so as to monitor the fulfillment of approval conditions and favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should be reminded to apply for Short Term Waiver and Short Term Tenancy to regularise the irregularities on the site. It was their policy not to grant Short Term Waiver to portion of a lot, the registered owner should carve out the affected portion of the lot unless the other portion of the lot outside the site was free of any structure;
- (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 Environmental Protection Department to minimize any possible environmental nuisances;
- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified with the relevant lands and maintenance authorities

accordingly;

- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comment that HyD should not be responsible for the maintenance of any access connecting the site to Ping Ha Road;
- (h) to note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix III of the Paper;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorised structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works including any temporary structure for approval under the BO was required;
- (j) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant would need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (k) to note the Antiquities and Monuments Office, Leisure and Cultural Services Department's comment that the subject site fell within the Sheung Cheung Wai Archaeological Site, and no land excavation should be undertaken at the site without their prior written approval.

**Agenda Item 24**

**Section 16 Application**

[Closed Meeting]

**Agenda Item 25**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/320      Temporary Warehouse for Musical Instruments and Posters of  
Concerts for a Period of 3 Years  
in “Agriculture” and “Industrial (Group D)” zones,  
Lots 812 (Part) and 813 (Part) in D.D. 107, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/320)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary warehouse for musical instruments and posters of concerts for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – the PlanD considered that the temporary warehouse could be tolerated for a period of three years based

on the assessments given in paragraph 11 of the Paper. The application site was small in size and was not incompatible with the surrounding areas. Planning permission on a temporary basis for three years would not frustrate the long-term planning intention of the “Agriculture” zone. To avoid potential environmental impacts, relevant approval conditions had been recommended. The applicant would also be advised to undertake environmental mitigation measures as set out in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department.

86. Members had no question on the application.

#### Deliberation Session

87. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2012, 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 10:00 a.m. from Mondays to Fridays, as proposed by the applicants, was allowed on the site during the planning approval period;
- (b) no operation on Saturdays, Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed for the operation of the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities were allowed on the site at any time during the planning approval period;

- (e) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2009;
- (f) in relation to (e) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.1.2010;
- (g) the submission of emergency vehicular access and fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2009;
- (h) in relation to (g) above, the provision of emergency vehicular access and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.1.2010;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon 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.

88. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;

- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that Letter of Approval (L of A) No. MT/LM 12490 was issued for erection of one temporary structure over Lot 813 in D.D. 107 for agricultural purpose. This temporary structure had been removed or had been replaced by a 2-storey building without his approval on somewhat different location straddling Lots 812 and 813 and coinciding the subject application site. His office would arrange to terminate the L of A as and if appropriate. The registered owners of the relevant lot should be reminded to apply to his office for Short Term Waiver (STW) to regularize the irregularities on the site or to clarify the House status of Lot 813. It was noted that the application site involved a portion of a lot. It was his policy to grant STW on whole lot basis (i.e. not on portion of a lot). For the purpose of applying for STW, the owner should carve out the lots concerned according to the application site boundary if only a portion of the lot concerned was within the application site boundary. Should no STW application be received/approved and the irregularities persist on the site, his office would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme. The application site was accessible through other private land and open government land from Fung Kat Heung Road. His office did not have maintenance works on the government land and he did not guarantee the right-of-way;
- (c) 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 nuisances;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Appropriate actions under the BO or other enactment might be taken if

contravention was found. Besides, formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. In addition, provision of emergency vehicular access (EVA) to all buildings to be erected on the site was required under B(P)R 41D;

- (e) to note the Director of Agriculture, Fisheries and Conservation's comments that the mature Big-leave Fig located adjacent to the subject site should be preserved and retained. In general, the proposed development should not encroach onto the tree protection zone of the mature Big-leave Fig. Should felling/trimming of the other trees be unavoidable, tree felling application prepared in accordance with the ETWB TCW (Environment, Transport and Works Bureau Technical Circular (Works)) No. 3/2006 should be submitted to the relevant District Lands Office for consideration. Besides, a pond was observed in the vicinity of the site. Disturbance to the fish culture activities there should be avoided. Appropriate mitigation measure such as control of site runoff should be taken if it was necessary;
  
- (f) to note the Director of Fire Services' comments that both the requirements on EVA and fire service installations would be considered all together upon receipt of the fire service installations proposal from the applicants. Besides, an access road which could allow swift and safe passage of fire appliances and could withstand the loading of 16-tonne fire appliances as Emergency Vehicular Access (EVA) leading to the site should be provided. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be provided. Therefore, the applicants were advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. In formulating FSI proposal for the

proposed structure, the applicants were advised to make reference to the requirements in Appendix III of the Paper. Should the applicants wish to apply for exemption from the provision of certain FSI as prescribed in Appendix III of the Paper, he was required to provide justifications to his department for consideration; and

- (g) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the 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 WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow.

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

### **Agenda Item 26**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/321 Proposed Temporary Eating Place (Restaurant) for a Period of 3 Years in "Other Specified Uses" annotated "Railway Reserve" and "Industrial (Group D)" zones,  
Lot 1733 RP in D.D. 107, San Tam Road, Yuen Long  
(RNTPC Paper No. A/YL-KTN/321)

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

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

- (a) background to the application;

- (b) the proposed temporary eating place (restaurant) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, five public comments were received. They were from a Member of Yuen Long District Council, the Chairperson of Sha Po Tsuen Resident Welfare and Development Committee, the Chairman of Four Villages Mutual Aid Association, the village representative of Sha Po Tsuen and a local resident. All of them objected or strongly objected to the application on the grounds that there was already a restaurant in Fung Kat Heung nearby and given the low pedestrian/customer flow in the vicinity, the site was not suitable for restaurant use. The proposed development would also generate adverse sewerage, drainage, traffic and ecological impacts and hygiene/rodent problem on the surrounding areas. The existing unpaved site would cause dust nuisance, as well as blockage of drains and flooding when there was a heavy rain; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary eating place could be tolerated for a period of two years based on the assessments given in paragraph 11 of the Paper. Although the majority of the application site fell within the “Other Specified Uses” annotated “Railway Reserve” (“OU(Railway Reserve)”) which was to reserve land for the proposed Northern Link (NOL), the exact alignment and the development programme of the NOL were not finalized. Temporary approval of the application would not jeopardize the long-term planning intention of the “OU(Railway Reserve)” zone. The proposed development was not incompatible with the surrounding land uses. To avoid any possible environmental nuisance, relevant approval conditions had been recommended. The applicant would also need to comply with the relevant environmental hygiene requirements for application of a restaurant licence as required by the Director of Food and Environmental Hygiene. Since the previous planning permission was revoked due to

non-compliance with the planning conditions, shorter compliance periods were recommended to monitor the compliance with approval conditions. Regarding the public comments, it should be noted that relevant Government departments had no comment on the application. Nevertheless, in view of the public concerns, a shorter approval period of two years was suggested so as to monitor the situation at the site.

90. Members had no question on the application.

#### Deliberation Session

91. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years, instead of the 3 years sought, until 17.4.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the provision of 2-metre high boundary fencing, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2009;
- (c) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2009;
- (d) in relation to (c) above, the implementation of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2009;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2009;

- (f) in relation to (e) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2009;
- (g) the submission of emergency vehicular access, water supply for fire fighting and fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2009;
- (h) in relation to (g) above, the implementation of emergency vehicular access, water supply for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2009;
- (i) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (b), (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon 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.

92. The Committee also agreed to advise the applicant :

- (a) that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;

- (b) that a shorter approval period was granted and shorter compliance periods were imposed so as to monitor the situation on the site and fulfilment of approval conditions;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's (DLO) comments that the registered owner of the lot should be reminded to apply for Short Term Waiver (STW) to cover the proposed temporary structure. Should no STW application be received/approved and any irregularity was found /persists on the site, his office would consider taking appropriate lease enforcement action against the registered owner according to the prevailing programme. The subject site was accessible to San Tam Road via Government land (GL) and his office did not carry out maintenance works of the GL;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and San Tam Road;
- (e) to note the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department's comments that it would be useful if the applicant could confirm the occupation period and submit any foundation and structural design information, i.e. pile type and co-ordinates and dimensions, and the corresponding as-built records to MTR Corporation Ltd. (MTRCL) for reference to facilitate the further assessment on the effect on the Northern Link structure;
- (f) to note the Director of Food and Environmental Hygiene's comments that the proposed restaurant had to comply with the provisions of Public Health and Municipal Services Ordinance, Cap 132 and the regulations made under it, including Food Business Regulation, and any prevailing requirements as specified by his department or any requirement or condition imposed or might be imposed by the Building Authority, the Director of Fire Services, the Director of Electrical and Mechanical

Services, the Director of Environmental Protection or any other Government Department;

- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that all drainage facilities including the type, size and direction of flow should be clearly indicated on a drainage layout plan for his consideration;
- (h) to note the Chief Engineer/Sewerage Projects, Drainage Services Department's (DSD) comments that the existing access from the subject site to Sam Tam Road via Government Land near the Sha Po SPS would not be maintained by DSD. The land outside the permanent boundary wall of the pumping station which was temporarily allocated for the concerned project would be handed back to DLO upon completion of the works. Besides, the water flow in the existing stream on the east side of the Sha Po Sewage Pumping Station (SPS) must not be affected because a temporary water in-take chamber would be built for the testing and commissioning of the SPS;
- (i) to note the Chief Town Planner/Urban Design and Landscape's comments that the information provided on the proposed plants for landscaping the site was inadequate as the size of the proposed planting was not specified and the proposed planting location was not shown;
- (j) to note the Director of Environmental Protection's comments that any wastewater discharge from the proposed use was controlled under the Water Pollution Control Ordinance. The Regional Office (North) of the Environmental Protection Department (EPD) should be contacted for more details;
- (k) 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 EPD to minimise any potential environmental nuisances;

- (l) to note the Director of Agriculture, Fisheries and Conservation's comments that ponds were observed in the vicinity of the site. Mitigation measures had to be taken to avoid any adverse impact on the surrounding fish farm activities;
- (m) to note the Director of Fire Services' comment that detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans and formal licence application referred by the Food and Environmental Hygiene Department;
- (n) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut on a 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 building plan submission stage. Besides, provision of emergency vehicular access to all buildings was required under B(P)R 41D. Detailed consideration would be made at building plan submission stage; and
- (o) 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, 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 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.

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/239            Proposed Temporary Warehouse and Open Storage of Construction Materials for a Period of 3 Years  
in “Other Specified Uses” annotated “Rural Use” zone,  
Lot 1661 RP in D.D. 119, Pak Sha Tsuen, Muk Kiu Tau, Yuen Long  
(RNTPC Paper No. A/YL-TT/239)

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

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

- (a)    background to the application;
- (b)    the proposed temporary warehouse and open storage of construction materials for a period of 3 years;
- (c)    departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers including residential dwellings around and in the vicinity of the application site. Environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) commented that the applicant should indicate the traffic volume to be generated by the proposed development and demonstrate that it would not cause adverse impacts to the existing traffic along Kiu Hing Road. The

Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) pointed out that the access to the site would be in conflict with the road widening works at Kiu Hing Road. The commencement date of the road widening works was tentatively scheduled for March 2011. If the application was approved, the applicant was required to consult TD and revise his access accordingly;

- (d) during the statutory publication period, one public comment from a villager of Pak Sha Tsuen had been received. The villager commented that the only access leading to the application site was a single lane carriageway for two-way traffic. If the application was approved, it would cause inconvenience to the residents living nearby. Heavy goods vehicles would be involved in transporting the construction materials which would endanger the villagers. The access was currently fully parked with abandoned vehicles, posing great risks to the villagers. The applied use was not in line with the rural use and would ruin the environment; 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 proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone. The sites fell within Category 3 areas under the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E). The application was not in line with the TPB PG-No. 13E and the Town Planning Board Guidelines for “Designation of ‘Other Specified Uses’ annotated ‘Rural Use’ (‘OU(RU)’) and Application for Development Within ‘OU(RU)’ Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 38) as there was no previous planning permission granted for the site and there were adverse departmental comments on and local objection against the potential adverse impacts to be brought about by the proposed development. The proposed development was also considered not compatible with the surrounding rural land uses with residential dwellings located in the vicinity of the application site.

94. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which was primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, might be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development was not in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) and “Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone” (TPB PG-No. 38) in that there was no previous planning approval granted for the site and there were adverse departmental comments and local objection on the potential adverse impacts to be brought about by the proposed development;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental and traffic impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate into the zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[The meeting was adjourned for a break of five minutes at 3:55 p.m.]

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

## **Agenda Item 28**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/421      Temporary Open Storage of Construction Materials  
for a Period of 3 Years in “Residential (Group B) 1” zone,  
Lots 1816 (Part) and 1820 (Part) in D.D. 121, Tong Yan San Tsuen,  
Yuen Long  
  
(RNTPC Paper No. A/YL-TYST/421)

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### **Presentation and Question Sessions**

96.            Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and reported that a letter from the applicant was received by the Town Planning Board Secretariat on 15.4.2009 regarding the unauthorized felling of two trees at the application site, a report of which was already filed with the Police. Miss Kwan also covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers near the application site. Even though the site fell within the “Local Open Space” (“LO”) zone under the Tong Yan San Tsuen South Layout Plan No. L/YL-TS/2, the Director of Leisure and Cultural Services had no objection to the application on the understanding that the site was solely owned by

the applicant and that adequate open space sites had been reserved by Planning Department for the long-term development to meet the local demand;

- (d) during the statutory publication period, one public comment from the resident representative of Tong Yan San Tsuen was received. The commenter indicated that the local villagers had no comment on the application but requested that the applicant would tidy up the environment properly and remove weed regularly to avoid the breeding of rodents and insects. Provided that the open storage use would not affect the daily lives of the residents, he would agree to the application; 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 development was not in line with the planning intention of the “Residential (Group B)1” zone. The application site fell within Category 4 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The application did not comply with TPB PG-No. 13E as no previous planning permission had been granted at the site, it was not in line with the intention of the Category 4 areas, and it was not compatible with the nearby residential uses of Tong Yan San Tsuen. The applicant had not included any technical assessment/proposal in the application to demonstrate that the development would not generate adverse drainage, landscape and environmental impacts on the surrounding areas.

97. Members had no question on the application.

#### Deliberation Session

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

- (a) the continuous occupation of the site for open storage use was not in line with the planning intention of the “Residential (Group B)1” zone which was primarily for sub-urban medium-density residential developments in rural areas. There were no exceptional circumstances to justify approval and a departure from the planning intention, even on a temporary basis; and
- (b) the development did not comply with the TPB PG-No. 13E in that the development was not compatible with the nearby residential uses of Tong Yan San Tsuen, not in line with the intention of the Category 4 areas which was to encourage the phasing out of the non-conforming uses, and there was adverse departmental comment on the application.

### **Agenda Item 29**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/422 Temporary Open Storage of Generators, Construction Materials and Recyclable Materials (including Plastic Goods, Paper and Metal) for a Period of 3 Years in “Undetermined” zone,  
Lots 1433 RP (Part), 1434 S.A (Part), 1434 RP (Part), 1438 S.A RP (Part), 1438 S.B RP (Part), 1438 S.D (Part), 1438 S.E to 1438 S.G, 1438 S.H (Part) and 1438 RP (Part) in D.D. 119 and Lot 1658 (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/422)

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

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

- (a) background to the application;
- (b) the temporary open storage of generators, construction materials and recyclable materials (including plastic goods, paper and metal) for a period

of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site. However, no environmental complaint concerning the application site had been received in the past three years;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – the PlanD considered that the temporary open storage could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. The site fell within Category 1 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). Concerns of the relevant departments were technical in nature and could be addressed through the implementation of approval conditions. The proposed development was not incompatible with the surrounding areas. To address DEP's concerns, relevant approval conditions on the operation hours, the types of prohibited activities and the types of vehicles to be used had been recommended. The applicant would also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites.”

100. Members had no question on the application.

#### Deliberation Session

101. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed during the planning approval period;
- (c) no dismantling, repairing, cleansing and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no heavy goods vehicles (i.e. exceeding 24 tonnes) as defined in the Road Traffic Ordinance or tractors/tailors were allowed for the operation of the application site at any time during the planning approval period;
- (e) the provision of boundary fence on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2009;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2009;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.1.2010;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2009;
- (i) in relation to (h) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.1.2010;

- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2009;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.1.2010;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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 the permission was given to the use/development under application. It did not condone any other use/development (e.g. workshop) which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;

- (c) to resolve any land issue relating to the development with other concerned owners of the application site;
- (d) that the boundary fence to be provided under approval condition (e) above should accord with the site boundary under application;
- (e) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take lease enforcement action against the 3 proposed open shed structures if they were erected at the site. It was noted that the site involved portions of lots and the applicant was not the registered owner of the lots concerned. As it was his policy not to grant Short Term Waiver (STW) to portion of a lot nor to a person other than the registered owner, the applicant should ask the registered owners of the relevant lots to apply for STW to regularize the irregularities on the site and to carve out the affected portions of lots unless the other portion of the lot outside the site was free of any structure. Should no STW application be received/ approved and the irregularities persist on the site, his office would consider taking appropriate lease enforcement action against the registered owners. The site was accessible by an informal track leading from Shan Ha Road, which runs through open private land and Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;
- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office should not be responsible for the maintenance of the access connecting the site and Shan Ha Road;

- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (i) that since the current application boundary had varied, the peripheral screen planting would have to be adjusted to suit the new site boundary;
- (j) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the site boundary and the existing drainage facilities shown on the submitted drainage plan were different from that on the previously approved planning application (No. A/YL-TYST/327). The applicant was advised to review the existing drainage works on-site in particular the location of the existing discharge point and submit a drainage proposal for his further comment under approval condition (h) above;
- (k) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments that for provision of water supply to the development, the applicant would need to extend his 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 standard. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (l) to note the Director of Fire Services’ comments on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of the Paper; and
- (m) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance

and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the Buildings Ordinance was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage.

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/604            Renewal of Planning Approval for Temporary Open Storage of Containers, Repair Workshop and Staff Canteen under Application No. A/YL-HT/438 for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3200 RP, 3201 RP and 3206 RP in D.D. 129, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/604)

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

103.        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 – Application No. A/YL-HT/438 was approved by the Committee on 28.4.2006 for a period of 3 years;
- (b) the renewal of planning approval for temporary open storage of containers, repair workshop and staff canteen under application No. A/YL-HT/438 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – the 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 1 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The development was in line with the TPB PG-No.13E as there was no objection from locals and no adverse comments from concerned Government departments. To mitigate any potential environmental impacts, approval conditions on operation hours had been recommended. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites.” Approval of the application was also in line with the Committee’s previous decisions.

104. Members had no question on the application.

#### Deliberation Session

105. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2012, 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 11:00 p.m. to 7:00 a.m. was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the existing trees on the site should be maintained during the planning

approval period;

- (d) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/438 should be maintained during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/438 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2009;
- (f) 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 17.10.2009;
- (g) in relation to (f) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.1.2010;
- (h) 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 17.10.2009;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) 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
- (k) 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.

106. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; and to apply for Short Term Waiver (STW)/Short Term Tenancy (STT) to regularize any structure erected/to be erected on-site and the occupation of Government land. Should no STW/STT application be received/approved and irregularities persist, his office, on review of the situation, would take appropriate action according to the established district lease enforcement and land control programme;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the applicant should be responsible for his own access arrangement;
- (f) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that ingress/egress route via Ping Ha

Road to/from the site might be affected during the construction period for the widening of Ping Ha Road under Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" for which construction works had commenced in December 2007 for completion by end 2010, and that the applicant should not be entitled for any compensation thereof;

- (g) to note the Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix VI of the Paper;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as office were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that the applicant should bear the cost of any diversion works of existing water mains affected by the development. If diversion was not feasible, a waterworks reserve within 1.5m from the centerline of the water mains should be provided to WSD, and no structure should be erected over this waterworks reserve and such area should not be used for storage purpose. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. The Government

should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site.

**Agenda Item 31**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/605            Renewal of Planning Approval for Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Repair Workshop under Application No. A/YL-HT/437 for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 80(Part) and 81(Part) in D.D. 125, Lots 3240(Part), 3241, 3242, 3243, 3246, 3248, 3268, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281(Part) and 3442(Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/605)

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**Presentation and Question Sessions**

107.        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 – Application No. A/YL-HT/437 was approved by the Committee on 28.4.2006 for a period of 3 years;
- (b) the renewal of planning approval for temporary open storage of construction machinery and construction materials with ancillary repair workshop under application No. A/YL-HT/437 for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site. However, no environmental complaint against the application site had been received over the past three years;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – the 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 development was not incompatible with the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone. The site fell within Category 1 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The application complied with TPB PG-No. 13E as there was no objection from locals and the concerns of DEP could be addressed by way of approval conditions regarding the operation hours and the stacking height of materials stored at the site. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites.” Approval of the application was in line with the Committee’s previous decisions.

108. Members had no question on the application.

#### Deliberation Session

109. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2012, 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 11:00 p.m. to 7:00 a.m. was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;

- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/437 should be maintained during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/437 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2009;
- (f) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2009;
- (g) the submission of fire service installations proposals, including sprinkler system, within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2009;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.1.2010;
- (i) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 17.10.2009;
- (j) in relation to (i) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 17.1.2010;

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

110. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; and to apply for Short Term Waiver (STW)/Short Term Tenancy (STT) to regularize the structure erected on Lot No. 3248 in D.D. 129 and the occupation of Government land. Should no STW/STT application be received/approved and irregularities persist on site, his office, on review of the situation, would take appropriate action according to the established district lease enforcement and land control programme;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection;
- (d) to note Chief Highway Engineer/New Territories West, Highways

Department's comments to construct a run in/out at the access point in accordance with the latest version of HyD's standard drawing H1113 and H1114, or H5115 and H5116, to match with the existing pavement condition; to ensure that no surface water would run out from the site onto nearby public roads/drains through the access and the applicant should be responsible for his own access arrangement;

- (e) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that ingress/egress route via Ping Ha Road to/from the site might be affected during the construction period for the widening of Ping Ha Road under Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" for which construction works had commenced in December 2007 for completion by end 2010, and that the applicant should not be entitled for any compensation thereof; and as the road level of Ping Ha Road would be raised after the proposed improvement works, any necessary modification works at the ingress/egress route to/from the site should be carried out at the applicant's own expense in future to tie in the interface with the Ping Ha Road improvement works;
- (f) to note the Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix VI of the Paper;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as office were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; formal submission of any proposed new works for approval under the BO was required; if the site did not abut on a specified street having a width of not less than 4.5m,

the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

- (h) to note the Chief Engineer/Development (2), Water Supplies Department's comments that existing water mains would be affected and the boundary of the site at its entrance on the eastern side should be set back so as to exclude the existing water mains and valves.

### **Agenda Item 32**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/606            Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Warehouse with Ancillary Workshop under Application No. A/YL-HT/442 for a Period of 3 Years in "Recreation" zone, Lots 215, 374, 378, 379 and 380 in D.D. 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/606)

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

111.        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 – Application No. A/YL-HT/442 was approved by the Committee on 28.4.2006 for a period of 3 years;
- (b) renewal of planning approval for temporary open storage of construction materials and warehouse with ancillary workshop under Application No. A/YL-HT/442 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – the 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 applicant was in line with the TPB PG-No. 13E as there was no objection from locals and no adverse comments from concerned Government departments. The approval of the application would not frustrate the planning intention of the “Recreation” zone as there was no programme/known intention to implement the zoned use on the Outline Zoning Plan. To mitigate any potential environmental impacts, approval conditions on operation hours and the stacking height of materials stored at the site had been recommended. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites.” Approval of the application was in line with the previous decisions of the Committee.

112. Members had no question on the application.

#### Deliberation Session

113. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2012, 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 5:00 p.m. to 9:00 a.m. was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site

during the planning approval period;

- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) the existing trees on the site should be maintained during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/442 should be maintained during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/442 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2009;
- (g) the removal of the dumped wastes from the trees on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2009;
- (h) the submission of water supply for fire fighting and fire service installations proposals, including fire hydrant and sprinkler systems, within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2009;
- (i) in relation to (h) above, the provision of water supply for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.1.2010;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given

should cease to have effect and should be revoked immediately without further notice;

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

114. The Committee also agreed to advise the applicant :

- (a) to note the District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and that the vehicular access to the site would require passing through a village track on Government land leading from Fung Kong Tsuen Road. His office did not provide maintenance works for the track nor guarantee right of way;
- (b) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection;
- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the applicant should be responsible for his

own access arrangement;

- (e) to note the Director of Fire Services' comments on the requirements of formulating water supply for fire fighting and fire service installations proposals as stated in Appendix VI of the Paper;
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as office were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including temporary structures for approval under the BO was required; if the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and B(P)R 41D regarding the provision of Emergency Vehicular Access was applicable; and
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

**Agenda Items 33 & 34**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/608            Temporary Recyclable Collection Centre  
(Including Plastics, Paper and Metals) with Ancillary Workshop  
for a Period of 3 Years in “Undetermined” zone,  
Lots 1845 (Part) and 1846 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/608)

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A/YL-HT/609            Temporary Recyclable Collection Centre  
(Including Plastics, Paper and Metals) for a Period of 3 Years  
in “Undetermined” zone,  
Lots 1837 (Part), 1838 (Part), 1843 (Part) and 1844 (Part) in D.D. 125,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/609)

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115.            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**

116.            Mr. Anthony C.Y. Lee, STP/TMYL, informed the Committee that a replacement page No. 10 had been tabled for each application. He presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) (i) A/YL-HT/608: temporary recyclable collection centre (including plastics, paper and metals) with ancillary workshop for a period of 3 years;
- (ii) A/YL-HT/609: temporary recyclable collection centre (including

plastics, paper and metals) for a period of 3 years;

- (c) departmental comments – for both applications, no objection from concerned Government departments was received;
- (d) for both applications, 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 – the 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. The developments were not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone. The sites fell within Category 1 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The applications were in line with TPB PG-No. 13E as there was no local objection and no adverse comment from concerned Government departments had been received. To address any potential environmental impacts, approval conditions on operation hours had been recommended. The applicants would be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites.” However, as the previous permissions for both applications had been revoked due to non-compliance with approval conditions, shorter compliance periods had been recommended to allow closer monitoring of the compliance of conditions.

117. Members had no question on the applications.

#### Deliberation Session

118. After further deliberation, the Committee decided to approve the application No. A/YL-HT/608 on a temporary basis for a period of 3 years until 17.4.2012, 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 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/511 should be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2009;
- (e) the implementation of the accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2009;
- (f) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2009;
- (g) in relation to (f) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2009;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied

with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

119. The Committee also agreed to advise the applicant of application No. A/YL-HT/608:

- (a) that planning permission should have been obtained before commencing the development at the site;
- (b) that shorter compliance periods were granted in order to monitor the compliance of approval conditions. No favourable consideration to further planning application would be given if the current permission was again revoked for non-compliance with the approval conditions within the specified time;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; and to apply for Short Term Waiver (STW) to regularize any structure erected/to be erected on-site and carve out the lot concerned according to the site boundary. Should no STW/Short Term Tenancy application be received/approved and irregularities persist, his office, on review of the situation, would take appropriate action according to the established district lease enforcement programme;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection;
- (f) to note the Assistant Commissioner for Transport/New Territories,

Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix V of the Paper; and
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as office were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; formal submission of any proposed new works, including temporary structure for approval under the BO was required; if the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and B(P)R 41D regarding the provision of Emergency Vehicular Access was applicable.

120. After further deliberation, the Committee decided to approve the application No. A/YL-HT/609 on a temporary basis for a period of 3 years until 17.4.2012, 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 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during

the planning approval period;

- (c) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/512 should be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2009;
- (e) the implementation the accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2009;
- (f) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2009;
- (g) in relation to (f) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2009;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

121. The Committee also agreed to advise the applicant of application No. A/YL-HT/609:

- (a) that planning permission should have been obtained before commencing the development at the site;
- (b) that shorter compliance periods were granted in order to monitor the compliance of approval conditions. No favourable consideration to further planning application would be given if the current permission was again revoked for non-compliance with the approval conditions within the specified time;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; and to apply for Short Term Waiver (STW) to regularize any structure erected/to be erected on-site and carve out the lot concerned according to the site boundary. Should no STW/Short Term Tenancy application be received/approved and irregularities persist, his office, on review of the situation, would take appropriate action according to the established district lease enforcement programme;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection;
- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix V of the Paper;
  
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as office were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; formal submission of any proposed new works, including temporary structure for approval under the BO was required; if the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and B(P)R 41D regarding the provision of Emergency Vehicular Access was applicable; and
  
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's comments that extension of inside services to the nearest suitable Government water mains for connection might be needed for provision of water supply to the development, any land matter (such as private lots) associated with the provision of water supply should be resolved, and the construction, operation and maintenance of inside services within the private lots should be the applicant's responsibility and to his department's standards.

**Agenda Items 35 to 38**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/187      Temporary Storage of Gas Pipes and Associated Fittings  
for a Period of 3 Years  
in “Other Specified Uses” annotated “Comprehensive Development to  
include Wetland Restoration Area” zone,  
Lots 3723 S.E RP in D.D. 104 at Tai Sang Wai, Nam Sang Wai,  
Yuen Long  
(RNTPC Paper No. A/YL-NSW/187)

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A/YL-NSW/188      Proposed Four Houses (New Territories Exempted Houses)  
in “Undetermined” zone,  
Lot 757 in D.D. 115, Tung Shing Lei, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/188)

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A/YL-NTM/230      Temporary Container Tractor/Trailer Park with Ancillary Repair Areas  
for a Period of 3 Years in “Open Storage” zone,  
Lots 2583(Part), 2584 (Part), 2585 (Part), 2615 (Part), 2616 (Part),  
2617 (Part), 2618 (Part), 2619, 2620, 2621 S.A, 2621 S.B, 2626  
(Part), 2627, 2628, 2629, 2630, 2632, 2633, 2634 (Part) and 2635  
(Part) in D.D. 102, and Adjoining Government Land, Ngau Tam Mei,  
Yuen Long  
(RNTPC Paper No. A/YL-NTM/230)

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A/YL-NTM/235      Proposed Comprehensive Low Density Residential Development  
in “Comprehensive Development Area” zone,  
Various Lots in D.D. 104, and Adjoining Government Land,  
East of Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/235)

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122.      Noting that the four applications all sought deferment of consideration of the applications, Members agreed that the applications could be considered together.

123.      The Secretary reported that the application No. A/YL-NSW/187 was submitted by

a subsidiary of Henderson Land Development Co. Ltd. (HLD). Mr. Donald Yap had declared interest in this item as he had current business dealings with HLD. As the applicant had requested to defer consideration of the application, he could be allowed to stay at the meeting.

124. The Secretary also reported that Dr. James C.W. Lau had declared interest on application No. A/YL-NSW/188 as he had current business dealings with Ho Tin & Associates Ltd., which was a consultant for the applicant of the application. The Committee noted that Dr. Lau had tendered apologies for being unable to attend the meeting.

#### Presentation and Question Sessions

125. The Committee noted that on 23.3.2009, the applicant of application No. A/YL-NSW/187 requested for deferment of the consideration of the application for two months as additional time was required for the applicant to further consult the relevant Government departments to explain and resolve the technical issues directly associated with the application.

126. The Committee noted that on 30.3.2009, the applicant of application No. A/YL-NSW/188 requested for deferment of the consideration of the application for two months so as to allow time for the applicant to prepare supplementary information to address the concerns raised by the Director of Environmental Protection.

127. The Committee noted that on 27.3.2009, the applicant of application No. A/YL-NTM/230 requested for deferment of the consideration of the application for two months as more time was needed to seek advice from his consultant regarding traffic issues.

128. The Committee noted that on 26.3.2009, the applicant of application No. A/YL-NTM/235 requested for deferment of the consideration of the application for two months so as to allow time for the applicant to prepare supplementary information to address the departmental comments.

#### Deliberation Session

129. After further deliberation, the Committee decided to defer a decision on each of the applications as requested by the applicants pending the submission of additional information from the applicants. The Committee also agreed that the applications should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicants. The Committee also agreed to advise the applicants 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 39**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/354            Temporary Cross-border Traffic Service Station (including Public Car Park, Container Freight Station, Container Storage, Container Tractor/Trailer Park, Office and Services Trades) for a Period of 3 Years in “Other Specified Uses” annotated “Service Stations” zone, Lots 372 S.D RP (Part), 661 S.C RP (Part), 669 RP (Part), 674 RP (Part), 733 RP (Part) and 774 RP in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/354)

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

130. 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 cross-border traffic service station (including public car park, container freight station, container storage, container tractor/ trailer park, office and services trades) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP)

did not support the application because there were sensitive receivers located to the south and southwest of the application site;

- (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 – the 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 development was in line with the planning intention of the “Other Specified Uses” annotated “Service Stations”. The site was located within the Wetland Buffer Area according to the “Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12B). The development was considered in line with the TPB PG-No. 12B as the development would not have adverse off-site disturbance impacts on the fish ponds and wetlands within the Wetland Conservation Area. The site also 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 TPB PG-No. 13E as there was no local objection and, there were no major adverse departmental comments on/objection to the application or their comments could be addressed through the imposition of approval conditions. To address DEP's concerns and mitigate any potential environmental impacts, relevant approval conditions on operation hours, the stacking height of containers stored at the site and the types of activities prohibited at the site was recommended. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites.” The applicant had complied with most of the approval conditions in the previous planning permission, except those on vehicular access and fire service installations. The works on vehicular access were tied to the completion of the road improvement works at San Tin Interchange, and was therefore beyond the

applicant's control. However, there was a need to enforce the condition relating to the provision of fire service installations. In order to closely monitor the fulfilment of conditions, shorter compliance periods were recommended, and no further extension of compliance periods would be granted unless under very exceptional circumstances.

131. Members had no question on the application.

#### Deliberation Session

132. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the site boundary to avoid encroachment onto the limit of the project no. 7259RS "Cycle Tracks Connecting North West New Territories with North East New Territories" as and when required by Civil Engineering and Development Department;
- (b) no night-time operation between 7:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (d) the stacking height of the containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (e) the stacking height of containers stored at any other parts of the site should not exceed 7 units at any time during the planning approval period;
- (f) no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, was allowed on the site

during the planning approval period;

- (g) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (h) the submission of drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2009;
- (i) in relation to (h) above, the provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2009;
- (j) the submission of vehicular access arrangement proposal within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 17.7.2009;
- (k) in relation to (j) above, the implementation of the vehicular access arrangement proposed within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 17.10.2009;
- (l) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2009;
- (m) in relation to (l) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2009;
- (n) the provision of fencing and paving of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2009;

- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) 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
- (q) 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.

133. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter compliance periods were imposed in order to monitor the fulfilment of approval conditions; no further extension of compliance periods would be granted unless under very exceptional circumstances; and favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long's (DLO/YL) comments that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office. Part of the site also encroached upon adjoining Government land without permission from his

Office. It was noted that the site involved portions of lots and the applicant was not the registered owner of the lots concerned. It was his policy not to grant Short Term Waiver to portion of a lot nor to a person other than the registered owner. However, his Office had no objection to the application provided that (a) the registered owner of the relevant lots/occupier apply for Short Term Waiver and Short Term Tenancy and (b) the affected portions of lots should be properly carved out for the application unless the other portion of the lot outside the site was free of any structure;

- (e) to follow the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” issued by Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
  
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department’s (CE/MN, DSD) comments that the applicant was fully responsible for the proper maintenance of the drainage facilities on-site. The applicant was required to ascertain that any of the existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. Peripheral channels should be provided around and within the site boundary. No public stormwater drainage maintained by CE/MN, DSD was currently available for connection. The area was likely being served by some of the existing local village drains. The village drains were probably maintained by DO/YL. If the proposed discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal; no public sewerage maintained by CE/MN, DSD was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained. The applicant was reminded that the drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. In case encroachment was found to be necessary, the applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application

site in future. All proposed drainage facilities should be constructed and maintained by the applicant at his own cost;

- (g) to note the Director of Fire Services' comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix V of the Paper. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration. Besides, it was noted that part of the site was proposed to be used for vehicle related service in which activities involving storage/use of Dangerous Goods were likely. The applicant/operator of the site was advised to approach his Dangerous Goods Division for advice on licensing of the premises for such purposes where necessary;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage;
- (i) to note the Director of Food and Environmental Hygiene's advice that a proper food licence or registration of a staff-canteen was necessary if any food handling or food business was conducted in the premises; and

- (j) to note the Commissioner of Police's comment that the applicant should make sure to comply with the conditions of the implementation of the new vehicular access arrangements, approved by the Transport Department as it would affect the effectiveness of the widening of Castle Peak Road and the new traffic control system at the junction of Castle Peak Road and San Tin Tsuen Road.

**Agenda Item 40**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/356            Temporary Public Vehicle Park (Excluding Container Vehicle)  
for a Period of 3 Years in "Village Type Development" zone,  
Lots 3060, 3061 and 3067 in D.D. 102, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/356)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site;
- (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 – the PlanD considered that the development could be tolerated for a period up to 28.3.2011 based on the assessments given in paragraph 12 of the Paper. The site was located within the Wetland Buffer Area according to the “Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12B). Sympathetic consideration could be given to the application as it basically sought planning permission for use of the site as a temporary public vehicle park (excluding container vehicles) which was similar to the adjoining uses in the vicinity. Although the development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could satisfy some of the local parking demand arising from the local villagers and cross-boundary travellers. No Small House applications had been received at the application site, and therefore the long-term planning intention of the “V” zone would not be frustrated. To address DEP's concerns, relevant approval conditions restricting the types of vehicles and the activities at the site had been recommended. The applicant would also be advised to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites.” As the last planning permission was revoked for failing to comply with approval conditions, shorter compliance periods were suggested. Since the application site needed to gain access through an adjoining site which was covered by another planning permission (Application No. A/YL-ST/349) submitted by the same applicant, a shorter approval period up to 28.3.2011 was recommended to tie in with the approval period of Application No. A/YL-ST/349.

135. Members had no question on the application.

#### Deliberation Session

136. After further deliberation, the Committee decided to approve the application on a temporary basis until 28.3.2011, on the terms of the application as submitted to the Town

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

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing, vehicle repairing workshop and canteen were allowed on the site at any time during the planning approval period;
- (d) the existing fencing on the site should be maintained at all times during the planning approval period;
- (e) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2009;
- (f) in relation to (e) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2009;
- (g) the submission of a landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2009;
- (h) in relation to (g) above, the implementation of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2009;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied

with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (j) if any of the above planning conditions (e), (f), (g) or (h) 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
- (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.

137. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should be obtained before commencing the temporary public vehicle park (excluding container vehicle);
- (b) that a shorter approval period was granted so as to tie in with the approval period granted to the previously approved temporary public vehicle park under application No. A/YL-ST/349 through which the current proposal needed to gain access; shorter compliance periods had been imposed in order to monitor the fulfillment of approval conditions; no favourable consideration would be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long's (DLO/YL) comments that the site was situated on Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office. The vehicular access on the northern part of the site required passing through other private land lots and

Government land leading up to Tung Wing On Road. His Office did not provide maintenance works on the Government land concerned and neither guarantee right-of-way;

- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's (CE/MN,DSD) comments that all existing drains, channels and streams in its vicinity and within the site should not be disturbed and blocked and existing drainage outlets from adjacent existing buildings/lots passing through the site should not be disturbed and blocked. No public stormwater drainage maintained by CE/MN, DSD was currently available for connection. The area was likely being served by some of the existing local village drains which were probably maintained by DO/YL. If the proposed discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal. No public sewerage maintained by his Office was currently available for connection. For sewage disposal and treatment, agreement from Director of Environmental Protection should be obtained; the applicant should review his drainage proposal/works as well as the site boundary in order not to cause encroachment upon areas outside his jurisdiction. In case encroachment was found to be necessary, the applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future. All proposed drainage facilities should be constructed and maintained by the applicant at his own cost;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that two rows of trees were suggested to be provided along part of the western site boundary adjacent to the existing residential houses in order to mitigate the impact caused by the proposed development;
- (g) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the

surrounding areas; and

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

#### **Agenda Item 41**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/364            Proposed Excavation of Land for the Construction of  
a Permitted Secondary Boundary Fence  
in "Conservation Area" zone,  
Along Boundary Patrol Road from Pak Hok Chau in Mai Po to  
Sha Tau Kok, Yuen Long  
(RNTPC Paper No. A/YL-ST/364)

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

138.        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 excavation of land for the construction of a permitted

secondary boundary fence in “Conservation Area” zone;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) considered that the ecological impact assessment (EcoIA) as adequate in addressing the possible on-site and off-site ecological impacts due to the proposed works and that such impacts could be mitigated through measures proposed in the EcoIA;
- (d) during the statutory publication period, three public comments were received. Two of them were from Sha Tin Rural Committee (STRC), which suggested that the relevant Government departments should consult them for any local public works in San Tin. The secondary boundary fence (SBF) might block the main access of the local villagers during the construction period and after completion of works. The other comment was from the Hong Kong N.T. Fish Culture Association, which was concerned about that the proposed works would have adverse impact on the normal operation of fish delivery to the market and might block access of the local villagers along the site; 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 site fell within the “Conservation Area” zone on both the approved Mai Po & Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6 and San Tin OZP No. S/YL-ST/8, and lay along the boundary of the Wetland Conservation Area (WCA) according to the “Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12B). The construction of a SBF to release the area of Frontier Closed Area (FCA) for future development, to maintain the integrity of the boundary of the territory, and to facilitate the combat against illegal immigration and other cross-boundary criminal activities was considered an essential infrastructural project with overriding public interest. The proposed works did not require filling of ponds that would result in a net loss in wetland function and negative disturbance impacts. Regarding the local

concerns on accessibility through the FCA, the Commissioner of Police responded that he would continue to apply access control to the reduced FCA on a need basis, and would facilitate legitimate requests for access by the issuance of closed area permits and other necessary arrangement. The Secretary for Security (S for S) indicated that the clear width of the existing Boundary Patrol Road would be maintained during the construction of SBF except a short section. On STRC's request for consultation, a meeting between S for S and STRC was held on 15.4.2009.

139. Members had no question on the application.

#### Deliberation Session

140. Mr. Ambrose Cheong commented that there was a typo in advisory clause (f) of the Paper which should be rectified. Members agreed.

141. 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 17.4.2013, 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.

142. The Committee also agreed to advise the applicant :

- (a) to note District Lands Officer/Yuen Long's (DLO/YL) comments that site was tentatively scheduled for handing over to Architectural Services Department in December 2009 for construction of the secondary boundary fence (SBF). For implementation of the project, the works department should apply for a simplified temporary land allocation ("STLA") from this office for excavation works thereon. However, if appropriate, the works department might carry out excavation works without a STLA if the works was minor in nature under Section 10B of Cap. 28 – Land (Miscellaneous Provisions) Ordinance;

- (b) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the planning application formed part of Agreement No.9SN005 – Construction of a Secondary Boundary Fence. Design layout and details had been submitted to his Division for comment under this agreement. However, the submission was not to the satisfaction of his Division and the Consultants of the Agreement were required to revise and resubmit the design layout for further comment. The applicant was required to ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. Peripheral channels or similar provision should be provided around and within site boundary. The applicant should consult DLO/YL regarding all the proposed drainage works outside the site in order to ensure the underground discharge from the application site in future. All proposed drainage facilities should be constructed and maintained by the applicant at his own cost;
- (c) to note the Water Supplies Department (WSD)'s comments that the proponent should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a Waterworks Reserve within 1.5 metres from the centerline of the water mains should be provided to WSD (Plan A-2). No structure should be erected over this Waterworks Reserve and such area should not be used for storage purposes. The Water Authority and his officers, contractors and workmen should have free access at all times to the site with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize;
- (d) to note the Director of Agriculture, Fisheries and Conservation's comments that on the potential off-site disturbance impacts, paragraph 6.6.43 of the ecological impact assessment (EcoIA) reported that the major potential impact imposed on the waterbirds roosting at the gei wais in the Mai Po Nature Reserve and the fish ponds in the Wetland Conservation Area (WCA) would be the noise disturbance arising from the construction works

of the SBF during excavation. Apart from the implementation of good site practices and measures to minimize the construction noise as detailed in paragraph 6.6.45 of the EcoIA, the Consultants recommended in paragraph 6.6.46 of the EcoIA that all construction works that involved the use of Power Mechanical Equipment for the construction works within the WCA should be avoided during the bird migratory season from 15 November to 15 March. Furthermore, since the western end of the Section 1 of the proposed SBF was located within 100 metres from the Tam Kon Chau Egretty, the EcoIA assessed that the potential noise disturbance impact to this egretty to be “Moderate” during the construction phase as reported in Table 6-45. In order to mitigate the potential impacts to breeding ardeids, the EcoIA recommended in paragraph 6.6.49 - 6.6.50 that excavation works within 150m buffer zone from the egretty would be avoided during the ardeid breeding season (i.e. from 1 March to 31 July). When construction works commenced in August, the egretty would be inspected to ensure that all breeding ardeids had already left. It was noted from Table 6-45 that the impact severity of the proposed works to the Tam Kon Chau Egretty after mitigation would be “Minor”;

- (e) to note the Director of Environmental Protection’s comments that the construction of the secondary boundary fence constituted a Designated Project (DP) by virtue of Item Q.1, Part I, Schedule 2 of the Environmental Impact Assessment (EIA) Ordinance. The applicant had made an application for approval of EIA report under the EIA Ordinance. Environmental Protection Department advised on 23 January 2009 the suitability of the EIA report for public inspection. The statutory process was still ongoing. As a reminder, the applicant should obtain a valid Environmental Permit under the EIA Ordinance for construction and operation of the DP; and
- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that though the Border District Police was the main user of the Boundary Patrol Road and public access was restricted (even after reduction of Frontier Closed Area coverage), if the

actual site conditions permitted, various Transport Planning and Design Manual (TPDM) requirements including horizontal clearance, visibility and provision of lay-by should be adopted.

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

**Agenda Item 42**

**Any Other Business**

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