

**TOWN PLANNING BOARD**

**Minutes of 438th Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 1.4.2011**

**Present**

Director of Planning  
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. Stephen M.W. Yip

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

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

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

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

Secretary

**Absent with Apologies**

Ms. Anna S.Y. Kwong

Dr. W.K. Lo

Dr. James C.W. Lau

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. C.T. Ling

Chief Town Planner/Town Planning Board (Atg.)  
Ms. Maggie M.Y. Chin

Town Planner/Town Planning Board  
Ms. Polly O.F. Yip

**Agenda Item 1**

Confirmation of the Draft Minutes of the 437th RNTPC Meeting held on 18.3.2011

[Open Meeting]

1. The Secretary reported that proposed amendments to paragraphs 49 and 51(c) of the draft minutes of the 437th RNTPC meeting had been received from the representative of Transport Department and a copy was tabled for Members' consideration. The amended paragraphs should read as follows :

Paragraph 49

“Mr. Ambrose Cheong said that an advisory clause should be added to state that the access to the east of the site was not managed by Transport Department and the applicant should check the land status, and the management and maintenance responsibilities for the access with the relevant lands and maintenance authorities. The Committee agreed.”

Paragraph 51(c)

“to note that the access lying to the east of the site was not managed by the Commissioner for Transport ...”

2. Members had no comment on the proposed amendments and the draft minutes were confirmed subject to the said amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

3. The Secretary reported that there were no matters arising.

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

[Ms. Doris S.Y. Ting, Mr. Otto K.C. Chan and Ms. Jessica K.T. Lee, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

**Agenda Item 3**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/204                      Proposed House (New Territories Exempted House – Small House)  
in “Green Belt” zone,  
Lot 3983 S.J in D.D. 51, Wo Hop Shek Village, Fanling  
(RNTPC Paper No. A/FSS/204)

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**Presentation and Question Sessions**

4.            Ms. Doris S.Y. Ting, 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 (NTEH) – Small House);

[Ms. Anita W.T. Ma arrived to join the meeting at this point.]

- (c)    departmental comments – the Commissioner for Transport had reservation on the application in that such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Nevertheless, he considered that the application could be tolerated as the application only involved the construction of one Small House. Other relevant government departments had no objection to or adverse comments on the application;

- (d) two public comments were received during the statutory publication period. One comment from a member of the general public expressed ‘no comment’ on the application. The other comment from the Designing Hong Kong Limited objected to the application on the grounds that the proposed Small House was incompatible with the planning intention of the “Green Belt” (“GB”) zone and the character of the area; the proposed development was incompatible with the land uses in the area; the lack of a sustainable village layout plan for the area might further deteriorate the living environment of the village and approval of the application would induce Small House development encroaching the “GB” zone. Besides, the District Officer (North) advised that the Chairman of Fanling District Rural Committee, the Indigenous Inhabitants’ Representative and the Residents’ Representative of Wo Hop Shek Village had no comment on the application; and
  
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper which were summarised below :
  - (i) the application complied with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that the footprint of the proposed Small House fell entirely within the ‘village environs’ (‘VE’) of Wo Hop Shek San Tsuen and Wo Hing Tsuen and there was a general shortage of land in the “V” zone of Wo Hop Shek San Tsuen to meet the demand for Small House development;
  
  - (ii) although the proposed Small House was not in line with the planning intention of the “GB” zone, the site was located at the edge of the “GB” zone which was close to the boundary of the “V” zone of Wo Hop Shek San Tsuen. It was not incompatible with the adjacent village setting and surrounding rural environment. The site was vacant and no tree was found. The Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application

from landscape perspective. The proposed Small House was provided with sewage disposal facilities and served by existing access connecting Ming Yin Road. The proposed Small House generally complied with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone; and

- (iii) nine similar applications for Small House developments in the vicinity with the same “GB” zone had been approved by the Committee. Although there was a public comment against the application, concerned government departments had no objection to or adverse comments on the application.

5. Members had no question on the application.

#### Deliberation Session

6. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.4.2015, 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-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

7. The Committee also agreed to advise the applicant of the following :
- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the Consultants Management Division of DSD was planning sewerage works in the village. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development and the provision of septic tank;
  - (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should 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. Besides, the site was located within the flood pumping gathering ground;
  - (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department; and
  - (d) 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) 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 4**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/144      Temporary Soya Products Processing Workshop,  
Retailing and Outside Seating Accommodation for a Period of 3 Years  
in “Agriculture” zone,  
Lots 1049 and 1050 in D.D. 95 and Adjoining Government Land,  
Kwu Tung North, Sheung Shui  
(RNTPC Paper No. A/NE-KTN/144)

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Presentation and Question Sessions

8.            Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary soya products processing workshop, retailing and outside seating accommodation for a period of three years;
- (c)    departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site and environmental nuisance was expected. According to DEP, no environmental complaint regarding the application site had been received since 2008. Other government departments had no objection to or adverse comments on the application;
- (d)    eight public comments were received during the statutory publication period. One comment from a member of the general public supported the application as it would facilitate the villagers. The other seven comments submitted by a member of the North District Council and six villagers of Ho Sheung Heung objected to the application mainly on the grounds that Ho Sheung Heung Road and Pai Fung Road which were busy and narrow

had no spare capacity to accommodate additional traffic in particular the numerous coaches during weekends and public holidays; the site did not have sufficient parking spaces and the proposed parking area was an abandoned school which should be used for educational purpose; the applied uses would attract a large number of visitors, create nuisance to the villagers, affect the public order and the village environment, and the increased traffic flow would pose a threat to pedestrian safety; the applied use would adversely affected the public hygiene and the outside seating accommodation should obtain a licence from the Food and Environmental Hygiene Department first; the village office had not consulted the villagers and obtained their consent on the application; and the application did not have any noise, air, sewerage, visual and traffic impact assessments. Besides, the District Officer (North) advised that the Village Representative (VR) of Ho Sheung Heung supported the application while another VR of Ho Sheung Heung and the Chairman of Sheung Shui District Rural Committee had no comment on the application. A member of the North District Council raised objection to the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper which were summarised below :
  - (i) a majority of the site (about 57.8%) had been used for soya production workshop before the Kwu Tung North Interim Development Permission Area Plan gazetted on 17.8.1990. The current application proposed to rebuild one of the existing workshop, refurbish other temporary structures within the existing soya products processing workshop and to extend the workshop area to provide retailing, outside seating accommodation and other ancillary facilities;
  - (ii) the applied uses was not incompatible with the surrounding uses which were mainly fallow agricultural land, temporary structures, open storage yards, unused land and village dwellings. Two

previous applications (A/NE-KTN/68 and 123) for intensification of the existing soya products processing workshop had been approved with conditions by the Committee. The addition of retailing and outside seating accommodation under the application would not cause significant adverse traffic, drainage and fire safety impacts. Concerned government departments including the Commissioner for Transport (C for T), Drainage Services Department and Fire Services Department had no objection to or adverse comments on the application;

- (iii) while C for T had no objection to the application, he raised concern on the narrow and substandard rural access road to the site and recommended the inclusion of an approval condition to prohibit medium or heavy goods vehicles including container vehicles from enter/exit the site. Regarding DEP's concern on the possible environmental impacts on the nearby residents, an approval condition to restrict the operation hours was recommended and the applicant would also be advised to undertake environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize any possible environmental nuisance;
- (iv) although the previous application (No. A/NE-KTN/123) was revoked due to non-compliance with approval condition on provision of fire service installations and water supplies for fire fighting, the applicant had submitted a preliminary fire services installations proposal in support of the current application. If the application was approved by the Committee, shorter compliance periods were recommended to monitor the progress of compliance of approval conditions; and
- (v) regarding the public comments raising objection to the application on traffic, environmental, pedestrian safety, public order and hygiene grounds, most of the concerned government departments had no adverse comment on the application. Besides, appropriate approval

conditions were recommended to monitor the operation of the applied uses. The applicant would also be advised to liaise with the local residents to address their concerns.

9. A Member noted the comments from C for T that the rural access leading to the site was narrow and it was not managed by the Transport Department. He asked whether there was more information about the land status and maintenance of this rural access. In response, Ms. Doris S.Y. Ting said that she had no information about the subject rural access. However, the applicant would be advised to check the land status with the lands authority. The management and maintenance requirements of the access should also be clarified with the relevant lands and maintenance authorities.

#### Deliberation Session

10. Mr. Ambrose S.Y. Cheong stated that Ho Sheung Heung Pai Fung Road and the unnamed road leading to the site were not managed by the Transport Department. As some sections of these roads were relatively narrow, he supported the inclusion of an approval condition to prohibit medium or heavy vehicles from enter/exit the site. He said that apart from medium or heavy goods vehicles, buses over 10 metres long should also be prohibited to better address the concerns of the local villagers. In response to a Member's enquiry, Mr. Ambrose S.Y. Cheong said that a 50-seater bus (which was usually over 10 metres long) was similar to the length of a medium/heavy goods vehicle and a light bus/medium-size bus had shorter length. In view of the substandard rural access, Members agreed that apart from medium and heavy goods vehicles exceeding 5.5 tonnes, buses over 10 metres long should also be prohibited from enter/exit the site.

11. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;

- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container vehicles, and buses exceeding 10 metres long as defined in the Road Traffic Ordinance were allowed to enter/exit the application site during the planning approval period;
- (c) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.7.2011;
- (d) in relation to (c) above, the implementation 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 1.10.2011;
- (e) the submission of water supplies for fire fighting and fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.7.2011;
- (f) in relation to (e) above, the provision 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 1.10.2011;
- (g) the submission of tree preservation and maintenance proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.7.2011;
- (h) in relation to (g) above, the implementation of tree preservation and maintenance proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.10.2011;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

- (j) if any of the above planning conditions (c), (d), (e), (f), (g) and (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.

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

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) shorter compliance periods were given to closely monitor the situation and the compliance of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to apply to the District Lands Officer/North, Lands Department (LandsD) for a fresh Short Term Waiver for the proposed additional usage and structures;
- (d) to note the comments of the Commissioner for Transport that the rural access road to the site was via an unnamed village track and Ho Sheung Heung Pai Fung Road. The unnamed village track and Ho Sheung Heung Pai Fung Road were not under the management of the Transport Department. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance requirements of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that a water-course connected to the River Beas (i.e. Sheung Yue River) ran in the proximity along the eastern boundary of the site. Precautionary measures should be undertaken to avoid any pollution,

particularly in terms of surface runoff/discharges, to the surrounding environment;

- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment disposal facilities for the development under application;
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the site was located within WSD flood pumping gathering ground and the water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (h) to note the comments of the Chief Building Surveyor/New Territories, Buildings Department (BD) that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the 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 street of not less than 4.5m wide, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. Moreover, the applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the development;
- (i) to note the comments of the Director of Fire Services (D of FS) that the arrangement for the emergency vehicular access should comply with Part VI of the 'Code of Practice for Means of Access for Fire-fighting and Rescue' administered by BD and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (j) to note the comments of the Director of Food and Environmental Hygiene that under the current licensing regime, the operation of food business (including food factory and restaurant) at premises under application for food business licence in private buildings should be in compliance with government lease conditions and statutory plan restriction, and free of unauthorized building works. Upon receipt of application for food business licence, the Food and Environmental Hygiene Department would seek comment from the concerned government departments (e.g. BD, LandsD, Fire Services Department, Planning Department, etc.). The proposed food business must also comply with the provisions of Public Health and Municipal Services Ordinance, Chapter 132 and the regulations made under it, including the Food Business Regulations, and any prevailing requirements or conditions as specified by his department or any requirements or conditions imposed or might be imposed by the Building Authority, the D of FS, the Director of Lands, the Director of Electrical and Mechanical Services, the Director of Environmental Protection (DEP) or any other government departments;
  
- (k) 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' issued by DEP in order to minimize the potential environmental impacts on the adjacent areas; and
  
- (l) to liaise with the local residents to address their concerns on the applied uses.

**Agenda Item 5**

**Section 16 Application**

[Open Meeting]

A/NE-KTS/306            Proposed Three Houses  
in “Government, Institution or Community” zone,  
Lot 1145 RP in D.D. 92, Hang Tau, Kwu Tung South, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/306)

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13.            The Committee noted the applicant requested on 24.3.2011 for a deferment of the consideration of the application for one month in order to allow time for the applicant to address the comments/concerns from relevant government departments on the application.

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

**Agenda Item 6**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/345            Temporary Furniture Repair Workshop, Covered and Open Storage of  
Metal and Steel Materials, Machine Accessories, Machinery and  
Equipment for Electronic Components with Ancillary Office,  
Electricity Transformer Room and Lavatory for a Period of 3 Years  
in “Open Storage” and “Agriculture” zones,  
Lots 783 and 784 in D.D. 77, Ping Che  
(RNTPC Paper No. A/NE-TKL/345)

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Presentation and Question Sessions

15. Members noted that a replacement page for Page 12 of the Paper had been distributed for their information before the meeting. Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary furniture repair workshop, covered and open storage of metal and steel materials, machine accessories, machinery and equipment for electronic components with ancillary office, electricity transformer room and lavatory for a period of three years;

[Mr. Rock C.N. Chen arrived to join the meeting at this point.]

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application. According to the Director of Environmental Protection (DEP), there was a noise complaint for the site in 2008. It was a machine noise complaint regarding a recycling waste collector at Ping Che and an immediate site inspection conducted by DEP revealed that electric waste was stored on the site. The complainant was informed of the findings and she did not spot further site operation and suggest to close the complaint;
- (d) one public comment stating ‘no comment’ was received during the statutory publication period. Besides, the District Officer (North) advised that the Vice Chairman of Ta Kwu Ling District Rural Committee objected to the application on the ground that the development might bring dangerous vehicles in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper which were summarised below :

- (i) the site fell within an area mainly zoned “Open Storage” (“OS”) (about 83.2%) and partly zoned “Agriculture” (“AGR”) (about 16.8%). The uses under application were always permitted within the “OS” zone and were not incompatible with the surrounding areas which were mainly open storage yards, warehouses and vehicle repair workshops. Concerned government departments had no objection to or adverse comments on the application;
  
- (ii) the application generally complied with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that the site fell mainly within an area zoned “OS” (i.e. Category 1 area) and previous planning approvals were granted for similar open storage/workshop uses on the site and the applicant had complied with the approval conditions of the previous planning application;
  
- (iii) although the development was not in line with the planning intention of the “AGR” zone, only a minor portion of the site (about 16.8%) fell within the “AGR” zone and the Director of Agriculture, Fisheries and Conservation had no comment on the application as the site had been hard-paved for open storage uses. Despite the site fell within the Ping Che/Ta Kwu Ling New Development Area (NDA), the future use of the site was subject to review under the North East New Territories NDA study. Approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the future development of the Ping Che/Ta Kwu Ling NDA;
  
- (iv) the site was the subject of six previous applications for similar open storage/workshop use approved by the Committee and there was no material change in planning circumstances for the area. Approval of the current application was in line with the previous decisions of the Committee;

- (v) given there were some scattered domestic structure in the vicinity of the site and DEP had previously received a noise complaint, an approval condition to restrict the operation hours was recommended and the applicant would be advised to undertake environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'; and
- (vi) regarding the local objection, concerned government departments including the Commissioner for Transport had no objection to the application.

16. Members had no question on the application.

#### Deliberation Session

17. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Saturdays, Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.10.2011;
- (d) in relation to (c) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.1.2012;

- (e) the submission of 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 1.10.2011;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.1.2012;
- (g) the submission of water supplies for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.10.2011;
- (h) in relation to (g) 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 1.1.2012;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (j) if any of the above planning conditions (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.

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

- (a) prior planning permission should have been obtained before commencement of the development;

- (b) the permission was given to the use/development under application. It did not condone any other uses/developments which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such uses/developments not covered by the permission;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the site was located within the flood pumping gathering ground. There was an existing 80mm diameter water mains at the southern part of the development site. No structure or support for any structure, except boundary fences, should be placed or erected and no motor vehicles were allowed to park or remain for any purposes including for display within the area of 1.5 metres from the centrelines of the water mains. Free access should be made available at all times for staff of the Director of Water Supplies or his authorized contractor to carry out construction, inspection, operation, maintenance and repair works to the water mains. If the applicant raised requests for diversion of the water mains, the cost of the diversion works should be borne by the applicant;
- (d) to follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the application was subject to enforcement action under Section 24 of the Building Ordinance (BO). Formal submission by an authorized person for the proposed building works was required under the BO. If the site did not abut on a street of not less than 4.5m wide, development intensity of the site should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. The use of containers as offices, transformer room and toilet, etc. were considered as temporary buildings and were subject to control under B(P)R Part VII;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that there was no tree planting at certain section of the site boundary. The applicant should explore the opportunity for new tree planting in the site;
  
- (g) to note the comments of the Director of Fire Services that if no building plan would be circulated to his department via the Centralized Processing System of Buildings Department and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the site, the applicant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval and to provide the FSIs in accordance with the approved proposals. In preparing the submission, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
  
- (h) to note the comments of the Commissioner for Transport that there was a vehicular access leading to the site. Notwithstanding that the access was not under the management of the Transport Department, the applicant was advised to check the land status of the access with the lands authority. The management and maintenance responsibilities of the concerned access should also be clarified with the relevant lands and maintenance authorities accordingly.

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/740                      Proposed Office in “Industrial” zone,  
Flat X, 2/F, Valiant Industrial Centre, No. 2-12, Au Pui Wan Street,  
Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/740)

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**Presentation and Question Sessions**

19.            Mr. Otto K.C. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period. The Incorporated Owners of Unison Industrial Centre stated that if there was no objection from the owner of Valiant Industrial Centre and the proposed office would not cause adverse impacts on other buildings, the granting of permission was subject to the Committee; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessment made in paragraph 11 of the Paper which were summarised below:
  - (i) the application was for partial conversion of 2/F of an existing building for office use. It was considered not incompatible with the

industrial and industrial-related uses in the subject industrial building and the surrounding developments;

- (ii) the proposed office generally complied with the Town Planning Board Guidelines No. 25D for 'Use/Development within "Industrial" Zone' and relevant government departments consulted had no objection to or adverse comments on the application;
- (iii) although DEP was concerned about the potential interface problem from the air pollutant emissions at various industrial activities/operation on the proposed office given the lack of buffer and constraints on alternative air intake points for the subject premises, he would support the application subject to the submission of an air quality assessment to demonstrate acceptable air quality at the subject premises by the applicant. Such requirement could be addressed by imposing an appropriate approval condition; and
- (iv) a temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

20. Members had no question on the application.

#### Deliberation Session

21. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.10.2011;

- (b) the implementation of the fire safety measures within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.1.2012;
- (c) the submission of an air quality assessment and the implementation of suitable mitigation measures identified therein within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 1.10.2011; and
- (d) if any of the above planning conditions (a), (b) or (c) 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.

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

- (a) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (b) to note the comments of the Director of Fire Services that the proposed office should not attract unreasonably large number of persons. Detailed fire safety requirements should be formulated upon receipt of formal submission of general building plans;
- (c) to note the comments of the District Lands Officer/Shu Tin, Lands Department (LandsD) that the owner of the premises was required to apply for a waiver from LandsD to implement the approved proposal. Such application, if received, would be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval given would be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee, as might be imposed by LandsD; and

- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the office should be separated from adjoining workshops by compartment walls, floors and lobbies having a fire resisting period of not less than two hours. The applicant should refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/413            Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” and “Village Type Development” zones,  
Lot 1598 S.A ss.1 in D.D. 19, Tin Liu Ha Tsuen, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/413)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential of rehabilitation for agricultural

activities;

[Professor Edwin H.W. Chan left the meeting temporarily at this point.]

- (d) two public comments against the application were received during the statutory publication period. The Hong Kong Bird Watching Society objected to the application on the grounds that permitting development which was not in line with planning intention of the “Agriculture” (“AGR”) zone would set a bad precedent for future development on agricultural land. Besides, the proposed development might affect the water quality of the nearby streams. The Designing Hong Kong Limited objected to the application on the grounds that permitting development within the “AGR” zone without a sustainable village layout plan would adversely affect the environment of the surrounding areas; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper which were summarised below :
  - (i) the application did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that there was no shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Sheung Tin Liu Ha, Ha Tin Liu Ha and Ko Tin Hom;
  - (ii) a major part (about 74.5%) of the application site fell within the “AGR” zone and the proposed development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application from agricultural point of view as the site had high potential of rehabilitation for agricultural activities; and
  - (iii) since there was a surplus of land for Small House development within the “V” zone of Sheung Tin Liu Ha, Ha Tin Liu Ha and Ko

Tin Hom, the proposed Small House should be developed within the “V” zone first so as to ensure a more orderly development pattern, efficient use of land and provision of infrastructures and services in the “V” zone. The applicant failed to demonstrate in the submission why other suitable sites could not be made available within the “V” zone for the proposed Small House development.

24. Members had no question on the application.

#### Deliberation Session

25. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories’ in that there was no shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Sheung Tin Liu Ha, Ha Tin Liu Ha and Ko Tin Hom;
- (b) 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; and
- (c) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation, cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention.

## **Agenda Item 9**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/414            Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” and “Village Type Development” zones,  
Lot 872 S.C RP in D.D. 19, She Shan Tsuen, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/414)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential of rehabilitation for agricultural activities;
- (d) two public comments against the application were received during the statutory publication period. The Hong Kong Bird Watching Society objected to the application on the grounds that permitting development within the “Agriculture” (“AGR”) zone with high potential for agricultural use would set a bad precedent for more future development in the area. The other comment submitted by a group of local villagers objected to the application on fung shui and environmental grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper

which were summarised below :

- (i) the proposed Small House was generally in line with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that more than 50% (about 62.5%) of the footprint of the proposed Small House fell within the “Village Type Development” (“V”) zone of She Shan Tsuen and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of She Shan Tsuen;
- (ii) the site fell within the water gathering ground. According to the Chief Engineer/Project Manager, Drainage Services Department, it would be feasible for the proposed Small House to be directly connected to the planned public sewer system provided that the applicant would raise the formation level of the proposed Small House by about 0.6m. In this regard, the applicant had submitted further information to confirm that he would raise the formation level of the proposed Small House by 0.6m so as to connect to the future public sewers. As the proposed Small House would be connected to the future public sewers, both the Environmental Protection Department and the Water Services Department had no objection to the application;
- (iii) the proposed Small House was not incompatible with the surrounding village setting and significant adverse impact on landscape resource was not expected. The Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application; and
- (iv) although there were public comments against the application on environmental and fung shui grounds, concerned government departments had no objection to or adverse comments on the application. Moreover, the issue of fung shui was not a material consideration in considering the application.

27. Members had no question on the application.

Deliberation Session

28. Mr. Ambrose S.Y. Cheong said that the existing village access near the application site was not managed by the Transport Department, and the proposed advisory clause (h) at Page 11 of the Paper should be revised accordingly. Members noted and agreed.

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

29. 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 1.4.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to the planned public sewer system to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

30. The Committee also agreed to advise the applicant of the following :
- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
  - (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
  - (c) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
  - (d) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
  - (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that both public stormwater drainage system and public sewerage system were not available for connection in the vicinity of the site. For public stormwater drainage system, the applicant was required to provide proper stormwater drainage facilities for the proposed development to the satisfaction of his department. For public sewerage system, the Director of Environmental Protection should be consulted on the requirements on sewage treatment and disposal aspect of the proposed development and the Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) should be consulted on the availability of sewerage connection;
  - (f) to note the comments of CE/PM, DSD that the applicant should be vigilant on the latest situation of the sewerage project works, for which the Village Representatives would be kept informed by DSD;

- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) as follows :
- (i) if septic tank and soakaway pit system were acceptable to be used as an interim measure for sewage disposal before public sewer was available, the applicant should note that any such permitted septic tank and soakaway pit system should be designed and maintained in accordance with the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) No. 5/93 issued by the Environmental Protection Department. The septic tank and soakaway pit system should be located at a distance of not less than 30m from any watercourses and should be properly maintained and desludged at a regular frequency. All sludge generated should be carried away and disposed of outside the water gathering grounds;
  - (ii) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard; and
  - (iii) the site fell within the consultation zone of Tai Po Tau Water Treatment Works and Tai Po Water Treatment Works, which were Potential Hazardous Installations.
- (h) to note the comments of the Commissioner for Transport that the existing village access near the site was not managed by the Transport Department. The applicant should check the land status of the village access with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities accordingly;

- (i) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (j) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the District Lands Officer/Tai Po, LandsD to verify if the site satisfied the criteria for the site formation works as stipulated in Practice Note for Authorized Persons and Registered Structural Engineers (PNAP APP56). If such exemption was not granted, the applicant should submit plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. If there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should liaise with the electricity supplier and, if necessary, requested the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. The applicant should also observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.

## **Agenda Item 10**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/485                      Proposed Public Utility Installation (Electricity Package Substation)  
in “Green Belt” zone,  
Lot 482 S.N (Part) in D.D. 21, Pun Shan Chau, Tai Po  
(RNTPC Paper No. A/TP/485)

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### **Presentation and Question Sessions**

31.                      Members noted that three replacement pages for Page 7 to 9 of the Paper had been tabled at the meeting. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (electricity package substation);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period. The Designing Hong Kong Limited objected to the application on the grounds that the land was zoned “Green Belt” (“GB”) and there was no information on tree protection, management and compensation during and after the construction of the proposed public utility installation. Approval of the application would set an undesirable precedent for similar applications in the “GB” zone; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper which were summarised below :

- (i) the proposed utility installation was a mini-type transformer required for provision of power supply to the nearby Small House developments. The Director of Electrical and Mechanical Services (DEMS) had no objection to the application as far as electrical safety and reliability were concerned; and
- (ii) the proposed development was small in scale and was not incompatible with the surrounding landscape and rural setting. Regarding the public comment on tree protection, there was no existing tree on the site. Besides, the Chief Town Planner/Urban Design and Landscape, PlanD considered the landscape proposal submitted by the applicant acceptable. The Director of Agriculture, Fisheries and Conservation had no comment on the application from nature conservation point of view.

32. Members had no question on the application.

#### Deliberation Session

33. Mr. Ambrose S.Y. Cheong suggested that if the Committee decided to approve the application, an advisory clause should be added to state that the access near the site was not managed by the Transport Department and the applicant should check the land status, and clarify the management and maintenance responsibilities of the subject access with the relevant lands and maintenance authorities. Members agreed.

34. 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 1.4.2015, 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 implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and

- (b) 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.

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

- (a) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the 'Code of Practice for Means of Access for Firefighting and Rescue' administered by Buildings Department (BD). Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should avoid damage the existing trees during construction;
- (c) to note the comments of the Director of Health that according to the World Health Organisation (WHO), compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (d) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services (DEMS);
- (e) to note the comments of the Chief Building Surveyor/New Territories West, BD that the emergency vehicular access should be provided in compliance with the Building (Planning) Regulations (B(P)R) 41D. If the site did not abut on a street of not less than 4.5m wide, the development intensity

would be determined by the Building Authority under B(P)R 19(3). Formal submission of any proposed new building works for approval under the Buildings Ordinance was required;

- (f) to note the comments of the Commissioner for Transport that the access near the site was not managed by the Transport Department. The applicant should check the land status of the access with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access near the application site was not maintained by HyD;
- (h) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the lot owner had to apply to his office for necessary approval by way of short term waiver for the construction of the electricity package substation concerned. Nevertheless, there was no guarantee that such approval would eventually be given. If approved by LandsD acting in the capacity as landlord at their discretion, such approval might be subject to such terms and conditions, including payment of fee/rental, as imposed by LandsD. The Government could not guarantee access to the site and the applicant had to make his own arrangement for the access; and
- (i) to note the comments of DEMS that prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, requested the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The applicant and his contractor should observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.

[The Chairman thanked Ms. Doris S.Y. Ting, Mr. Otto K.C. Chan and Ms. Jessica K.T. Lee, STPs/STN, for their attendance to answer Members' enquires. Ms. Ting, Mr. Chan and Ms. Lee left the meeting at this point.]

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

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

#### **Agenda Item 11**

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

[Open Meeting]

Y/YL/5

Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/18 from "Government, Institution or Community (1)" to "Residential (Group C)", Lots 1818 RP, 1846 RP, 1850 (Part), 1851, 1852 RP, 1853 RP, 1855 RP, 1857 RP and 1858 RP (Part) in D.D. 120 and Adjoining Government Land, Ma Tin Pok, Yuen Long  
(RNTPC Paper No. Y/YL/5)

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36. The Committee noted that the applicant's representative requested on 2.3.2011 for a deferment of the consideration of the application for two months in order to allow more time for the applicant to address the departmental comments on the application.

37. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee agreed that the application should be submitted for its 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 12**

**Section 12A Application**

[Open Meeting]

Y/YL-LFS/1                      Application for Amendment to the Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/7 from “Recreation” to “Government, Institution or Community”, Lots 1965 (Part), 1966 S.A (Part), 1966 RP, 1968 (Part), 1969, 1970, 1973 (Part), 1974 (Part), 1975 RP (Part), 1976 S.B (Part), 1976 RP (Part), 1977 S.B (Part) and 1977 RP (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. Y/YL-LFS/1)

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38.            The Committee noted that the applicant’s representative requested on 18.3.2011 for a deferment of the consideration of the application for one month in order to allow more time for the applicant to address the comments from relevant government departments and the public on the application.

39.            The Secretary informed Members that an email from the Alliance for the Concern Over Columbarium Policy (ACCP) was received on 30.3.2011 and a copy of the said e-mail was tabled at the meeting for Members’ information. The Secretary said that ACCP raised objection to the applicant’s request to defer the consideration of the subject application on the grounds that the columbarium at the site was illegal. Despite the Planning Authority’s enforcement action requiring the applicant to discontinue the illegal columbarium by January 2011, it was still in operation.

40.            In considering the subject request for deferral, the Secretary drew Members’ attention on the criteria as set out in the Town Planning Board Guidelines No. 33 on ‘Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance’ (TPB-PG No. 33), in particular, the criteria on whether the deferment would affect the interests of other relevant parties. Members noted that for the subject site, an Enforcement Notice had been issued requiring the concerned landowners to discontinue the unauthorized development and the Planning Authority was considered taking further enforcement or prosecution action. The Secretary

said that the consideration of planning application by the Board/the Committee and the undertaking of planning enforcement by the Planning Authority were two statutory procedures under the Town Planning Ordinance. In considering the subject request for deferral, it would be appropriate for the Committee to consider whether the pertinent planning criteria in TPB-PG No. 33 had been met. Members agreed that the justification for deferment met the criteria set out in the said guidelines.

41. 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 agreed that the application should be submitted for its consideration within three months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting]

A/TM/413                      Proposed Office, Eating Place, and Shop and Services  
in “Industrial” zone,  
Tuen Mun Town Lot 155, No. 4 Kin Fung Circuit, Tuen Mun  
(RNTPC Paper No. A/TM/413)

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42. The Committee noted that the applicant’s representative requested on 18.3.2011 for a deferment of the consideration of the application for one month in order to allow more time for the applicant to address the departmental concerns on the application and to submit further information to substantiate the application.

43. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the

applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/414                      Shop and Services (Barber Shop) in “Industrial” zone,  
S1-B G/F, Block C, Delya Industrial Centre,  
7 Shek Pai Tau Road, Tuen Mun  
(RNTPC Paper No. A/TM/414)

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

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

- (a) background to the application;
- (b) the proposed shop and services (barber shop);
- (c) there were two similar applications (A/TM/94 and A/TM/379) for temporary shop and services uses on G/F in the subject premises which were rejected by the Committee/the Board on review. Application No. A/TM/94 for a supermarket was rejected on the grounds that the operation of a supermarket in an industrial building would attract large numbers of casual visitors and create fire safety problems. Moreover, there was no loading/unloading space provided in the subject building for the exclusive use of the supermarket and the operator might carry out the loading/unloading activities on roads adversely affected the traffic

circulation in the area. Application No. A/TM/379 for retail shop was rejected on fire safety grounds that a means of escape completely separated from the industrial portion was not available;

- (d) departmental comments – the Director of Fire Services did not support the application from fire safety point of view as a mean of escape totally separated from the industrial portion was not available for the premises;
- (e) one public comment from an individual stating support to the application was received during the statutory publication period; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The planning intention of the “Industrial” zone was to reserve land primarily for general industrial uses. Commercial uses in industrial buildings would only be considered based on the Town Planning Board Guidelines No. 25D on ‘Use/Development within “Industrial” Zone’ on a case-by-case basis. Although the shop and services use (barber shop) under application was small in scale, the subject premises was at the internal part of the G/F of the industrial building without direct frontage to the public street and it was only accessible from the public street through a corridor within the building. In this regard, the Director of Fire Services did not support the application as there was no means of escape totally separated the premises from the industrial portion of the building. The application was not in line with the TPB PG-No. 25D in that the applicant failed to demonstrate that the fire safety concern could be satisfactorily addressed.

45. Members had no question on the application.

#### Deliberation Session

46. After deliberation, the Committee decided to reject the application and the reason was :

- the proposed development did not comply with the Town Planning Board Guidelines No. 25D on 'Use/Development within "Industrial" Zone' as there was no means of escape totally separated the premises from the industrial portion of the building, and the applicant failed to demonstrate that the potential fire risk from the proposed use could be adequately addressed.

[Mr. Y.K. Cheng left the meeting temporarily at this point.]

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/343            Temporary Open Storage of Recyclable Materials  
(Metal, Plastic and Paper) and Ancillary Workshop  
for a Period of 3 Years in "Green Belt" zone,  
Lots 1520 (Part) and 1522 (Part) in D.D. 124 and  
Adjoining Government Land, Yuen Long  
(RNTPC Paper No. A/YL-PS/343)

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

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

- (a) background to the application;
- (b) the temporary open storage of recyclable materials (metal, plastic and paper) and ancillary workshop for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L,

PlanD) objected to the application as the development was not compatible with the planned landscape environment and would result in significant landscape impacts on the existing “Green Belt” (“GB”);

- (d) three public comments were received during the statutory publication period. A Yuen Long District Council member objected to the application as the storage use would cause adverse impact to the environment and the traffic generated by heavy vehicles from the development would create noise nuisance to the nearby residents. The Hong Kong Bird Watching Society objected to the application on the grounds that the use was not in line with the planning intention of the “GB” zone. It would set a bad precedent and cause disturbances to the vegetation and biodiversity and negative impacts to the landscape value of the “Conservation Area” in the proximity. The Designing Hong Kong Ltd (DHK) also objected to the application on the grounds that the use was not in line with the planning intention of the area and it was a blight to the environment. It did not comply with the Town Planning Board Guidelines No. 10 and 13E and would induce further degradation of the rural environment. DHK suggested that, if the application was approved, the applicant should be required to provide peripheral fencing and green buffer to mitigate the blight; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper which were summarised below :
  - (i) the site fell within a large “GB” zone which was designated since the first exhibition of the Ping Shan Outline Zoning Plan No. S/YL-PS/1 on 14.6.1996 to delimit the Hung Shui Kiu township from the green hillslopes to the west. The applied use, even on a temporary basis, was not in line with the planning intention of the “GB” zone;
  - (ii) the applied use was not compatible with the surrounding areas which were mainly agricultural land, poultry farms and rural settlements in

temporary structures. The site, together with a large area to its west, had been cleared in 2009 and the open storage and workshop use was currently in operation without planning permission. The creation of a 'fait accompli', particularly within the "GB" zone, should not be tolerated;

- (iii) five similar applications for open storage uses within the same "GB" zone were all rejected by the Committee or the Board on review. Approval of the application would set an undesirable precedent for other similar applications in the vicinity. The cumulative effects of approving such application would result in a general degradation of the environment in the area;
- (iv) according to the TPB Guidelines No. 10 for 'Application for Development within the "Green Belt" Zone', there was a general presumption against development within the "GB" zone, and new development would only be considered in exceptional circumstances and must be subject to very strong planning grounds. No strong planning justification had been provided in the submission for open storage and workshop uses within the "GB" zone; and
- (v) the application was not in line with the TPB Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' in that no previous planning approval for open storage use had been given to the site (which fell within Category 4 area) and there were adverse comments from CTP/UD&L, PlanD and DEP on the application. The Chief Engineer/Mainland North, Drainage Services Department also commented that the applicant had not submitted any drainage proposal in support of the application. The applicant failed to demonstrate that the applied use would not have adverse environmental and drainage impacts on the surrounding areas.

48. Members had no question on the application.

### Deliberation Session

49. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intention of the “Green Belt” (“GB”) zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. It was also not in line with Town Planning Board Guidelines No. 10 for ‘Application for Development within the “Green Belt” Zone’ in that no strong planning justification had been provided in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the application was not in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous approval for similar use had been granted on the site; there were no exceptional circumstances to merit an approval; and there were adverse departmental comments on the environmental, drainage and landscape aspects; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate in the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

**Agenda Item 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/209 Temporary Vehicle Repair Workshop and Warehouse  
for a Period of 3 Years in “Village Type Development” zone,  
Lot 1996 S.B RP (Part) in D.D. 130 and Adjoining Government Land,  
Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/209)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary vehicle repair workshop and warehouse for a period of three years;
- (c) departmental comments – the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) advised that there was no impending Small House application within the lot or close to the vicinity of the application site which were under processing by his office. However, some Small House grants close to the vicinity of the application site had been given in the past, which include Houses No. 245B, 245C and a proposed Small House at the immediate west of House 245C (as indicated on Plan A-2 of the Paper). The Director of Environmental Protection (DEP) advised that four water pollution complaints were recorded in 2009 and one water pollution complaint was recorded in 2010. The complaints were related to the car washing at pavement and illegal discharge of effluent by the car servicing company. All the five complaints were not substantiated;

- (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 did not support the application based on the assessment made in paragraph 11 of the Paper which were summarised below :
  - (i) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
  - (ii) there were a number of residential dwellings to the east and southeast of the site. The nearest village house at the southeast was about 5m from the site boundary (as indicated in Plans A-2 and A-4c of the Paper). In addition, three Small Houses to the immediate south of the site across a footpath were approved by DLO/TM, LandsD in 2009 and 2010 and two Small Houses (i.e. Houses No. 245B and 245C) had been developed. The applied uses, which comprised vehicle repair workshop and warehouse, were not compatible with the residential use in the surrounding areas;

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

- (iii) the development, which contained workshop activities, would likely generate environmental impacts. The applicant had not provided any detailed information on any measures to mitigate potential environmental impacts in his submission to demonstrate that the development would not generate adverse environmental impacts on the surrounding areas; and
- (iv) no approval had been granted for temporary vehicle repair workshop and warehouse uses within the same “V” zone. Moreover, three

similar applications for temporary vehicle workshop within the nearby “V” zone to the northeast across Shun Tat Street were all rejected. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

51. Members had no question on the application.

#### Deliberation Session

52. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the uses of the surrounding areas in particular the residential use to the east and southeast of the site. There was no information in the submission to demonstrate that the temporary uses would not generate adverse environmental impacts on the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/400            Proposed Temporary Public Vehicle Park (for Private Cars Only)  
and Landscaped Area for a Period of 3 Years  
in “Undetermined” and “Green Belt” zones,  
Lot 208 S.B RP in D.D. 99 and Adjoining Government Land,  
Lok Ma Chau Road, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/400)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park (for private cars only) for a period of three years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from landscape planning perspective. Although the site area within the “Green Belt” (“GB”) zone was proposed for tree planting, the integral part of the proposed development was a public vehicle park which was incompatible with the planning intention of the “GB” zone. If the Committee decided to approve the application, the applicant should be required to submit and implement landscape and the preservation proposals. Other concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen

Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper which were summarised below :
  - (i) a major part (about 94.5%) of the site fell within the “Undetermined” (“U”) zone and the future land use of the “U” zone were to be reviewed in the Planning and Engineering Study on Development of Lok Ma Chau Loop. Approval of the application on a temporary basis for a period of three years would not frustrate the future uses of the “U” zone. Although part (about 5.5%) of the site encroached onto the “GB” zone, the applicant had indicated that it would be used as a landscaped area which would to some extent mitigate the visual condition of the land;
  - (ii) although the site fell within the Wetland Buffer Area as stated in the Town Planning Board Guideline No. 12B for ‘Application for Developments within Deep Bay Area’, the Director of Agriculture, Fisheries and Conservation commented that the site was hard paved and the ecological value of the site was limited. The nearest pond was about 98m to the northwest of the site which was separated from the site by vehicle parks, open storages and residential structures. The proposed development, which was relatively small in scale, would unlikely have significant adverse off-site impact on the fish ponds;
  - (iii) the application was in line with the Town Planning Board Guideline No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that the scale of the proposed development was small and significant adverse environmental, traffic and drainage impacts were not envisaged. Concerned government departments had no adverse comments on the application. Appropriate approval conditions

restricting the type of vehicles as well as prohibiting car washing, vehicle repair, dismantling, paint spraying or other workshop activities on the site were recommended to mitigate the possible environmental impacts;

- (iv) the site was located in the vicinity of the Lok Ma Chau Control Point and the proposed temporary vehicle car park could serve some of the parking demand of the cross-boundary travellers and the nearby villagers; and
- (v) a total of twelve applications for temporary car park or vehicle park (excluding container vehicles) within the same “U” zone and the nearby “GB” zone had been approved by the Committee since 2004. Approval of the application was not inconsistent with the previous decisions of the Committee.

54. Members had no question on the application.

#### Deliberation Session

55. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid licences issued under the Road Traffic Ordinance was allowed to be parked/stored on the application site at any time during the planning approval period;
- (b) only private car as defined in the Road Traffic Ordinance was allowed to be parked/stored on the application site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that only private car as defined in the Road Traffic Ordinance was allowed to be

parked/stored on the application site at any time during the planning approval period;

- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities was allowed on the application site at any time during the planning approval period;
- (e) the provision of paving and boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.10.2011;
- (f) the submission of drainage proposal including detailed hydraulic calculation within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.10.2011;
- (g) in relation to (f) above, the provision 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 1.1.2012;
- (h) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.10.2011;
- (i) in relation to (h) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.1.2012;
- (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 1.10.2011;

- (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 1.1.2012;
- (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.

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

- (a) to resolve any land issue relating to the temporary use with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) as follows :
  - (i) the land under the application site comprised Old Schedule agricultural lot held under Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the government. No approval had been given to the specified structure of one guard room with the size of 7.5m<sup>2</sup> and 2.5m in height;

- (ii) government land (GL) of about 113 m<sup>2</sup> had been included in the site for which no permission had been given for its occupation. Enforcement action would be taken by his office against unauthorized occupation of GL;
  - (iii) the ingress/egress of the application site directly abutted onto Lok Ma Chau Road which was in close proximity to scheme boundary of the Lok Ma Chau Spur Line and Permanent Strata Resumption Limit. His office provides no maintenance works on the GL nor guarantees right-of-way; and
  - (iv) the occupier would need to apply to his office for occupation of the GL involved or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (c) to note the comments from the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) as follows :
- (i) the applicant was fully responsible for the proper maintenance of the drainage facilities on-site;
  - (ii) 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;
  - (iii) the applicant should not disturb, block or adversely affect all existing drains, channels and natural streams in the adjacent areas and within the site. Existing drainage outlets from adjacent existing buildings/ lots passing through the site should not be disturbed and blocked;

- (iv) the site was in an area where 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 the District Officer (Yuen Long), Home Affairs Department. If the proposed discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal;
- (v) the site was in an area where 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;
- (vi) 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 the DLO/YL, LandsD and sought consent from the relevant owners for any drainage works to be carried out outside the lot boundary before commencement of the drainage works in order to ensure the unobstructed discharge from the site in future; and
- (vii) all proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The purpose of DSD's examination was to ascertain that the drainage submission would satisfy the basic drainage requirements and to offer technical comments where appropriate. The applicant should take full responsibility on the drainage submission including drainage implementation works that there was no adverse drainage impact on the adjacent area. The applicant should take full liability whatsoever of the consequences arising from the implementation of his drainage submission. DSD should have no liability, under all circumstances, to the applicant for any damage, injury, losses, claims, charges or fees arising from the works proposed in the drainage submission, including those amendments after taking into account of DSD's comments. The

acceptance of the applicant's drainage submission did not imply approval or otherwise for the development required under other legislations. The applicant would still be required to obtain necessary statutory approvals by means of separate permit/licence/application;

- (d) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) to note the comments of the Commissioner for Transport that the site was connected to Lok Ma Chau Road via a short section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the use of container as guard room was considered as temporary structure and was subject to control under Building (Planning) Regulations Part VII. Formal submission of any proposed new works, including any temporary structure, for approval under the Buildings Ordinance was required;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSI proposals for the proposed temporary vehicle park, the applicant should make reference to the following requirements :

- (i) for other storages, open sheds or enclosed structure with a total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans;
  - (ii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSI to be installed should be clearly marked on the layout plans; and
  - (iii) should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration;
- (h) to note the comment of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground 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 following measures :
- (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
  - (ii) prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, requested the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

- (iii) the applicant should observe the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines.

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting]

A/YL-HT/725      Proposed Low-Density Residential Development and  
Minor Relaxation of Building Height Restriction  
in “Residential (Group D)” zone,  
Lots No. 163 S.A, 163 S.B, 164, 165 S.B (Part), 165 RP (Part),  
166 RP, 167 RP, 168, 169, 170 and 171 in D.D.128 and  
Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/725)

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57.            The Committee noted that the applicant’s representative requested on 17.3.2011 for a deferment of the consideration of the application for two months in order to allow more time for the applicant to prepare further information to address the comments from relevant government departments on the application.

[Ms. Anita W.T. Ma left the meeting at this point.]

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

**Agenda Item 19**

**Section 16 Application**

[Open Meeting]

A/YL-NSW/204 Proposed Columbarium  
in “Undetermined” and “Government, Institution or Community” zones,  
Lots 879, 880 S.A ss1, 880 S.B ss1, 881 to 885, 889 RP (Part),  
891 (Part), 1318, 1326, 1344 (Part) in D.D. 115 and  
Adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/204)

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59. The Committee noted that the applicant’s representative requested on 9.3.2011 for a deferment of the consideration of the application for two months in order to allow more time for the applicant to undertake further assessments on traffic, environment and landscape aspects, to address the public comments and to employ a conservation consultant to study the history and preservation requirements of Pun Uk.

60. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee agreed that the application should be submitted for its 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. Since it was the second deferment of the application and the Committee had allowed a total of four months for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

[Mr. Walter K.L. Chan left the meeting temporarily at this point.]

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/355      Temporary Open Storage of Second-hand Vehicles for Export  
for a Period of 3 Years in “Agriculture” zone,  
Lots 377 S.C RP (Part), 379 RP (Part), 380 RP (Part), 381 RP (Part),  
382 RP (Part), 412 RP (Part) and 414 (Part) in D.D. 110,  
Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/355)

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**Presentation and Question Sessions**

61.            Mr. Kepler S.Y. Yuen, 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 second-hand vehicles for export for a period of three years;
- (c)    departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view. Although the site had been asphalted and used for open storage purposes, the agricultural activity in the vicinity of the site was active and the site had good supporting infrastructure and high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view. The site had been changed from a grassy field during the first application to the current hard-paved ground and all the vegetation on the site including some natural trees had been removed. Although there were open storage yards to the south and southwest of the site, approval of the application would further encourage similar uses to encroach onto the predominately rural area to the

west and further deteriorate the landscape quality. If the Committee decided to approve the application, approval conditions for submission and implementation of landscape proposal were recommended. Other concerned government departments had no objection to or adverse comments on the application;

- (d) one public comment was received during the statutory publication period. The Designing Hong Kong Limited objected to the application on the grounds that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and it was a blight to the environment. Approval of the application would set a bad precedent and induce further degradation to the rural environment. If the application was approved, the applicant should be required to submit a plan for quality landscaping and well-designed interface with the public domain including the design of the perimeter and setback of fence and green buffer to mitigate the blight; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper which were summarised below :
  - (i) the development was considered not incompatible with the surrounding land uses which were characterized by open storage/ storage yards, workshops, logistics uses, scattered residential structures, agricultural land and vacant/unused land. Although DAFC did not support the application, the temporary nature of the development would not jeopardize future rehabilitation of the site for agricultural purposes;
  - (ii) the application was generally in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that previous planning approval (No. A/YL-KTN/338) had been granted for the same open storage use at the site and similar applications (No. A/YL-KTN/352 and A/YL-PH/618) to the

south and northeast of the site were recently approved by the Committee. The granting of an approval for a period of three years for the current application was in line with the previous decisions of the Committee;

- (iii) to minimize any possible nuisance generated by the temporary use, appropriate approval conditions restricting the operation hours and types of vehicles as well as prohibiting dismantling, repairing, cleaning, paint spraying or other workshop activities on the site were recommended. Regarding the concern of CTP/UD&L, PlanD from the landscape perspective, appropriate approval conditions were recommended to minimize the possible adverse landscape impacts; and
- (iv) although the last planning approval (No. A/YL-KTN/338) for the same use was revoked due to non-compliance with the approval conditions related to fencing, landscape, drainage and fire safety aspects, the applicant had made efforts to comply with the approval conditions related to the provision of fencing, landscape and drainage works pending the acceptance of relevant government departments. In view of the revocation of the previous planning approval due to non-compliance of approval conditions, shorter compliance periods were proposed so as to monitor the progress of compliance with the approval conditions for the current application.

62. Members had no question on the application.

#### Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays, 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 on the application site during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on or enter/exit the application site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleaning, paint spraying or other workshop activities were allowed on the application site at any time during the planning approval period;
- (e) the provision of boundary fencing, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.7.2011;
- (f) the submission of landscaping proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.7.2011;
- (g) in relation to (f) above, the implementation of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.10.2011;
- (h) 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 1.7.2011;
- (i) in relation to (h) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of

Drainage Services or of the TPB by 1.10.2011;

- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.7.2011;
- (k) in relation to (j) 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 1.10.2011;
- (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 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were granted so as to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;

- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (Lands D) that the site comprised Old Schedule Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given for the specified structures such as staff restrooms, offices, toilet and meter room as proposed. The site was accessible to Kam Tai Road via a track on other private land, GLA-TYL 1296 (Site B) allocated to the Highways Department (HyD) and government land (GL). LandsD did not provide maintenance work on the GL nor guarantees right of way. Part of the site fell within 'MTR/KCR Protection Boundary'. The proposed use should not affect the operation of the MTR. The lot owner should to apply to LandsD to permit any structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such approval was given, it would be subject to such terms and conditions, including among others the payment of premium or fee, as imposed by LandsD;
- (e) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

(g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structure, the applicant should make reference to the following requirements :

- (i) for open storage of combustible, such as recycling sites, a modified hose reel system supplied by a 2m<sup>3</sup> FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans. Portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. Fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1:2002 + A2:2008 and FSD Circular Letter 1/2009. 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;
- (ii) for open storages, open sheds or enclosed structure with a total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans;
- (iii) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed FSIs to be installed should be clearly marked on the layout plans; and

- (iv) should the applicant wish to apply for exemption from the provision of certain FSIs, he was required to provide justifications to his department for consideration;
  
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should resolve the drainage blockage problem with MTRCL or parties concerned as stated in the submitted drainage proposal. Otherwise, the applicant should review and resubmit the drainage proposal for consideration;
  
- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of the section of Kam Tai Road on the northern side of Kam Tin River nor the existing vehicular access connecting the site and Kam Tai Road;
  
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
  
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
  
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground (and/or overhead line) within or in the vicinity of the site. Based on the cable

plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures :

- (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
- (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, requested the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (iii) the applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines.

**Agenda Item 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/528      Temporary Open Storage of Used Motor Vehicles for Export,  
Used Electrical Appliances and Children's Toys  
for a Period of 3 Years in “Residential (Group D)” zone,  
Lot 1280 RP (Part) in D.D. 106 and Adjoining Government Land,  
Kong Ha Wai, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/528)

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Presentation and Question Sessions

65. Mr. Kepler S.Y. Yuen, 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 used motor vehicles for export, used electrical appliances and children's toys for a period of three years;
- (c) the site was the subject of seven previous applications for temporary open storage of iron scaffolding/construction materials. All of the applications were approved by the Committee;

[Mr. Walter K.L. Chan returned to join the meeting at this point and Mr. Simon K.M. Yu left the meeting temporarily at this point.]

- (d) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers, i.e. residential structures, located to the north, east and south of the site and environmental nuisance was expected. No environmental complaint had been received in the last three years. Other concerned departments had no objection to or adverse comments on the application;
- (e) two public comments were received from two members of the general public during the statutory publication period. They objected to or expressed concern on the application in that the development had spoiled the tranquil rural environment and the residents in the area were susceptible to the nuisance generated by the development. There were “Open Storage” zones in Tai Tong, Nam Sang Wai and Pat Heung and the development should not be encouraged in the “Residential (Group D)” (“R(D)”) zone. Besides, the vehicular access from the site to Kam Sheung Road was always used by heavy or container vehicles thereby causing obstruction and safety problem to the villagers cycling on the road; and

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper which were summarised below :
- (i) the development was considered not incompatible with the surrounding areas which were mixed with open storage/storage yards, workshops, residential structures, a restaurant, a plant nursery and some sites for gardening use. Although the residential settlement of Kam Tsin Wai was located in the vicinity of the site, it was separated from the site by a nullah and an amenity area. There was a large open storage yard for construction machinery and materials located to the immediate west of the site, which was an 'existing use' tolerated under the Town Planning Ordinance. As there was no known residential development for the "R(D)" site, approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the "R(D)" zone;
  - (ii) the site fell within Category 3 areas and the application was in line with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' in that previous planning approvals had been granted for similar open storage uses at the site since 1994. There was no major change in planning circumstances and the applicant had complied with the relevant approval conditions imposed under the latest approved planning application (No. A/YL-KTS/408);
  - (iii) although DEP did not support the application on environmental grounds, there had not been any environmental complaint in the last three years. To address DEP's concerns, appropriate approval conditions restricting the operation hours and types of vehicles as well as prohibiting storage or handling of electronic and computer wastes and dismantling, repairing cleaning, paint spraying or other

workshop activities on the site were recommended; and

- (iv) regarding the public concerns on the environmental, traffic and road safety aspects, relevant government departments including the Commissioner for Transport and Commission of Police had no adverse comments on the application. Besides, appropriate approval conditions were recommended to minimize the potential environmental impact.

66. Members had no question on the application.

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

#### Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:00 p.m. and 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleaning, paint spraying or other workshop activities was allowed on the application site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors was allowed to be parked/stored on or enter/exit the application site at any time during the

planning approval period;

- (e) no disturbance to the mitigation planting areas along the eastern boundary of the application site in order to preserve and protect the vegetation at any time during the planning approval period;
- (f) no storage or handling (including loading and unloading) of electronic and computer wastes (including cathode-ray tubes) was allowed on the application site at any time during the planning approval period;
- (g) the existing boundary fence on the application site should be maintained at all times during the planning approval period;
- (h) the existing landscape plantings on the application site should be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on the application site implemented under Application No. A/YL-KTS/408 should be maintained at all times during the planning approval period;
- (j) the submission of the record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.10.2011;
- (k) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.10.2011;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.1.2012;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land involved comprised Old Schedule Agricultural Lot held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given for the specified structures as shelters for storage, offices, restrooms, etc. No permission had been given for occupation of government land (GL) within the site. The site was accessible through an informal village road on GL extended from Kam Shui Road. His office did not provide maintenance works on the GL nor guarantee right of way. The lot owner and occupier of the GL would need to apply to LandsD to permit structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity of landlord at its sole

discretion. If such application was approved, it would be subject to such terms and conditions, including among others payment of premium or fee, as might be imposed by LandsD;

- (d) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant building 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 the proposed FSI to be installed should be clearly marked on the layout plans. Moreover, portable hand-operated approved appliances should be provided to each covered structure and should be clearly indicated on plans. The applicant should also clarify if there was any covered structure with a total floor area exceeds 230m<sup>2</sup>. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and

referral from the relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all the unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on-site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures :
  - (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
  - (ii) prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, requested the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

- (iii) the applicant and his contractors should observe the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines.

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/281            Proposed Utility Installation for Private Project (Master Meter Room)  
in “Village Type Development” zone,  
Lot 302 S.A ss.1 in D.D. 117, Tai Tong Road, Yuen Long  
(RNTPC Paper No. A/YL-TT/281)

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### **Presentation and Question Sessions**

69.            Mr. Kepler S.Y. Yuen, STP/TMYL, 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 (master meter room). According to the applicant, the proposed meter room was required to serve the development of 130 village houses at Shiu Tsiu San Tsuen as requested by the Water Services Department;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed master meter room was considered as a utility facilitate to cater for the future village type developments with the “Village Type Development” (“V”) zone. It was considered not incompatible with the surrounding areas predominately occupied by residential dwellings and vacant/fallow agricultural land and was not in conflict with the planning intention of the “V” zone. Besides, in view of its relatively small scale (about 0.67m<sup>2</sup>), it was not expected to cause any significant adverse environmental, traffic and drainage impacts on the surrounding areas.

70. Members had no question on the application.

#### Deliberation Session

71. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 1.4.2015, 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 access arrangement proposal to the satisfaction of the Director of Highways or of the TPB;
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no structures were allowed to be erected without

prior approval of the Government. The site was accessible through an informal track on government land (GL) and other private land extended from Tai Tong Road. His office did not provide maintenance works on the GL nor guarantee right of way. The lot owner needed to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (b) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and consulted with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the access arrangement to the site should be commented and agreed by the Transport Department (TD). If TD agreed on the proposed access arrangement, the applicant should construct a run-in/out at the access point at Tai Tong Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing pavement. Adequate drainage measures should be provided at the site access to prevent surface runoff flowing from the site onto the nearby public roads/drains. His department should not be responsible for the maintenance of any vehicular access between the site and Tai Tong Road;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that all the existing trees along the site perimeter should be preserved in-situ and protected from damage during the construction. All the existing and proposed trees should be clearly

marked and differentiated on plan by using two different symbols in order to avoid confusion. The proposed landscape planting as indicated on the general layout plan submitted by the applicant was insufficient to achieve a desirable screening and greening effect. Moreover, the graphic quality of the plan was poor and was not legible;

- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structure, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structure, for other open storage, open sheds or enclosed structure with a total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, the applicant was required to provide justifications to his department for consideration;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department 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, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. The applicant should also be aware of the requirements on provision of emergency vehicular access to all the buildings under B(P)R 41D; and

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

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/514 Temporary Open Storage of Used Vehicles for a Period of 3 Years in “Undetermined” zone,  
Lots 2423 RP (Part), 2426 RP (Part), 2427, 2428 RP (Part),  
2429 S.A, 2429 S.B (Part), 2430, 2431 (Part), 2432 (Part), 2433 (Part),  
2434 (Part), 2688 (Part), 2690 (Part), 2691 (Part), 2692, 2693 (Part),  
2694, 2695 (Part), 2696 (Part) and 2697 (Part) in D.D. 120 and  
Adjoining Government Land, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/514)

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**Presentation and Question Sessions**

73. Mr. Kepler S.Y. Yuen, 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 used vehicles for a period of three years;
- (c) the site was involved in three previous application for temporary open storage use and development of the New Territories Exempted House (Small House) covering sites of different boundaries. The last application for temporary open storage of construction machinery, construction materials and recycling materials was approved with conditions by the Committee in October 2009. The planning approval was revoked in August 2010 as the applicant failed to comply with approval condition on implementation of drainage facilities. The current application was submitted by the same applicant of the last planning approval;
- (d) departmental comments – the Director of Environmental Protection (DEP) did not support the application in that there were sensitive receivers of

residential uses along the access track leading from Shan Ha Road to the site and environmental nuisance was expected. However, no environmental complaint concerning the site had been received in the last three years. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from agricultural point of views as the site had high potential for agricultural rehabilitation.

- (e) two public comments were received during the statutory publication period. One comment was made by the director of a property development company who claimed that one of the lots of the site (Lot 2692 in D.D. 120) belonged to his company but it had been illegally occupied by someone without obtaining their consent or notifying them. He objected to the application as their interest on the land was affected. The other comment was made by a Yuen Long District Council member who objected to the application on the grounds that the site was a piece of farmland and the storage of used vehicles would waste the existing land resource and pollute the surrounding environment; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper which were summarised below :
  - (i) the site fell within the Category 1 areas and the application was generally in line with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage or Port Back-up Uses' in that concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. Similar applications in this part of the "Undetermined" ("U") zone had been approved by the Committee. The area was generally intended for open storage use but it was designated with the "U" zoning mainly due to the concerns on the capacity of Kung Um Road. The site was connected to Shan Ha Road instead of Kung Um Road and the Commissioner for Transport had no adverse comment

on the application. Approval of the application on a temporary basis would not frustrate the long-term use of the area;

- (ii) the development was considered not incompatible with the surrounding land uses which were mixed with open storage yards and vehicle parks. Although DAFC had reservation on the application, the area was generally intended for open storage use and the vegetation on the site had been cleared. The Chief Town Planner/Urban Design and Landscape, PlanD did not anticipate any significant adverse landscape impact arising from the use;
- (iii) although DEP did not support the application on environmental grounds, no environmental complaint was received in the last three years and there was no existing residential dwellings in the immediate surroundings of the site. To address DEP's concerns, appropriate approval conditions restricting the operation hours and types of vehicles as well as prohibiting dismantling, repairing, cleaning, paint spraying and other workshop activities were recommended;
- (iv) regarding the public comments raising concerns on the environmental impact and land use compatibility of the development, appropriate approval conditions were recommended to minimize the possible environmental impact. As regards the land dispute, the applicant would be advised to resolve the land issue with the concerned owner(s) of the site; and
- (v) as the previous application (No. A/YL-TYST/458) was revoked due to non-compliance with the approval condition relating to the implementation of drainage facilities, shorter compliance periods were proposed so as to monitor the progress on compliance with approval conditions for the current application. Failure to comply with the approval conditions within the time limits would result in revocation of the planning permission.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 1.4.2014, 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 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the application site during the planning approval period;
- (c) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to be stored/parked on or to enter/exit the application site at any time during the planning approval period;
- (d) no dismantling, repairing, paint spraying, cleaning or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) the provision of boundary fence on the application site, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 1.7.2011;
- (f) the submission of 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 1.7.2011;

- (g) in relation to (f) above, the implementation of 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 1.10.2011;
- (h) 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 1.7.2011;
- (i) in relation to (h) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 1.10.2011;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.7.2011;
- (k) in relation to (j) above, the implementation 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 1.10.2011;
- (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.

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

- (a) the permission was given to the use/development under application. It did not condone any other uses/developments, including the parking of private cars, lorries, container vehicles and oil tankers and the open storage of iron barrels, which currently existed on the site but were not covered by the application. The applicant should be requested to take immediate action to discontinue such uses/developments not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (d) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (e) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (f) to note the comments of the District Lands Officer/Yuen Long, Lands Department's (LandsD) that while applications for Short Term Waiver and Short Term Tenancy at Lot 2693 in D.D. 120 and the adjoining government land within the site had been received, the remaining lot owners would still need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such applications would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such applications were approved, they would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on government land and other private land extended from Shan Ha Road. His office provided no maintenance works for this

track nor guaranteed right-of-way;

- (g) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (i) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that one dead tree and two damaged trees were found at the north-western corner of the site and replacement planting was required. Moreover, all debris and stored materials within 500mm radii of tree trunks should be removed or cleared;
- (k) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the existing drainage facilities on-site were not consistent with those shown on the submitted drainage plan;
- (l) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. 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;

- (m) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed open storage site, for storages, open sheds or enclosed structures with a total floor area less than 230 m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his department for consideration;
- (n) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized building works/structures should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). An Authorized Person must be appointed to coordinate all building works. The granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (o) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior

consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The applicant and his contractor should observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.

[The Chairman thanked Mr. C.C. Lau, Ms. S.H. Lam, Mr. K.C. Kan and Mr. Kepler S.Y. Yuen, STPs/TMYL, for their attendance to answer Members' enquires. Mr. Lau, Ms. Lam, Mr. Kan and Mr. Yuen left the meeting at this point.]

#### **Agenda Item 24**

##### **Any Other Business**

77. There being no other business, the meeting was closed at 3:40 p.m.