

**TOWN PLANNING BOARD**

**Minutes of 452nd Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 4.11.2011**

**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. Timothy K.W. Ma

Ms. Anita W.T. Ma

Dr. W.K. Yau

Chief Traffic Engineer/New Territories West,  
Transport Department  
Mr. T.K. Choi

Assistant Director (2), Home Affairs Department  
Mr. Frankie W.P. Chou

Principal Environmental Protection Officer (Strategic Assessment)  
Environmental Protection Department  
Mr. H.M. Wong

Assistant Director/New Territories  
Lands Department  
Mr. Edwin W.K. Chan

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

Secretary

**Absent with Apologies**

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Mr. Rock C.N. Chen

Dr. C.P. Lau

Dr. W.K. Lo

Mr. Stephen M.W. Yip

**In Attendance**

Assistant Director of Planning/Board  
Miss H.Y. Chu

Town Planner/Town Planning Board  
Ms. Kathy C.L. Chan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 451st RNTPC Meeting held on 21.10.2011

[Open Meeting]

1. The draft minutes of the 451st RNTPC meeting held on 21.10.2011 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Sai Kung and Islands District**

3. Members agreed to consider the section 12A application under Agenda Item 4 first as the applicant of Agenda Item 3 had not yet arrived.

**Agenda Item 4**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/SLC/4      Application for Amendment to the  
Approved South Lantau Coast Outline Zoning Plan No. S/SLC/16  
by Rezoning Part of the Application Site (Site A) from “Green Belt” to  
“Residential (Group C)” and Part of the Application Site (Site B)  
from “Residential (Group C)” to “Green Belt”,  
Lot 687 (Part) in D.D. 329 and Adjoining Government Land,  
30A San Shek Wan, Lantau Island  
(RNTPC Paper No. Y/SLC/4)

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## Presentation and Question Sessions

4. Members noted that no representative from the applicant would attend the hearing. Mr. Wilfred C.H. Cheng, District Planning Officer/Sai Kung and Islands (DPO/SKIs), and Mrs. Margaret W.F. Lam, Senior Town Planner/Sai Kung and Islands (STP/SKIs) of the Planning Department (PlanD) were invited to the meeting at this point.

5. The Chairman extended a welcome and invited Mrs. Margaret W.F. Lam, STP/SKIs, to brief Members on the rezoning application. With the aid of a Powerpoint presentation, Mrs. Lam presented the application and covered the following main points as detailed in the Paper :

- (a) the applicant proposed to rezone the application site so that the boundary of the “Residential (Group C)” (“R(C)”) zone on the South Lantau Coast Outline Zoning Plan (OZP) tallied with the boundary of his private lot (Lot 687 in D.D. 329). The applicant’s lot currently straddled “R(C)” and “Green Belt” (“GB”) zones on the OZP;
- (b) the application site (about 1 737m<sup>2</sup>) consisted of two portions (Sites A and B). The applicant proposed to rezone Site A (about 402m<sup>2</sup> which was part of the applicant’s lot) from “GB” to “R(C)” and Site B (about 1 335m<sup>2</sup> which was government land adjoining the applicant’s lot) from “R(C)” to “GB”;
- (c) the departmental comments were detailed in paragraph 8 of the Paper and highlighted below:
  - (i) the District Lands Officer/Islands had no objection to the application and advised that the applicant’s lot (site area of about 1 940m<sup>2</sup>) was restricted to private residential purpose for one family only. According to the lease, development within the lot was restricted to a maximum gross floor area of 201.7m<sup>2</sup> or maximum plot ratio of 0.104 respectively, a maximum site coverage of 10.4% and the structure height was restricted to 40mPD or 7.5m above the mean

formation level of the lot. Non-building areas were imposed along boundaries of the whole lot and their widths were 3.05m at the south, west and north and 10m at the east. The portion of the application site zoned “GB” within the lot boundary was mostly a formed slope;

- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) had no objection to rezone the government land adjoining the applicant’s lot from “R(C)” to “GB” to reflect and preserve the existing natural character of the areas concerned. Regarding the “GB” portion within the applicant’s lot, which was partly vegetated, the proposed rezoning from “GB” to “R(C)” might result in a loss of greenery; and
  - (iii) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had no adverse comment on the application. The area proposed for “R(C)” zone fell within the fence wall of the applicant’s lot and was covered with shrubs and planting. The impact of the proposed “R(C)” zoning on the existing landscape resource was considered not significant;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Islands); and
- (e) the PlanD’s views – PlanD had no objection to rezoning part of the application site (Site A) from “GB” to “R(C)” and partially agreed to rezoning part of the application site (Site B) from “R(C)” to “GB” (except a narrow strip of land between Lot 687 in D.D. 329 and South Lantau Road) based on the assessments set out in paragraph 12 of the Paper which were summarised below:
- (i) the current “R(C)” zone on the OZP was intended to reflect the permitted residential use. The OZP was a small-scale plan of 1:20 000. Site A formed the southern part of the applicant’s lot,

which was partly paved and partly used as a garden located on a formed gentle slope. Taking into account the site characteristics and the residential use as permitted under the lease, it was considered appropriate to realign the boundaries of “R(C)” zone to tally with those of the applicant’s lot;

- (ii) a major portion of Site A (about 253m<sup>2</sup>) fell within the non-building area of the applicant’s lot. Except some shrubs and planting, there was no mature tree or dense vegetation within this area. The proposed rezoning from “GB” to “R(C)” would have no adverse impact on the existing landscape resources;
- (iii) Site B comprised the areas to the immediate north and west of the applicant’s lot and a long narrow strip of land which was sandwiched between the eastern boundary of the lot and South Lantau Road. Site B was unleased government land and carried no development right. While the northern and western portions of Site B were located on gentle slope covered with dense vegetation and mature trees, the strip of land abutting South Lantau Road was not covered with vegetation and was part of the vehicular entrance to the lot. Taking into account nature conservation, existing site condition, ownership and development potential, it was considered not inappropriate to rezone the northern and western portions of Site B (about 1 245m<sup>2</sup>) from “R(C)” to “GB” which could form part of the wider “GB” zone covering the San Shek Wan area. However, the long narrow strip of land (about 90m<sup>2</sup>) abutting South Lantau Road, which was in fact part of the vehicular entrance to the applicant’s lot and was not covered with any vegetation, should retain its original zoning as “R(C)”; and
- (iv) the proposed zoning amendments were considered minor and would unlikely cause adverse traffic and environment impacts on the surrounding areas. Relevant government departments including the Transport Department and Environmental Protection Department

had no objection to or adverse comment on the proposed amendments.

6. As Members had no questions to raise, the Chairman said that the hearing procedures for the application had been completed and the Committee would deliberate on the application in the absence of PlanD's representatives. The Chairman thanked Mr. Wilfred C.H. Cheng, DPO/SKIs, and Mrs. Margaret W.F. Lam, STP/SKIs, for attending the hearing. Mr. Cheng and Mrs. Lam left the meeting at this point.

### Deliberation Session

7. After deliberation, the Committee decided to partially agree to the application by rezoning part of the application site (Site A) from "Green Belt" ("GB") to "Residential (Group C)" ("R(C)") and part of the application site (Site B) from "R(C)" to "GB" (except a narrow strip of land between Lot 687 in D.D. 329 and South Lantau Road) to tally with the northern and western boundaries of Lot 687 in D.D. 329 so as to reflect the existing use and conditions of the site as well as the characters of the adjoining areas. The Chief Executive in Council would be requested to refer the approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/16 to the Town Planning Board for amendment and the proposed amendments to the OZP would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance.

### **Agenda Item 3**

#### Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/I-LI/2            Application for Amendment to the Approved Lamma Island  
Outline Zoning Plan No. S/I-LI/9 from "Residential (Group C)"  
to "Residential (Group C) 1" with a Maximum Plot Ratio of 2,  
Maximum Site Coverage of 100% and Maximum Building Height of  
2 Storeys (5.18m), 51A Pak Kok Kau Tsuen,  
Yung Shue Wan, Lamma Island  
(RNTPC Paper No. Y/I-LI/2)

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Presentation and Question Sessions

8. Mr. Wilfred C.H. Cheng, District Planning Officer/Sai Kung and Islands (DPO/SKIs), and Miss Erica S.M. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs) of the Planning Department (PlanD), and Ms. Ho Fung Chi, the applicant, were invited to the meeting at this point.

9. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Miss Erica S.M. Wong, STP/SKIs, to brief Members on the background to the application. With the aid of a Powerpoint presentation, Miss Wong presented the application as detailed in the Paper and made the following main points :

- (a) the applicant proposed to rezone the application site (site area of 37.16m<sup>2</sup>) from “Residential (Group C)” (“R(C)”) to “R(C)1” on the Lamma Island Outline Zoning Plan (OZP). As developments within the “R(C)” zone were subject to a maximum plot ratio (PR) of 0.6, maximum site coverage of 40% and maximum building height of 3 storeys (9m), the proposed rezoning to “R(C)1” was to increase the PR and site coverage to facilitate the development of a two-storey house with a built-over area of 37.16m<sup>2</sup> (i.e. 400 ft<sup>2</sup>) and a site coverage of 100% on the site;
- (b) the application site was a piece of government land which was partly covered by a Government Land Licence (GLL) No. C13043 for the purpose of a pigsty. The site was currently vacant and some construction materials and equipment were found on the site. To its immediate east and north were a one-storey house (No. 51) under construction and two two-storey houses (No. 49 and 50) in Pak Kok Kau Tsuen. To the immediate west at a higher elevation, there were some three-storey village houses (No. 53-56) within an area zoned “Village Type Development” (“V”) on the OZP;
- (c) justifications in support of the application were detailed in paragraph 2 of the Paper. According to the applicant, her family had been living at House No. 51A on the site for 49 years, and was issued with a GLL for 32 years. The proposed redevelopment to a two-storey house with 400ft<sup>2</sup>

built-over area was consistent with those stated in the pamphlet entitled 'An Introduction of the Squatter Policy in New Territories' jointly published by the Development Bureau and the Lands Department (LandsD) on 26.9.2008. The proposed development was simply a village house with a built-over area of 400ft<sup>2</sup>, which was always permitted in the "V" zone that was not subject to PR restriction;

- (d) the departmental comments were detailed in paragraph 8 of the Paper and highlighted below:
- (i) the Director of Lands (D of Lands) advised that the structure previously erected on the site had been demolished and was covered by both a GLL No. 13043 with an area of 11.9m<sup>2</sup> and a Squatter Survey Control (SC) No. PK/IPA/12A/410 with a surveyed built-over area of 216 ft<sup>2</sup> (i.e. 20.06m<sup>2</sup>). The user of the GLL was pigsty but the SC was domestic. For temporary structures with both a domestic SC number and a GLL, irrespective of the permitted use in the GLL, rebuilding by way of a short term tenancy (STT) could be considered by the District Lands Officer/Islands (DLO/Is) if the structure had been surveyed for domestic use. However, depending on the comments from the concerned government departments, there was no guarantee that a STT would eventually be approved by DLO/Is;
  - (ii) DLO/Is advised that the site was partly covered by GLL No. C13043 first issued on 1.2.1979 with an area of 11.9m<sup>2</sup> for the purpose of pigsty. The structure covered by the GLL had already been demolished without prior approval. In general, rebuilding of domestic surveyed structures within layout areas (i.e. areas covered by OZPs, Outline Development Plans and other layout plans) and potential development/intensive squatter areas would only be allowed if temporary materials were used. As the subject GLL was issued for the purpose of pigsty, conversion to STT was not guaranteed. Taking into account the area of the surveyed structures

and the site constraints, the area of the STT, if approved, might not be more than 216 ft<sup>2</sup> (i.e. 20.06m<sup>2</sup>);

- (iii) the Manager/Squatter Control (Islands), LandsD advised that the previous domestic surveyed structure on the site had recorded dimensions of 18ft (L) x 12ft (W) x 8ft (H) on 23.9.1981. If the applicant applied for rebuilding the surveyed structure, the structure could only be permissible with temporary materials, such as wood and tin-sheet, and same as the recorded dimensions. But the applicant aimed at rebuilding the surveyed and GLL No. C13043 structure at a roof-over area of 400ft<sup>2</sup> and a building height of 17ft with permanent materials. Such application could only be considered by the DLO of LandsD. If the application was successful, a STT would be granted by DLO to supersede the Squatter Control Survey Number;
  - (iv) the Director of Environmental Protection advised that the site was not serviced by public sewer. With a proposed site coverage of 100%, the applicant should clarify where the development would house the treatment facility for sewage generated from the occupants;
  - (v) the Chief Building Surveyor/New Territories East and Licensing Unit, Buildings Department (CBS/NTE&LU, BD) had reservation on the proposed maximum domestic site coverage of 100% which exceeded the permissible site coverage under the Building (Planning) Regulations; and
  - (vi) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD considered that there was no planning justification or merit for the proposed rezoning and had reservation on the application from the urban design/visual impact point of view;
- (e) no public comment was received during the statutory publication period;

- (f) the District Officer (Islands) advised that two village representatives of Pak Kok Kau Tsuen had no comment on the application. However, one of them stated that the landowner concerned should not occupy other's private land; and
- (g) the PlanD's views – PlanD did not support the application based on assessments set out in paragraph 12 of the Paper which were summarised below:
  - (i) there was no strong planning justification in the current submission to support the proposed rezoning from “R(C)” to “R(C)1” which involved an increase in PR and site coverage from 0.6 to 2.0 and 40% to 100% respectively. The current “R(C)” zoning of the site was considered appropriate to maintain the existing rural character of the site and the surrounding areas and to avoid overloading of planned infrastructure in the area;
  - (ii) the proposed rezoning aimed to facilitate the development of a village house with a PR and site coverage of 2.0 and 100% respectively. There was no planning justification and design merit to support such a development scale at the site which basically formed an integral part of the wider “R(C)” zone covering Pak Kok Kau Tsuen. In this regard, both CTP/UD&L and CBS/NTE&LU of BD had reservation on the application;
  - (iii) the whole application site was government land and part of it was covered by GLL (about 11.9m<sup>2</sup>) first issued on 1.2.1979 (i.e. before the publication of the first Lamma Island OZP) for use of pigsty, not for domestic use. According to the GLL, the applicant did not have any entitlement to domestic use at the site. Although there was a previous domestic structure on the site with recorded dimensions of 18ft (L) x 12ft (W) x 8ft (H) (i.e. a total covered area of 216ft<sup>2</sup>), the structure had already been demolished. As advised by DLO/Is,

rebuilding of domestic surveyed structures, not more than the area of the structures previously occupied on part of the site (i.e. 216ft<sup>2</sup>/20.06m<sup>2</sup>) within layout areas and potential development/intensive squatter areas would only be allowed if temporary materials were used;

- (iv) approval of the application with no strong planning justification and design merit would result in an undesirable precedent for similar applications in the “R(C)” zone, the cumulative impact of which would lead to an adverse impact on the existing low-rise, low-density rural character and the planned infrastructure of the surrounding areas; and
- (v) as to the applicant’s alleged similar cases in the neighbourhood, DLO/Is advised that none of them was applicable to this application.

10. The Chairman then invited the applicant to elaborate on her justifications for the application. Ms. Ho Fung Chi made the following main points :

- (a) she and her family had been living in Pak Kok Kau Tsuen on the Lamma Island for several decades. Her whole family had great emotion towards the land where they had lived for such a long time;
- (b) she pointed out that, although the GLL for the subject site was only for pigsty instead of domestic purpose, her family had lived in the squatter hut on the site for several decades and the proposed redevelopment of the squatter hut to a two-storey permanent house was in compliance with the Government’s Squatter Policy. She hoped the Committee would consider her rights to rebuild a house on the site so as to improve her family’s living condition;
- (c) she would undertake necessary measures during the construction of the proposed house so that no adverse environmental impacts would be generated on the surrounding areas;

- (d) the application site was located at the foothill and at the fringe of the “R(C)” zone. It was feasible to adjust the zoning boundary of the “R(C)” zone without affecting the planning and development in the remaining major portion of the zone; and
- (e) she applied to the LandsD for the proposed redevelopment on the site in 2008. As the LandsD and BD requested her to put the construction works on hold, the site was now left vacant. She emphasized that, being a law-abiding citizen, she had a duty to seek the necessary consent of relevant authorities so that she could proceed with the proposed development.

11. A Member noted that the applicant had quoted House No. 52 of Pak Kok Kau Tsuen as a similar case to her application and requested the applicant to elaborate on this point. Ms. Ho Fung Chi said that the site of House No. 52 was also previously occupied by a pigsty, which had subsequently been redeveloped into a two-storey village house (400ft<sup>2</sup> on each floor) in the 1960s. She considered that her proposed two-storey house with a built-over area of 400ft<sup>2</sup> was identical to House No. 52, which was also zoned “R(C)” on the OZP. As they were close neighbours to each other, similar treatment should be accorded to her proposed development.

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

12. In response to the same Member’s enquiry, Miss Erica S.M. Wong said that as mentioned in paragraph 8.1.2(f) of the Paper, DLO/Is advised that the structure at No. 52 to the east of the application site was built in 1969 without prior approval. However, DLO/Is regularised the structure by issuing a GLL bearing no. C7935 in 1969. Upon several transfer of licence by way of cancel and re-issue, the house was now held under GLL No. C5542. DLO/Is pointed out that the structure at No. 52 did not involve planning issue or squatter policy, and it was not applicable to the current application.

13. The Chairman asked the applicant whether LandsD had given approval to her for her redevelopment proposal submitted in 2008. Ms. Ho Fung Chi said that she did not have

LandsD's reply in hand. She also said that the staff of LandsD had at that time conducted site visit to her squatter hut and had taken photographs. The squatter hut was only demolished after LandsD's inspection.

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

#### Deliberation Session

15. In response to the Chairman's enquiry, Mr. Edwin W.K. Chan, Assistant Director/New Territories of LandsD said that the Squatter Policy had clearly spelt out that rebuilding of squatter structures would be allowed only if it was rebuilt to the same area of the surveyed structures and temporary materials were used. However, the applicant intended to use permanent materials and to increase the rebuilt area from 20.06m<sup>2</sup> to 37.16m<sup>2</sup>, which would not be supported by LandsD. Mr. Chan further said that the applicant's justifications to her application were in fact similar to many other squatter structures in the New Territories, hence approval of the current application would set an undesirable precedent for other similar applications.

16. A Member said that the applicant had quoted House No. 52 as a similar case and asked whether LandsD had explained clearly to her on the grounds of refusing her application though it seemed to her that the two cases were similar in nature. Mr. Edwin W.K. Chan of LandsD said that there were a number of correspondences between LandsD and the applicant since 2008. He believed that the stances of LandsD had been clearly relayed to the applicant. In response to another Member's concern, the Chairman suggested that the PlanD and the LandsD should explain clearly to the applicant about the Government's policy on the rebuilding of squatter structures.

17. A Member asked whether the rebuilding of the applicant's squatter hut required planning permission. The Secretary said that for areas previously covered by Development

Permission Area (DPA) plans, the rebuilding of New Territories Exempted House (NTEH) or replacement of an existing domestic building by a NTEH was always permitted under the covering Notes of the OZP. Regarding the Lamma Island OZP, it was not covered by a DPA plan before, and the rebuilding of the applicant's squatter hut was not permitted as of right under the covering Notes. If the applicant submitted an application for rebuilding her squatter hut in accordance with the dimensions set out in the Squatter Policy, the proposed house use would be always permitted under the Notes for the "R(C)" zone. However, the proposed house with a built-over area of 20.06m<sup>2</sup> on the application site (with a site area of 37.16m<sup>2</sup>) would exceed the maximum site coverage of 40% for the "R(C)" zone. The Secretary further said that the applicant could apply for minor relaxation of development restrictions under section 16 of the Town Planning Ordinance, and sympathetic consideration might be given by the Committee. The Chairman also suggested that the Lamma Island OZP should be reviewed so as to facilitate the development/redevelopment of village houses within areas which possessed similar characteristics with those areas covered by rural OZPs.

18. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the current "Residential (Group C)" ("R(C)") zone for the application site was considered appropriate having regard to the rural character and environment of the area. There was no strong planning justification and design merit to support the proposed rezoning application from "R(C)" to "R(C)1" which involved an increase in plot ratio and site coverage from 0.6 to 2 and 40% to 100% respectively; and
- (b) the approval of the rezoning application would result in an undesirable precedent for similar applications in the "R(C)" zone, the cumulative impact of which would lead to adverse impacts on the existing low-rise, low-density rural character and the planned infrastructure of the surrounding areas.

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

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

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/120            Proposed Utility Installation for Private Project  
                          (Connecting Pipe for Sewerage System) with Excavation of Land  
                          in “Coastal Protection Area” zone,  
                          Lots 401, 402 and 403 in D.D. 329,  
                          33-34 San Shek Wan Village, Lantau Island  
                          (RNTPC Paper No. A/SLC/120)

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

19.            Mrs. Margaret W.F. Lam, STP/SKIs, 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 (connecting pipe for sewerage system) with excavation of land;
- (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 (Islands);  
and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
- (i) although the proposed connecting pipe for sewerage system was not in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone, it was an essential ancillary facility for connecting the soakaway pit and septic tank with a permitted residential development, which was approved by the Committee under Application No. A/SLC/80. Construction works for the permitted residential development were underway. With the proposed installation, it would ensure that the approved residential development would not have adverse sewerage impacts on the surrounding areas. As the Environmental Protection Department had no adverse comment on the proposed development, sympathetic consideration could be given to the application;
  - (ii) the proposed connecting pipe with a length of about 5.1m and diameter of 0.15m would be laid underground and only occupied a small part of the application site. It would have insignificant adverse landscape and visual impacts, and no felling of trees would be involved. The Urban Design and Landscape Section of PlanD and the Agriculture, Fisheries and Conservation Department had no objection to or adverse comments on the application;
  - (iii) although the proposed connecting pipe involved land excavation for a trench (5.1m(L) x 0.6m(W) x 1.75m(D)), it was considered minor in scale and the trench would be refilled and landscaped after completing the proposed installation. To avoid any potential landscape impacts arising from the proposed installation, relevant approval condition on the submission and implementation of a landscape proposal was recommended; and
  - (iv) a similar application (No. A/SLC/111) for proposed sewerage

connecting pipe and stormwater runoff channel, which was intended to serve the same residential development, was approved by the Committee on 7.5.2010. The current application was a revised option by placing the connecting pipe within the applicant's private land, instead of government land as previously proposed under Application No. A/SLC/111. The current proposal would minimize unnecessary disturbance on government land in the "CPA" zone.

20. Members had no question on the application.

### Deliberation Session

21. 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 4.11.2015, 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 condition :

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

### **Agenda Item 6**

#### Section 16 Application

[Open Meeting]

A/SK-TMT/32      Proposed Excavation and Filling of Land for Slope Upgrading Work  
in "Green Belt" zone,  
Government Land adjoining Lot 243 S.A. in D.D. 252,  
Tai Mong Tsai, Sai Kung  
(RNTPC Paper No. A/SK-TMT/32)

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22. The Secretary reported that on 27.10.2011, the applicant's representative requested for a deferment of the consideration of the application for one month in order to

allow time for the applicant to address the concerns raised by the Agriculture, Fisheries and Conservation Department.

23. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further 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 further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

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

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

#### **Agenda Item 7**

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

[Open Meeting (Presentation and Question Sessions only)]

Y/FSS/7                      Application for Amendment to the Draft Fanling/Sheung Shui  
Outline Zoning Plan No. S/FSS/15 from "Industrial" and  
"Village Type Development" to "Commercial/Residential (1)",  
Lots 4252 S.A, 4250 RP, 4272 RP and 4897 RP in D.D. 51,  
1 Wo Hop Shek San Tsuen, Fanling  
(RNTPC Paper No. Y/FSS/7)

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

24. Members noted that no representative from the applicant would attend the hearing. Ms. Doris S.Y. Ting, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN) of the Planning Department (PlanD), was invited to the meeting at this point.

25. The Chairman extended a welcome and invited STP/STN to brief Members on the rezoning application. With the aid of a Powerpoint presentation, Ms. Doris S.Y. Ting presented the application and covered the following main points as detailed in the Paper:

- (a) the applicant proposed to rezone the application site from “Industrial” (“I”) and “Village Type Development” (“V”) to “Commercial/Residential (1)” (“C/R(1)”) on the Fanling/Sheung Shui Outline Zoning Plan (OZP) to facilitate a proposed 31-storey hotel development providing 756 rooms with a non-domestic gross floor area (GFA) of 31 501.97m<sup>2</sup> (excluding back-of-house facilities, at a plot ratio (PR) of 4.693) and a building height (BH) of 117m (at 132.4mPD). Under the “C/R(1)” zone, ‘hotel’ use was always permitted and the development restrictions were not to exceed a domestic PR of 5 or non-domestic PR of 9 and a BH of 135mPD;
- (b) the application site was mostly zoned “I” (91%) and a small part zoned “V” (9%) within Fanling Area 48. According to the recommendations of the ‘Area Assessments 2009 of Industrial Land in the Territory’, rezoning of Fanling Area 48 for comprehensive residential developments could be considered subject to the working out of a feasible development option. The application site was currently occupied with several large temporary structures for workshop and storage uses. There were workshops and open storage yards to the east and southeast of the site. Village settlements of Wo Hop Shek Village were located to the immediate west of the site;
- (c) the departmental comments were detailed in paragraph 8 of the Paper and highlighted below:
  - (i) the Commissioner for Tourism supported the application as the proposed hotel development would increase the number of hotel rooms, broaden the range of accommodations for visitors and support the rapid development of convention and exhibition, tourism and hotel industries;

- (ii) the District Lands Officer/North, Lands Department (DLO/N, LandsD) advised that the application site fell mostly within the village 'environs' ('VE') of Wo Hop Shek Village. As land within 'VE' was reserved for small house development, it was unlikely that LandsD would entertain any application for 'non-small house' land exchange within this particular 'VE';
- (iii) the Director of Environmental Protection (DEP) did not support the application as the proposed "C/R(1)" zoning would have the potential to cause industrial/residential' (I/R) interface problem with the surrounding "I" zone with potential air and noise impacts. The proposed hotel development might be subject to traffic noise impact from Fanling Highway, Tai Wo Service Road West and Wo Hing Road unless the hotel development would not rely on open window for ventilation. The proposed hotel development would also be subject to vehicle emission from Fanling Highway as there was insufficient buffer distance between the highway and part of the site;
- (iv) the Commissioner for Transport (C for T) did not support the application as the traffic generated from the rezoning with a view to facilitating a hotel development with a PR of about 4.69 might cause adverse traffic impact on the existing road networks. The applicant should conduct a traffic impact assessment (TIA) to examine the traffic implication and formulate remedial measures;
- (v) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD did not support the application from the urban design and visual perspectives. The proposed development with a PR of about 4.69 was considered excessive at the fringe of a new town. The proposed 31-storey development (at 132mPD) was visually intrusive in such a rural fringe setting which was surrounded by low-rise village settlements and open space. From the landscape planning point of view, the proposed high-rise hotel was considered incompatible with the adjacent landscape character of low to

medium-rise residential buildings;

- (d) during the statutory publication period, eight public comments from North District Council members, Designing Hong Kong Limited and nearby owners/occupiers were received raising objection to the application mainly on the following grounds:
- (i) adverse impact on the ‘fung-shui’ of ancestral graves and possible disruption towards the existing ‘fung-shui’ of the area;
  - (ii) there was no properly planned road access for the area and the proposed development would isolate all other inner areas from access to the main public road. Heavy traffic resulted from the development would cause traffic chaos and parking problems;
  - (iii) the proposed high-rise hotel would cause noise, air and water pollutions; air ventilation problem; and environmental and landscape impacts on the surrounding areas;
  - (iv) the whole area had no proper sewerage and storm water drainage system. Further development without proper infrastructure would worsen the flooding and sewage discharge problems; and
  - (v) the proposed development scale was excessive and not compatible with its surrounding low-rise developments. It would add burden to the limited transportation facility and sewerage system, and adversely affect society stability and the tranquil village environment;
- (e) the District Officer (North) advised that the Chairman of Fanling District Rural Committee, Residents Representative and Indigenous Inhabitants Representative of Wo Hop Shek Village and owner of the affected private lots raised objection to the application mainly on the grounds of adverse traffic, drainage, sewage, environmental, hygiene, ‘fung-shui’, ventilation and visual

impacts on the surrounding areas whereas the concerned North DC member had no comment on the application; and

- (f) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
- (i) the development intensity of the proposed hotel at a PR of about 4.69 with a height of 117m was considered excessive at the fringe of a new town and incompatible in scale with the surrounding areas, which were characterized by low-rise, low-density village houses of 3 storeys and rural workshops of one to two storeys. The proposed hotel development was envisaged to be visually intrusive in such a rural fringe setting immediately surrounded by low-rise village settlements and open space. There was no information in the submission to demonstrate that the proposed development would not have significant visual impact on the surroundings;
  - (ii) there was insufficient information in the submission and no technical assessments to demonstrate that the proposed hotel development would not have adverse traffic impacts on the area. C for T was concerned about the traffic generated from the proposed hotel development, which might cause adverse traffic impact on the existing road networks. As there was no TIA to examine the traffic implication and details of ingress/egress, vehicular access, car parking, loading/unloading, pick-up and set-down arrangements of the hotel development were not provided, C for T did not support the application;
  - (iii) DEP did not support the application as the proposed development would be subject to traffic noise impact from Fanling Highway, Tai Wo Service Road West and Wo Hing Road, and vehicle emission from Fanling Highway as there was insufficient buffer distance between the highway and part of the site. In this regard, the

applicant had failed to demonstrate that the proposed development would not be susceptible to environmental nuisance;

- (iv) the Drainage Services Department pointed out that the proposed rezoning would result in an increase in sewage being generated from the application site and upgrading of the local sewers might be required and a Sewerage Impact Assessment (SIA) should be carried out. As no SIA was included in the current submission, the applicant had failed to demonstrate that the proposed rezoning would not have adverse sewerage impact on the surrounding areas;
- (v) under the proposed “C/R(1)” zoning, residential development of ‘flat’, ‘house’ and ‘residential institution’ uses were Column 1 uses, which were always permitted. The proposed rezoning of the application site from “I” and “V” to “C/R(1)” might cause ‘I/R’ interface problem with the surrounding “I” zone with potential noise and air impacts, and there was no planning mechanism to address the undesirable ‘I/R’ interface problem;
- (vi) most of the application site fell within the ‘VE’ of Wo Hop Shek Village. DLO/N advised that land within ‘VE’ was reserved for small house development and it was unlikely that LandsD would entertain any application for “non-Small House” land exchange within this VE. As such, there were problems in implementing the proposed hotel development on the application site; and
- (vii) approval of the application would set an undesirable precedent for similar applications within the “I” and “V” zones. The cumulative effect of approving such applications might result in adverse visual, traffic and sewerage impacts on the surrounding areas.

26. As Members had no questions to raise, the Chairman said that the hearing procedures for the application had been completed and the Committee would deliberate on the application in the absence of PlanD’s representative. The Chairman thanked Ms. Doris

S.Y. Ting, STP/STN, for attending the hearing. Ms. Ting left the meeting at this point.

### Deliberation Session

27. Members generally considered that the proposed 31-storey hotel development was excessive in scale and incompatible with the surrounding uses. Moreover, the applicant had failed to demonstrate that the rezoning proposal would not have adverse visual, traffic and sewerage impacts on the surrounding areas. There was no strong justification for rezoning the site to facilitate a hotel development.

28. After further deliberation, the Committee decided not to agree to rezone the application site from “Industrial” (“I”) and “Village Type Development” (“V”) to “Commercial/Residential (1)” (“C/R(1)”). 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 intensity of the proposed 31-storey hotel development with a plot ratio of 4.693 and a building height of 117m was considered excessive and incompatible in scale with the surrounding area which was predominantly characterized by low-rise, low-density village houses of 3 storeys in the west and rural workshops in the east;
- (b) there was no information in the submission to demonstrate that the rezoning would not have adverse visual, traffic and sewerage impacts on the surrounding areas;
- (c) given residential development was always permitted under the proposed “C/R(1)” zoning, approval of the application would have potential to cause undesirable ‘Industrial/Residential’ interface problem with the surrounding “I” zone;
- (d) part of the site was within the “V” zone which was primarily to designate both existing recognized villages and areas of land considered suitable for village expansion. Moreover, most of the site was within the village

‘environs’ of Wo Hop Shek Village which was reserved for village expansion. There was no strong justification for rezoning the site to facilitate a hotel development; and

- (e) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications might result in adverse visual, traffic and sewerage impacts on the surrounding areas.

[Ms. Doris S.Y. Ting, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/206                      Proposed Public Vehicle Park (excluding Container Vehicle)  
in “Green Belt” and “Village Type Development” zones,  
Lot 2821 in D.D. 91, Tai Tau Leng, Sheung Shui  
(RNTPC Paper No. A/FSS/206)

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

29.            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 public vehicle park (excluding container vehicle);
- (c) the departmental comments were detailed in paragraph 8 of the Paper and highlighted below:

- (i) the Commissioner for Transport (C for T) did not support the application as there was no information in the submission on the vehicular access arrangement (in particular whether vehicles could turn smoothly without reversing from public road to the proposed site and vice versa); estimated vehicular trip to/from the site; and parking/manoeuvring arrangement within the site, etc.;
- (ii) the Director of Agriculture, Fisheries and Conservation had reservation on the application from an agricultural development point of view as the application site and its vicinity were relatively rural and currently occupied by agricultural activities; and
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view as the proposed development was incompatible with the rural landscape character, which was dominated by farmland and village houses. As there was no information regarding the access to the proposed carpark, existing trees that would be affected by the access could not be ascertained. In addition, the existing channel would also likely be affected by the proposed carpark. Some disturbance to the existing landscape resources and character was anticipated;
- (d) three public comments were received during the statutory publication period. One comment was from the residents of Tai Tau Leng 雙魚花苑 (with 65 signatures) raising objection to the application mainly on the grounds that the access track leading to the application site, which was narrow and winding, was the sole access for villagers residing in the southern part of Tai Tau Leng and vehicles to and from the carpark would pose hazard to the villagers; additional traffic load would create potential problems to the underground water, electricity and gas pipes; the proposed carpark would affect the greenery and ecological conservation of the area; another carpark at Lots 2830 s.I to s.M in D.D.91 had already created nuisance to the villagers; it would cause flooding problem to the village;

and congregation of transboundary travellers would bring about security problem and pollution to the area. The remaining two comments were from North District Council members. One of them had no comment whereas the other considered that there would be adverse impact on the villagers and more local consultation might be required;

- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee and two village representatives of Tai Tau Leng raised objection to the application because the carpark was in close proximity to the village houses; the access road was too narrow; and it would have adverse noise, air and security impacts on the villagers; and
- (f) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
  - (i) the application site was a piece of vacant land covered by wild vegetation at the fringe of Tai Tau Leng village. It was located in a rural setting surrounded by farmland to the north, east and west and tree groups to the south, and part of the site encroached upon the “Green Belt” (“GB”) zone where there was a general presumption against development. The proposed development was therefore not in line with the planning intention of the “GB” zone for the area. There was no strong planning ground to justify a departure from the planning intention of the “GB” zone;
  - (ii) the access track leading to the application site was a substandard village road. C for T did not support the application as there was no information on the vehicular access arrangement (in particular whether vehicles could turn smoothly without reversing from public road to the application site and vice versa), estimated vehicular trip to/from the site, and parking/manoeuvring arrangement within the site. In this regard, the applicant had failed to demonstrate that the proposed use would not cause adverse traffic impacts on the area;

and

- (iii) the site was located in an area of rural landscape character which was dominated by active farmland and village houses. The proposed development would likely cause disturbance to the existing landscape resources and character. There was no information in the submission to demonstrate that the proposed development would not have significant landscape impact on the surroundings. In this regard, CTP/UD&L did not support the application from the landscape planning perspective.

30. Members had no question on the application.

#### Deliberation Session

31. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development under application was not in line with the planning intention of the “Green Belt” (“GB”) zone for the area, 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. There was a general presumption against development within this zone. Hence, there was no strong planning justification for a departure from the planning intention of the “GB” zone;
- (b) the access track leading to the application site was sub-standard. There was insufficient information to demonstrate that the proposed development would not cause adverse traffic impacts on the surrounding areas; and
- (c) the applicant had failed to demonstrate that the proposed development would not have significant landscape impact on the surrounding areas.

**Agenda Item 9**

**Section 16 Application**

[Open Meeting]

A/NE-FTA/107      Temporary Public Vehicle Park (Container Vehicle)  
for a Period of 3 Years in “Other Specified Uses” annotated  
“Port Back-up Uses” zone, Lots 152 (Part), 153 RP (Part) and  
154 S.B RP (Part) in D.D. 52, Fu Tei Au, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/107)

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32.            The Secretary reported that on 19.10.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the comments from various government departments.

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

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/108      Temporary Container Trailer Park for a Period of 3 Years  
in “Other Specified Uses” annotated “Port Back-up Uses” zone,  
Lots 182 RP (Part) and 183 RP (Part) in D.D. 52,  
Fu Tei Au, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/108)

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Presentation and Question Sessions

34. Ms. Doris S.Y. Ting, STP/STN, reported that the replacement pages for pages 16 and 17 of the Paper had been tabled at the meeting for Members' reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary container trailer park for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site. The Project Manager (New Territories North and West), Civil Engineering and Development Department advised that the application site fell within the Fanling North New Development Area (NDA). As site formation works for the NDA development were tentatively scheduled to commence in 2017, the effective period of permission for the application was suggested to be not later than the year of 2016;
- (d) during the statutory publication period, one public comment was received from a North District Council member indicating 'no comment' on the application;
- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee, Indigenous Inhabitant Representatives and Resident Representative of Wa Shan Tsuen had no comment on the application; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
  - (i) the applied use was generally in line with the planning intention of

the “Other Specified Uses” annotated “Port Back-up Uses” zone in the Fu Tei Au and Sha Ling area, which was primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses. The applied use was not incompatible with the surrounding land uses, which predominantly comprised open storage yards, lorry/container vehicle parks, logistics companies and vacant land;

- (ii) the applied use was in line with the Town Planning Board Guidelines No. 13E in that the application site fell within Category 1 area and favourable consideration would normally be given as there were no major adverse departmental comments and local objections received for the application. Although DEP did not support the application because there were domestic structures in the vicinity of the application site, it was noted that there was only one temporary domestic structure at a distance of about 70m from the application site, and no environmental complaint in relation to the application site had been received in the past three years. In order to minimize possible environmental nuisance, relevant approval condition restricting the operation hours was recommended;
  
- (iii) the application site was the subject of four previous applications which were approved for the same container trailer park use. The use, layout, site boundary, site area and development parameters of the current application were the same as compared with the last approval (Application No. A/NE-FTA/99). There was no material change in the planning circumstances and it was anticipated that the applied use should not have significant adverse traffic, drainage and landscape impacts on the surrounding areas. Concerned government departments including the Transport Department, Drainage Services Department and Urban Design and Landscape Section of PlanD had no objection to/adverse comment on the application; and

- (iv) notwithstanding, as the previous planning approval was revoked due to non-compliance with the approval condition on the provision of fire service installations, shorter compliance periods were proposed to monitor the progress of compliance with approval conditions should the Committee decide to approve the application. Moreover, the applicant would be advised that should he fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration might not be given to any further application.

[Mr. Y.K. Cheng arrived to join the meeting and Mr. B.W. Chan returned to join the meeting at this point.]

35. Members had no question on the application.

#### Deliberation Session

36. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.11.2014, 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 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no vehicle repairing activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) 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 4.2.2012;

- (e) in relation to (d) 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 4.5.2012;
- (f) the submission of proposals for fire service installations and water supplies for fire-fighting within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2012;
- (g) in relation to (f) above, the provision of fire service installations and water supplies for fire-fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.5.2012;
- (h) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.2.2012;
- (i) in relation to (h) above, the implementation of the 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 4.5.2012;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

37. 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 issue relating to the development with the concerned owner(s) of the application site;
- (c) shorter compliance periods were imposed in order to monitor the fulfilment of relevant approval conditions;
- (d) 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;
- (e) to note the comments of the District Lands Officer/North that a latrine at the south-western portion of Lot 182 RP in D.D. 52 and a portion of shade for storage at the south-eastern portion of Lot 183 RP in D.D. 52, which were outside the application site but within the above lots, were found encroaching upon the Water Reserve Area where no building or structure was permitted under Short Term Waiver (STW) No. 1292 covering the lots under application. These structures should be demolished as soon as possible. The owner of the lots should apply to his office for regularization of the excessive built-over area and the proposed structures. If the STW was granted, it would be subject to such terms and conditions including the payment of STW fee;
- (f) to note the comments of the Director of Fire Services that in preparing the proposals of fire service installations for his approval, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed fire service installations and the access for emergency vehicles should be clearly marked on the layout plans;
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the

application site, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Moreover, the application site was located within the flooding pumping gathering ground. Water mains in the vicinity of the application site could not provide the standard pedestal hydrant. The latrine and shade encroaching upon WSD's Waterworks Reserve should be removed as soon as possible;

- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practices should be adopted and any necessary environmental measures including the provision of screen planting/ hoarding and control of surface runoff should be implemented to minimize disturbance impacts arising from the proposed development on the abandoned meander as far as possible;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that at least 1 m space should be provided between the trees and the stored materials or parked vehicles, and tree planting opportunity was available at the eastern boundary;
- (j) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area; and
- (k) to note the comments of the Commissioner for Transport that the land status of the access leading to the application site should be checked with the lands authority, and the management and maintenance responsibilities of the same access should be clarified with the relevant lands and maintenance authorities accordingly.

**Agenda Item 11**

**Section 16 Application**

[Open Meeting]

A/NE-FTA/109            Temporary Goods Distribution and Storage Use for a Period of 3 Years  
in “Other Specified Uses” annotated “Port Back-up Uses” zone,  
Lots 152 (Part), 153 RP (Part) and 154 S.B RP (Part) in D.D. 52,  
Fu Tei Au, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/109)

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38.            The Secretary reported that on 19.10.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the comments from the Transport Department.

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

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/110 Temporary Cargo Handling and Forwarding Facility (Logistics Centre) for a Period of 3 Years in “Agriculture” zone,  
Lots 40 RP (Part), 404 S.A (Part), 408 S.A RP (Part), 408 S.B RP (Part), 409, 410 (Part), 413 (Part), 414 (Part), 416 (Part), 417 RP (Part), 435, 436, 437 RP in D.D. 89 and Adjoining Government Land,  
Fu Tei Au, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/110)

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**Presentation and Question Sessions**

40. 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 cargo handling and forwarding facility (logistics centre) for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received indicating no comment on the application;
- (e) the District Officer (North) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee had no comment on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three

years based on the assessments set out in paragraph 12 of the Paper which were summarised below:

- (i) although the applied use was not in line with the planning intention of the “Agriculture” zone, it was noted that the site had been involved in six previous applications (No. A/NE-FTA/22, 32, 41, 65, 72 and 100) for uses similar to the current application, and these applications were all approved with conditions by the Committee or the Town Planning Board (TPB). The Agriculture, Fisheries and Conservation Department had no strong view on the application as the site had been paved and occupied as open storage for some time. The applied use on a temporary basis was considered not incompatible with the surrounding land uses which mainly comprised open storage yards and logistics centres;
- (ii) the application was in line with the TPB Guidelines No. 13E in that the applicant had submitted landscape and tree preservation proposals to demonstrate that the applied use would not have adverse landscape impacts on the surrounding areas. Moreover, since peripheral surface channels and fire service installations had been provided at the application site and the logistics centre would only generate a maximum of 10-12 vehicle trips per day, the applied use would not have significant adverse drainage, fire hazard and traffic impacts on the surrounding areas. Although DEP did not support the application because there were domestic structures in the vicinity of the application site, the nearest domestic structure was located at a distance of almost 90m from the application site and no environmental complaint in relation to the application site had been received in the past three years. To minimize possible environmental nuisance, approval conditions restricting the operation hours and requiring maintenance of the existing peripheral fencing were recommended; and
- (iii) the site had been involved in six previous applications for similar

uses, which were approved by the Committee/TPB on review. There had been no material change in the planning circumstances which warranted a departure from the previous decision of the Committee/TPB.

41. Members had no question on the application.

#### Deliberation Session

42. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.11.2014, 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 operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) the existing metal fencing at the site should be maintained at all times during the planning approval period;
- (d) 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 4.5.2012;
- (e) in relation to (d) above, the implementation of the 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 4.8.2012;
- (f) the submission of proposals for 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 4.5.2012;

- (g) in relation to (f) 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 4.8.2012;
- (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 4.5.2012;
- (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 4.8.2012;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

43. 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 issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/North that the lot owners should apply to his office for Short Term Waiver and Short Term

Tenancy for regularization of the structures erected on the lots and the unauthorized occupation of government land;

- (d) to note the comments of the Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the site and building plan submission was not required, relevant layout plans incorporated with the proposed fire services installations (FSIs) should be submitted for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the locations of the proposed FSIs 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 the aforesaid plans. FSIs should be provided according to the approved proposal;
- (e) to note the comments of the Commissioner for Transport that the vehicular access to the application site was via a village track connecting with Man Kam To Road. The unnamed village track was not managed by the Transport Department. The land status of the access leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same access should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) 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/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that seven dead trees along the perimeter

of the site should be replaced, and tree planting opportunity was available at the eastern and southern site boundaries; and

- (h) to follow the environmental mitigation measures as recommended in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimize the potential environmental impacts on the adjacent area.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/312      Temporary Open Storage of Construction Materials and Machinery Parts (excluding Dangerous Goods) for a Period of 3 Years in “Agriculture” zone, Lots 1118 S.A (Part) and 1118 RP (Part) in D.D. 92, Hang Tau Tai Po, Kwu Tung  
(RNTPC Paper No. A/NE-KTS/312A)

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

44.      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 open storage of construction materials and machinery parts (excluding dangerous goods) for a period of three years;
- (c) the departmental comments were detailed in paragraph 10 of the Paper and highlighted below:
  - (i) the Commissioner for Transport (C for T) did not support the

application. The proposed vehicular access to the application site was via a village track connecting to Hang Tau Road. It was a narrow non-standard local track without continuous footway. The track was single lane with non-standard road bend to serve two-way traffic. There was no information in the submission on the vehicular access arrangement (particularly whether vehicles could pass through those road bends smoothly without reversing from Hang Tau Road to the application site and vice versa). Moreover, the size/type of lorries and the drawings to show the internal transport facilities (clear manoeuvring areas) were not provided;

- (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. Moreover, four pollution complaints (two for waste pollution, one for air pollution and one for water pollution) for the application site were received in the past three years; and
- (iii) the Director of Agriculture, Fisheries and Conservation had reservation on the application from the nature conservation perspective. Although the applicants claimed that the site had been used as open storage for over five years, the aerial photo taken in November 2008 indicated that the site was well vegetated then. Recent site inspection taken by his office on 14.7.2011 also revealed that the application site consisted of some mature trees in fair to poor condition;
- (d) during the statutory publication period, nine public comments were received from two North District Council (NDC) members, Designing Hong Kong Limited, a resident of Hang Tau Village and five members of the public. One of the NDC members indicated 'no comment' on the application. Another commenter provided views on the application whereas the remaining seven commenters objected to the application. The major views/reasons of objection were as follows:

- (i) the access to the application site was single lane serving two-way traffic. It was narrow with a few lay-bys. Pedestrians and vehicles shared the same access and the frequent travelling of heavy vehicles would cause danger to pedestrians (particularly the elderly and children) and damage the road paving;
- (ii) the use of heavy vehicles would generate noise and exhaust fume, which would disturb the tranquil living environment and affect local residents' health;
- (iii) recycling activities were found within the site which generated waste water and oil pollution. The surrounding land and Sheung Yue River were polluted;
- (iv) the open storage use was not in line with the planning intention of the "Agriculture" ("AGR") zone;
- (v) approval of the application would set a bad precedent and further degrade the rural environment;
- (vi) the application site had been used for open storage for not more than two years. There were many mature fruit trees on Lot 1118 S.A before but had been felled by the developer(s);
- (vii) the open storage use would lead to flooding and affect 'fung shui'; and
- (viii) a portion of the application site was used as workshop for dismantling of computers and the site had been used for open storage and vehicle parking since January 2011. It was noted that the application site was involved in enforcement actions of unauthorized development;

- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee and Indigenous Inhabitants Representatives of Hang Tau had no comment on the application, whereas the concerned NDC member, Residents Representative of Hang Tau and two other villagers had objection to the application on the grounds that the travelling of heavy vehicles on the narrow access road would cause traffic congestion and danger to pedestrians, and generate noise and exhaust fume; the tranquil living environment was disturbed; and recycling activities were found within the site which generated waste water and oil pollution and the surrounding land and Sheung Yue River were polluted; and
  
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
  - (i) the development was not in line with the planning intention of the “AGR” zone. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
  
  - (ii) the application did not comply with the Town Planning Board Guidelines No. 13E in that there was no previous planning approval granted to the application site and no technical assessment/proposal was submitted to demonstrate that the applied use would not have adverse environmental and traffic impacts on the surrounding areas; and there were adverse departmental comments and local objections against the application;
  
  - (iii) the development was not compatible with the surrounding areas, which were predominantly occupied by a number of domestic structures intermixed with a few warehouses, open storage yards and workshops. The development might create environmental nuisance to the surrounding areas. DEP did not support the application because of the sensitive uses in the vicinity of the site (with the

nearest domestic uses at a distance of less than 5m to the immediate north and west of the application site). The applicants had failed to demonstrate that the applied use would not generate adverse environmental impacts on the surrounding areas. In addition, DEP had received complaints concerning the application site in the past three years;

- (iv) C for T did not support the application as the site was accessible by a narrow non-standard local track of about 4m wide connecting to Hang Tau Road but there was no information in the submission on the vehicular access arrangement (particularly whether vehicles could pass through those road bends smoothly without reversing from Hang Tau Road to the application site and vice versa). Moreover, the size/type of lorries and the drawings to show the internal transport facilities (clear manoeuvring areas) had not been provided. In this regard, the applicants had failed to demonstrate that the applied use would not generate adverse traffic impact on the surrounding areas;
- (v) according to the aerial photo taken on 13.11.2008, the application site was originally well vegetated. However, the trees/vegetation were subsequently cleared and the site was formed and paved for open storage use prior to obtaining the necessary planning permission. It was considered that the site might have involved in the context of 'destroy first, build later' which should be discouraged; and
- (vi) there were three similar applications for open storage use in the same "AGR" zone in the vicinity of the application site, but none of them was approved by the Committee. The approval of this application, even on a temporary basis, would set an undesirable precedent for similar applications within the "AGR" zone. The cumulative effect of approving such applications would result in adverse traffic and environmental impacts on the surrounding areas.

45. Members had no question on the application.

[Mr. Timothy K.W. Ma left the meeting temporarily at this point.]

Deliberation Session

46. 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 “Agriculture” (“AGR”) zone in Kwu Tung South area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that there was no previous planning approval granted to the application site and no technical assessment/proposal was submitted to demonstrate that the proposed uses would not generate adverse environmental and traffic impacts on the surrounding areas; and there were adverse departmental comments and local objections against the application;
- (c) the applicants had failed to demonstrate that the development under application would not generate adverse environmental and traffic impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone.

The cumulative effect of approving such applications would result in adverse traffic and environmental impacts on the surrounding areas.

**Agenda Item 14**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/444      Temporary Private Vehicle Park for Coaches with Ancillary Staff Rest Room and Storage of Repair Equipment for Coaches and Miscellaneous Items for a Period of 3 Years in “Agriculture” and “Residential (Group C)” zones, Lots 869 S.F, 870 RP (Part), 871 and 2141 RP (Part) in D.D. 83, 36A Hai Wing Road, Fanling  
(RNTPC Paper No. A/NE-LYT/444)

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Presentation and Question Sessions

47.            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 private vehicle park for coaches with ancillary staff rest room and storage of repair equipment for coaches and miscellaneous items for a period of three years;
- (c)    the departmental comments were detailed in paragraph 9 of the Paper and highlighted below:
  - (i)    the Commissioner for Transport (C for T) did not support the application as the applied use would involve coach parking and loading/ unloading for the storage of equipment and materials within the application site, but the applicant had not submitted information

on the vehicular access, parking and loading/unloading arrangements and the provision of manoeuvring spaces for vehicles within the application site;

- (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and along the access road, and environmental nuisance was expected; and
  - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development perspective because agricultural activity in the vicinity of the application site was active and the site with high potential for agricultural rehabilitation should be retained;
- (d) no public comment was received during the statutory publication period;
- (e) the District Officer (North) advised that the Indigenous Inhabitants Representative and Residents Representative of Ma Liu Shui San Tsuen had objection to the application mainly on the grounds that the use of coaches would have adverse impact on pedestrians as Hai Wing Road was a single-lane road with no lay-by; the presence of a number of warehouses and heavy goods vehicle parks had overloaded Hai Wing Road and damaged the road paving; traffic congestion in the area would be worsened; Hai Wing Road was a private road and approval of the application without prior agreement from relevant land owners might affect the interests of local residents; there had been increase in population in the area and this would worsen the vehicle-pedestrian conflict problem on Hai Wing Road; the applied use would cause noise and air pollution; and the area was planned for low-density residential use; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:

- (i) the development was not in line with the planning intentions of the “AGR” and “Residential (Group C)” (“R(C)”) zones. There was no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis. In this regard, DAFC did not support the application from the agricultural development point of view because agricultural activity in the vicinity of the application site was active and the site with high potential for agricultural rehabilitation should be retained;
- (ii) the development was not compatible with the rural character of the surrounding areas, which mainly comprised active and fallow agricultural land and domestic uses. The nearest domestic structures were at a distance of less than 5m to the immediate east and south of the application site;
- (iii) the development might create environmental nuisance to the surrounding areas. DEP did not support the application because of the sensitive uses in the vicinity of the site (with the nearest domestic uses less than 5m from the application site) and along the access road. The applicant failed to demonstrate that the development would not generate adverse environmental impacts on the surrounding areas;
- (iv) the application site was accessible by Hai Wing Road which was a narrow access road of about 6m wide serving the residential developments within the “R(C)” zone and adjoining village settlement of Ma Liu Shui San Tsuen. C for T did not support the application as there was no information on the vehicular access, parking and loading/unloading arrangements and the provision of manoeuvring spaces for vehicles within the application site. The applicant failed to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas;

- (v) there were three similar applications (No. A/NE-LYT/196, 308 and 396) approved by the Committee, which involved a site for temporary car parking and loading/ unloading area within the same “R(C)” zone. However, the current application was different from these similar applications as they were approved by the Committee on sympathetic grounds that the applied use would provide parking and loading/unloading area for the adjoining workshop. The workshop was previously approved by the Director of Planning on 11.9.1991 but the original parking and loading/unloading area of the workshop was resumed by the Government for road widening. Moreover, the applied use under the three similar applications was small in scale and would not have significant traffic, environmental, drainage and landscape impacts on the surrounding areas, and relevant government departments had no objection to these applications.

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 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intentions of the “Agriculture” and “Residential (Group C)” zones in the Lung Yeuk Tau and Kwan Tei South area which were primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes; and for low-rise, low-density residential developments respectively. There was no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis; and

- (b) the applicant had failed to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding areas.

[The Chairman thanked Ms. Doris S.Y. Ting, STP/STN, for her attendance to answer Members' enquires. Ms. Ting left the meeting at this point.]

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

#### **Agenda Item 15**

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

[Open Meeting]

A/TM-LTYYY/212 Proposed Flat, Shop and Services and Minor Relaxation of Building Height Restriction in "Commercial" zone, Lots 531 RP, 532 S.D RP and 532 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTYYY/212B)

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50. The Secretary reported that on 20.10.2011, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to respond to departmental comments. The Secretary also reported that the application site would be in direct conflict with the proposed Tuen Mun Western Bypass (TMWB) project. After discussion with the Highways Department (HyD) in May and August 2011, the applicant had suggested alternative alignments for the TMWB so as to avoid the conflict. The latest proposed alternative alignment was still being assessed by HyD. In parallel, the applicant had also submitted further information in September 2011 including responses and technical assessments to address departmental comments.

51. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further 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 further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since this was the third deferment of the application and a total period of six months had been allowed, no further deferment would be granted unless under exceptional circumstances.

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting]

A/TM-LTY Y/224      Temporary Public Vehicle Park for Private Cars and  
Light Goods Vehicle for a Period of 3 Years  
in “Village Type Development” zone,  
Lot 581 (Part) in D.D. 130, To Yuen Wai, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/224)

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52.            The Secretary reported that on 27.10.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for him to address the comments of the Commissioner of Police.

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

[Mr. Timothy K.W. Ma returned to join the meeting at this point.]

**Agenda Item 17**

**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 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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54. The Secretary reported that on 19.10.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the comments from the Director of Environmental Protection and the Chief Town Planner/Urban Design and Landscape of Planning Department. The Secretary also reported that, as mentioned in paragraph 1 of the Paper, the applicant had made continuous efforts to improve the proposed development scheme and submit technical assessments in response to departmental comments.

55. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further 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 further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since this was the fourth deferment of the application and a total period of eight months had been allowed, no further deferment would be granted.

**Agenda Item 18**

Section 16 Application

[Open Meeting]

A/YL-HT/728      Temporary Open Storage of Containers with Ancillary  
Container Repair Workshop for a Period of 1 Year  
in “Government, Institution or Community” zone,  
Lots 515 RP (Part), 516 (Part), 517 (Part), 518 (Part), 519 (Part), 520  
(Part) and 521 (Part) in D.D. 125 and Adjoining Government Land,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/728)

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56.           The Secretary reported that on 26.10.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for him to address the comments from the Drainage Services Department on his revised drainage impact assessment.

57.           After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further 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 further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since this was the second deferment of the application and a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 19**

**Section 16 Application**

[Open Meeting]

A/YL-HT/729 Temporary Open Storage of Construction Materials and Vehicles Not Yet Licensed to Run on the Road for a Period of 1 Year in “Government, Institution or Community” zone, Lots 515 RP (Part), 518 (Part), 521 (Part), 522, 523, 524 (Part), 525 (Part), 526 (Part), 1247 RP (Part), 1249 (Part), 1250 (Part), 1251 RP, 1252, 1253, 1254, 1255 (Part), 1256 (Part), 1257, 1258 RP, 1259 (Part), 1260, 1261 and 1262 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/729)

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58. The Secretary reported that on 26.10.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for him to address the comments from the Drainage Services Department on his revised drainage impact assessment.

59. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further 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 further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of further information, and since this was the third deferment and a total period of six months had been allowed, this was the last deferment of the application.

[Mr. Ernest C.M. Fung and Mr. Kepler S.Y. Yuen, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/756            Land Filling (by about 1.2m) for Permitted Agricultural Use  
in “Green Belt” zone,  
Lots 1369 and 1370 in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/756)

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**Presentation and Question Sessions**

60.            Mr. Ernest C.M. Fung, STP/TMYL, reported that the 6<sup>th</sup> line in paragraph 8.1 of the Paper should read as “which has been filled to 22-24mPD” instead of 20-22mPD. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the application site was part of a larger site under another application (No. A/YL-HT/724) for land filling by about 1.9m for permitted agricultural use, which was submitted by another applicant. Consideration of Application No. A/YL-HT/724 was deferred by the Committee on 7.10.2011 at the applicant’s request. In addition, the application site together its adjoining area was subject to enforcement action of unauthorized excavation and filling of land. Enforcement Notice and Reinstatement Notice were issued by the Planning Authority to the concerned parties in November 2010 and August 2011 respectively requiring discontinuance of the relevant operation and reinstatement of the land. The notice recipients had applied to the Secretary for Development (SDEV) for a review of the Planning Authority’s decision to serve Reinstatement Notice on them. The case was now under review by the SDEV;
  
- (b) the applicant sought planning permission for land filling of the application site by about 1.2m for permitted agricultural use (nursery for trees, flowers, potted plants and grass). However, the applicant indicated that the site had already been filled and no further excavation/filling would be carried

out. The site was currently filled with a mixture of soil, stone and construction wastes up to over 4m high;

- (c) the departmental comments were detailed in paragraph 10 of the Paper and highlighted below:
  - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) pointed out that from the fisheries perspective, regardless of the status of the pond (active or inactive), any filling of pond was not supported and pond should be preserved for fish culture only. Moreover, from the agricultural perspective, stones and construction wastes should never be used for filling of farmland. The filling of mixtures of soil, stone and construction wastes on the site had caused damage to the soil system and would have adverse effect on any crops to be grown there. If open field cultivation was to be recovered at the site, the filled materials such as stones and construction wastes in the soil should be removed; and
  - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. As compared to the aerial photos taken in 2009, it was noted that the vegetation cover including mature trees within the site had been replaced with fill materials to a level higher than the surrounding land. The filling had also encroached upon and affected the vegetation on the adjoining land within the subject “Green Belt” (“GB”) zone. The landscape character and resources of the site had substantially deteriorated. Although tree planting was provided along the site periphery, most of the trees were planted in temporary planters and they were in fair to poor health condition. In addition, there was insufficient information on the proposed nursery use and associated facilities for the nursery development. There was also no information regarding the landscape treatment to mitigate the adverse landscape impacts resulted from the large-scale removal of

existing vegetation and land filling works;

- (d) during the statutory publication period, two public comments were received raising objection to the application. The comment from a Yuen Long District Council Member pointed out that as there were many fallow agricultural lands in Yuen Long, they should be used for agricultural use first. Another comment from the Hong Kong Bird Watching Society stated that there was inadequate information to justify the land filling, which might have negative impacts on the landscape and damage the existing vegetation. During its site visit on 5.7.2011, the slope behind the site was generally vegetated with trees. Filling of land was observed at a site nearby. Approval of the application might encourage similar activities of environmental destruction. Unauthorized activities such as site formation, land filling and road construction had been reported in the vicinity of the site. Concerned government departments should confirm whether the current application involved the ‘destroy first, develop later’ approach; and
- (e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
  - (i) although agricultural use in the “GB” zone was always permitted, land filling at the site required planning permission to ensure that it would not result in adverse landscape and drainage impacts on the adjacent areas. According to the Town Planning Board (TPB) Guidelines No. 10, any proposed development in the “GB” zone should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, and adversely affect drainage or aggravate flooding in the area;
  - (ii) the majority of the site used to be ponds. The ponds had gradually dried up over the years, but were still covered by grass and some trees as shown in the aerial photo taken in 2009. According to

PlanD's and DAFC's site inspection, the site had already been filled with a mixture of soil, stone and construction wastes to over 4m high, and neither pond feature nor natural vegetation could be found. The applicant also confirmed that the site had already been filled and no further excavation/ filling would be carried out. As such, the current application was actually seeking an 'after-approval' to redress a previous wrongful act, which had caused significant damage to the landscape character of the area and could have created adverse drainage impacts. In this regard, CTP/UD&L had reservation on the application as the landscape character and resources of the site had been substantially deteriorated by the land filling, and there was insufficient/no information indicating the proposed nursery use, the associated facilities for the nursery development, and the landscape treatment to mitigate the adverse landscape impacts resulted from the large-scale removal of vegetation and land filling works. As the filling had changed the existing drainage characteristics of the area, and the extent of the filled area (which extended beyond the application site) and its associated catchment areas was large, the Drainage Services Department required a drainage impact assessment (DIA) for the land filling under application. However, the applicant had not submitted any landscape proposal or DIA. In view of the above, the application was not in line with the TPB Guidelines No. 10;

- (iii) the applicant applied for land filling by about 1.2m for agricultural use, but the depth of land filling on site largely exceeded the 1.2m depth under application. The applicant advised that there was a need to fill the land for agricultural use (nursery for trees, flowers, potted plants and grass), but he had not explained why the original state of the site (dried ponds supporting lush vegetation) was not suitable for plant nursery purpose. The applicant further argued that the development was intended to beautify the environment. In this regard, DAFC did not support the application from both the fisheries and agricultural points of view as ponds should be

preserved for fish culture, and the stone and construction wastes on the site had caused damage to the soil system and would adversely affect the growing of crops there; and

- (iv) there was no similar application for land/pond filling approved by the Committee within the “GB” zones on the Ha Tsuen Outline Zoning Plan. DAFC was concerned about setting an undesirable precedent for other similar land/pond filling activities in the area. Approval of the application could also be misread by the public as endorsement of the ‘destroy first’ actions, and the cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

61. A Member noted that there was unauthorised excavation and land filing within the application site and its adjoining area, and enforcement actions had been taken by the Planning Authority by issuing a Reinstatement Notice to the concerned parties. This Member also noted that the concerned parties had applied to the SDEV for a review of the Planning Authority’s decision, and asked whether a hearing would be conducted for the review and how long would the review take. In response, the Secretary said that, upon receipt of an application for review, both the applicant and PlanD would be given an opportunity to make written submissions and to comment on each other’s submission for SDEV’s consideration. However, there would not be any hearing for the review. It would not take a long time for SDEV to review the case and make a decision after receiving all the relevant information.

#### Deliberation Session

62. 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 application which sought to redress a previous action that involved extensive clearance of natural vegetation, affected the existing natural landscape, and might have adversely affected drainage or aggravated

flooding in the area was not in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” (“GB”) Zone’. The applicant failed to demonstrate that the land filling would not have adverse drainage and landscape impacts on the surrounding areas; and

- (b) approval of the application would set an undesirable precedent for similar applications within the “GB” zone and the cumulative effect of approving such similar applications would result in a general degradation of the environment in the “GB” zone and could be seen as endorsement of such ‘destroy first’ actions.

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/227      Temporary Open Storage of Scrap Metal, Paper and Plastic  
for a Period of 3 Years in “Green Belt” zone,  
Lot 911 S.A RP (Part) in D.D. 129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/227)

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

63.      Mr. Ernest C.M. Fung, 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 scrap metal, paper and plastic 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 (the closest being about 30m away) and along the access road (Deep Bay Road and Tin Yuet Road), and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning perspective. The site was an integral part of the “Green Belt” (“GB”) zone and the landscape buffer to the nearby “Coastal Protection Area” zone. The area was mainly vegetated with some unauthorised developments distributed to the north of the site. The temporary open storage use under application was incompatible with the existing rural landscape character. Although the site was paved and fenced and it was unlikely to have significant adverse landscape impact on the existing environment, approval of the application would set an undesirable precedent and attract similar applications for open storage use within the “GB” zone;

- (d) during the statutory publication period, a public comment was received from a Yuen Long District Council member raising objection to the application because the applied use was not in line with the planning intention of the “GB” zone and would damage the original green environment; and
- (e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
  - (i) the applied use was not in line with the planning intention of the “GB” zone. No approval for temporary open storage and port backup uses had ever been granted by the Town Planning Board (TPB)/Committee within this part of the “GB” zone, which was remote and largely undisturbed. Approval of the application would encourage proliferation of open storage uses within the subject “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. In fact, areas along the local track through which the site gained

access had recently been occupied by two other similar suspected unauthorised developments;

- (ii) the applied use was incompatible with the rural neighbourhood, which comprised mainly orchards and vegetated unused land. It was also incompatible with isolated residential dwellings nearby, and an approved residential development (122 houses) under Application No. A/YL-LFS/80-4 to its southwest. In this regard, DEP did not support the application because of the sensitive uses in the vicinity of the site (the closest being about 30m away) and along the access road (Deep Bay Road) and environmental nuisance was expected;
- (iii) there was a general presumption against development within the “GB” zone. In this respect, the applicant had not demonstrated that suitable sites were not available, say in the “Open Storage” zones on the adjoining Ha Tsuen Outline Zoning Plan (OZP), and no strong planning justification had been given in the submission for open storage use in this remote part of the “GB” zone;
- (iv) according to the TPB Guidelines No. 10, development in the “GB” zone should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, and adversely affect drainage or aggravate flooding in the area. CTP/UD&L objected to the application as the development was not compatible with the existing rural landscape character. The Drainage Services Department also pointed out that the submission of a drainage proposal for the development was required;
- (v) the site mainly (65%) fell within the Wetland Buffer Area (WBA). According to the TPB Guidelines No. 12B, the designation of WBA was intended to protect the ecological integrity of the fishponds and wetlands within the Wetland Conservation Area and prevent development that would have a negative off-site disturbance impact

on the ecological value of fishponds. Application for new temporary open storage use and workshops within the WBA would normally not be allowed in view of the adverse disturbances of such activities on birds. Although the development did not result in any loss in wetland, it did not complement the ecological functions of the wetlands and fishponds around the Deep Bay Area. While the Director of Agriculture, Fisheries and Conservation had no strong view on the application, he had expressed concern on the compatibility of the applied use with the planning intention of the “GB” zone, particularly whether approving the application would set an undesirable precedent to encourage other similar applications in the area. Moreover, there was no previous approval for open storage use at the site;

- (vi) the application was not in line with the TPB Guidelines No. 13E in that there were no exceptional circumstances to justify the development, no previous approval for open storage use had been granted for the site, and there was insufficient information in the submission to address the adverse comments from concerned departments and demonstrate that the applied use would not create environmental nuisance on the surrounding areas; and
- (vii) the Town Planning Appeal Board (TPAB) and the Committee had rejected all the three similar applications (No. A/YL-LFS/90, 130 and 200) within the same “GB” zone on the Lau Fau Shan and Tsim Bei Tsui OZP. Rejection of the application was in line with the previous decisions of the TPAB/ Committee.

64. Members had no question on the application.

#### Deliberation Session

65. 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 to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was not compatible with the rural neighbourhood and landscape character, particularly the existing residential dwellings and an approved residential development nearby;
- (c) the development was not in line with the Town Planning Board (TPB) Guidelines No. 12B for Application for Developments within Deep Bay Area in that no previous approval for open storage use had been granted for the site, and the development did not complement the ecological functions of the wetlands and fishponds around the Deep Bay Area;
- (d) the development was not in line with the TPB Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there was no exceptional circumstances to justify the development, no previous approval for open storage use had been granted for the site, there were adverse departmental comments on the environmental aspect, and the development would generate environmental nuisance on the surrounding areas; and
- (e) approval of the application would set an undesirable precedent for similar open storage and warehouse in the “GB” zone, the cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[The Chairman thanked Mr. Ernest C.M. Fung, STP/TMYL, for his attendance to answer Members’ enquiries. Mr. Fung left the meeting at this point.]

[Mr. Timothy K.W. Ma left the meeting at this point.]

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/549      Temporary Public Vehicle Park (Excluding Container Vehicle)  
for a Period of 5 Years in “Village Type Development” zone,  
Lot 393 (Part) in D.D. 109, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/549)

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**Presentation and Question Sessions**

66.            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 public vehicle park (excluding container vehicle) for a period of 5 years;
- (c) concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, a public comment was received from a member of the public raising objection to the application as Po Tei Road was a narrow road without pavement and vehicles entering/exiting the site would cause safety problem to the elderly and children; the exhaust from vehicles would affect residents’ health; and the applied use would create noise nuisance to the nearby residents. The commenter also complained that the operator of the public vehicle park had removed the site notice of the application posted by the staff of the Planning Department (PlanD); and

- (e) the PlanD's views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
- (i) although the public vehicle park was not in line with the planning intention of the “Village Type Development” (“V”) zone, it could satisfy some of the local parking demand. The District Lands Officer/Yuen Long advised that no small house application had been received for the subject lot. Given its temporary nature and there was no small house application underway, the development would not frustrate the long-term planning intention of the “V” zone;
  - (ii) the public vehicle park for private cars was considered not incompatible with the surrounding land uses which mainly comprised residential dwellings/ structures with a few open storage/ storage yards;
  - (iii) relevant government departments had no adverse comment on the application, and no environmental complaint was received by the Environmental Protection Department (EPD) in the past three years. A shorter approval period of three years, instead of five years as proposed by the applicants, was recommended, which was the usual term granted for temporary uses in the rural areas and same as the approval period under the previous application. To address the public concern on adverse air quality impact and noise nuisance from the applied use and to minimize any potential environmental impacts, approval conditions restricting the types of vehicles and activities on-site and requiring the maintenance of the existing mitigation measures (including the ‘no honking’ sign at the entrance of the site and two floodlights within the site with appropriate intensity and illumination angle of the light) implemented under the previous approval were recommended. The technical requirements

on traffic, drainage, landscape and fire safety aspects could also be addressed by relevant approval conditions;

- (iv) although the previous approval (Application No. A/YL-KTS/481) was revoked due to non-compliance with approval conditions on landscape and drainage facilities, the applicants had made efforts and complied with the approval conditions related to the provision of mitigation measures, submission of drainage proposal, and submission and implementation of fire service installations. The applicants also indicated in the current application that they planned to plant five to ten trees to beautify the surrounding environment and had liaised with the Drainage Services Department on the proposed drainage facilities. Shorter compliance periods were proposed to monitor the fulfilment of approval conditions should the Committee decide to approve the application. Moreover, the applicants would be advised that should they fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration might not be given to any further application; and
  
- (v) regarding the public comment raising objection to the application on the grounds of road safety, air quality impact and noise nuisance, no adverse comment was received from relevant government departments including the Transport Department, Hong Kong Police Force and EPD. Appropriate approval conditions had also been recommended to minimize the possible nuisance/impact of the applied use. Regarding the commenter's complaint that site notice was removed, PlanD re-posted the site notice on 4.10.2011 after the public comment was received on 3.10.2011. The site notice was still posted on the site based on the site inspection conducted on 12.10.2011.

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, instead of 5 years, until 4.11.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on the site or enter/exit the 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 no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on the site or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (e) the existing mitigation measures (including the 'no honking' sign at the entrance of the site and two floodlights within the site with appropriate intensity and illumination angle of the light) implemented under Application No. A/YL-KTS/481 to minimize any possible nuisance of noise and artificial lighting should be maintained at all times during the planning approval period;

- (f) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.2.2012;
- (g) in relation to (f) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.5.2012;
- (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 4.2.2012;
- (i) in relation to (h) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.5.2012;
- (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 4.2.2012;
- (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 4.5.2012;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (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.

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

- (a) a shorter approval period of three years was granted and shorter compliance periods were imposed so as to monitor the situation and fulfilment of approval conditions on the site. Should the applicants fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) to resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no structure was allowed to be erected within the site without prior approval of his office, and no approval had been given for the specified structure as office on the site. The site was accessible via government land (GL) from Po Tei Road. LandsD did not provide maintenance works on this GL or guarantee right of way. The lot owner should apply to his office to permit structures to be erected or regularize any irregularities on the site. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as imposed by LandsD;
- (e) to adopt the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisances;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that Po Tei Road leading to the site was not maintained by his department. The applicants should consult relevant government departments such as the District Office/Yuen Long and DLO/YL of LandsD to determine the maintenance party of Po Tei Road and seek comment from his department accordingly;
- (g) 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 Transport Department. The land status of the local access road should be checked with the lands authority, and the management and maintenance responsibilities of the same access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that peripheral tree planting should be provided along the site boundary to alleviate the potential adverse impact on the surrounding village setting;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not cause adverse drainage impact on the adjacent areas;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized works on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person should be appointed to coordinate all building works in the future. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and

- (k) to note the comments of the Director of Fire Services that fire extinguisher(s) should be provided as required by occupancy and should be clearly indicated on plans. Should the applicants wish to apply for exemption from the provision of certain fire service installations, justifications should be provided to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority.

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/626            Temporary War Game Centre with Ancillary Resting Area  
for a Period of 3 Years in “Agriculture” zone,  
Lots 986 (Part), 1209 (Part), 1210 (Part), 1214 (Part), 1215, 1216,  
1217, 1219, 1220, 1221 S.A (Part), 1221 RP (Part), 1222, 1223,  
1224, 1225, 1226 (Part), 1229 (Part) and 1230 (Part) in D.D. 111,  
Ha Che, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/626)

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

70.            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 war game centre with ancillary resting area for a period of three years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural

perspective in view of the high potential of the site for agricultural rehabilitation;

- (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 the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
  - (i) the war game centre was a kind of place of entertainment for the public. Although the applied use was not in line with the planning intention of the “Agriculture” zone, it could provide additional entertainment/recreation services to the public. While DAFC did not support the application in view of the high potential of the site for agricultural rehabilitation, a temporary approval of three years could be considered before rehabilitation of the site for cultivation, and approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone;
  - (ii) a previous application (No. A/YL-PH/583) covering a smaller site submitted by a different applicant for the same use as the current application was approved by the Committee. As there was no major change in the planning circumstances, sympathetic consideration could be given to the current application;
  - (iii) it was noted that the subject war game centre had been in operation for some time. No local objection was received during the statutory publication period of the application and no environmental complaints had been received by the Director of Environmental Protection (DEP) in the past three years. In this regard, DEP did not have major environmental concerns on the application

considering that the operation hours of the applied use were from 9:00 a.m. to 6:00 p.m. and it would unlikely induce heavy vehicles traffic. To minimize potential environmental nuisance, approval conditions restricting the operation hours and limiting the use of audio amplification system were recommended. Technical concerns on the landscape, drainage and fire safety aspects of the applied use could be addressed by relevant approval conditions; and

- (iv) the previous application (No. A/YL-PH/583) was revoked due to non-compliance with approval conditions related to the provision of boundary fence and the landscape, drainage and fire safety aspects. The current application was submitted by a different applicant involving a larger site and a different layout. Under the current application, the applicant indicated that he had employed an agent to work on the compliance with approval conditions. The applicant had also submitted landscape and drainage proposals under the current application. The landscape proposal was accepted by the Urban Design and Landscape Section of PlanD though the drainage proposal was not yet accepted by the Drainage Services Department.

71. Members had no question on the application.

#### Deliberation Session

72. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.11.2014, 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., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) no audio amplification system was allowed to be used on the site at any time during the planning approval period;

- (c) no further paving and/or concreting of the site should be carried out during the planning approval period;
- (d) the provision of protective boundary fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.5.2012;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.5.2012;
- (f) in relation to (e) 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 4.8.2012;
- (g) the implementation of the accepted 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 4.5.2012;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.5.2012;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.8.2012;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should

cease to have effect and should on the same date be revoked without further notice; and

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

73. 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 issue 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 no structure was allowed to be erected on the application site without prior approval from his office. No approval had been given for the specified structures as open shed for changing and storage of gear and the containers for ambush during war game. Letter of Approval (No. MT/LM 14572) on Lot 1210 was granted to permit the erection of agricultural structures. Should the use of these structures be changed, his office would consider cancelling the Letter of Approval accordingly. The site was accessible via government land (GL) and private land to Fan Kam Road. His office did not provide maintenance works on this GL or guarantee right-of-way. Besides, the lot owners should apply to his office to permit any structures to be erected or regularize any irregularities on the site. If such approval was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as imposed by LandsD;
- (d) 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 potential environmental impacts

on the surrounding areas;

- (e) to note the comments of the Director of Environmental Protection that the applicant should apply for a discharge licence under the Water Pollution Control Ordinance from his Regional Office (North) if there was any effluent discharge from the site;
- (f) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. In formulating the FSIs proposal, for other storages, open shed 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 indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The actual layout for the changing facilities and the storage underneath the shed; the number of open side(s) of the shed; the material type of the gear; and the location of the proposed FSIs being installed should be clearly marked on the layout plans;
- (g) to note the comments of the Director of Electrical and Mechanical Services that if there was underground cable (and/or overhead line) within or in the vicinity of the application site and the site was within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The 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;

- (h) 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, and the management and maintenance responsibilities of the same access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (i) 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/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Besides, water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the drainage proposal should be prepared based on the proposed paved area of approximately 674.4m<sup>2</sup>;
- (k) 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 existing access connecting the site and Fan Kam Road; and
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without BD's approval, they were unauthorized under the Buildings Ordinance (BO) and should not be designed for any approved use under the subject application. Before any new building works, including temporary structures to be constructed on the site, prior

approval and consent of the Building Authority should be obtained. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the Buildings Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. If the proposed use was subject to the issue of a licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority.

#### **Agenda Item 24**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/550      Temporary Social Welfare Facility (Social Service Centre)  
for a Period of 3 Years in "Residential (Group B) 1" zone,  
Lot 1354 RP in D.D. 121 and Adjoining Government Land,  
Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/550)

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

74.            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 – the application site was formerly occupied by a primary school (Wai Kwan Primary School) that had existed before the first publication of the draft Tong Yan San Tsuen Development Permission Area Plan No. DPA/YL-TYST/1 on 18.6.1993. The school was closed down in 2007. According to the applicant, the social service

centre under application (known as Yuen Long Wai Kwan Land) was to provide services to the poor and needy in Yuen Long, including ethnic minorities, new immigrants, people living in the nearby Long Bin Interim Housing and people addicted to gambling and alcohol. The services provided included caring service to the needy, rehabilitation service, interest class, training course, after-school tutorial, recreational activities and donation functions, etc. The social service centre now operated on the application site as well as part of Lot 1355 RP in D.D. 121 to the west. As the leased land on Lot 1355 RP in D.D. 121 would be taken back by the landowners, the applicant would cease operation on that part of the land and confined the social service centre use within the application site only;

- (b) the temporary social welfare facility (social service centre) for a period of three years – there were seven structures with a total floor area of about 668.6m<sup>2</sup> and a height of about 2.5m (one storey) for indoor activity area, classroom, library, office, storeroom, toilet and covered walkway within the site. The open areas of the site accommodated some ball courts for holding outdoor activities. The daily operation hours of the centre were between 9:00 a.m. and 6:00 p.m.;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) three public comments were received during the statutory publication period. The first comment was from a private individual who had enclosed four notices/correspondences related to a dispute over the right to lease a piece of land (i.e. Lot 1355 RP in D.D. 121 which was outside the application site) owned by a Tso Tong. The second comment was from the managers of a Tso Tong who objected to the application as the government land within the application site originally belonged to their clan but it was donated to the Government for building a school (i.e. Wai Kwan Primary School) for their villagers. As the school had closed down, the Tso Tong opined that their clan should have the priority to use that piece of government land. The third comment from a Yuen Long District

Council member supported the application as the applicant had provided social services to the needy families in Yuen Long for some years and had benefited the community; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
  - (i) the social service centre only involved using the existing single-storey structures of a closed primary school. It was considered not excessive in scale and not incompatible with the surrounding environment which was predominantly rural residential in character with residential developments and community uses. As there was no current programme for residential development at the site, the applied use on a temporary basis for three years would not frustrate the long-term planning intention of the subject “Residential (Group B) 1” zone;
  - (ii) concerned government departments had no adverse comment on the application. Relevant approval conditions on vehicular access, tree preservation and landscape, drainage and fire safety aspects were recommended to address the technical requirements of departments; and
  - (iii) for the public comment concerning about a dispute over the right to lease a private lot (i.e. Lot 1355 RP in D.D. 121) owned by a Tso Tong, such land was outside the application site. Regarding another commenter's claim that their Tso Tong/clan should have the priority to use the government land within the application site, the District Lands Officer/Yuen Long advised that the applicant had to apply to his office for a short term tenancy for the applied use over the government land portions of the site.

75. Members had no question on the application.

### Deliberation Session

76. The Chairman enquired on the land ownership of the application site. In response, Mr. Kepler S.Y. Yuen said that the application site comprised a private lot (i.e. Lot 1354 RP in D.D. 121) and government land. According to the applicant, the private lot was owned by the New Territories Assemblies of God Church and the applicant had been operating at the site with the consent of the church. For the government land within the application site, the District Lands Officer/Yuen Long advised that should the application be approved, the applicant had to apply for a short term tenancy for the proposed uses over the government land portions of the site.

77. In reply to the Chairman's query, Mr. Edwin W.K. Chan, Assistant Director/ New Territories of Lands Department, said that for some local schools in the rural New Territories, the land for building such schools might be donated by local villagers and became government land. There was no legal basis that the said land should be returned to the donator even though the school on such land ceased operation.

78. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.11.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.5.2012;
- (b) in relation to (a) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.8.2012;
- (c) 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 4.5.2012;

- (d) in relation to (c) 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 4.8.2012;
- (e) the implementation of the accepted drainage proposal and submission of a record of the drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.5.2012;
- (f) the submission of proposals for 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 4.5.2012;
- (g) in relation to (f) 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 4.8.2012; and
- (h) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

79. 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 site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the applicant should apply to his office for a Short Term Tenancy (STT) for the proposed uses over the government land

portions of the site. If such application was approved, it would be subject to such terms and conditions, including the payment of rent and administrative fee (if any), as might be imposed by LandsD. The actual site area of the government land involved would be subject to verification in the STT processing stage;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out to be constructed at the access point at Ma Fung Ling Road should be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate, to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out. His department should not be responsible for the maintenance of any access connecting the site and Ma Fung Ling Road;
- (e) 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;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that a *Dimocarpus longan* (龍眼) in the middle of the site near the entrance to the basketball court and a topped *Bauhinia spp.* (羊蹄甲類) at the north-eastern corner of the site were in poor condition. Replacement planting was required. Moreover, the trunk of the *Celtis sinensis* (朴樹) located at the north-eastern corner of the site was being encased by a tree guard which should be removed;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the existing structures at the site. If the existing structures were erected on leased land without BD's approval, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works, including temporary structures, were to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For any UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. If the applied use was subject to the issue of a licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority.

**Agenda Item 25**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/554      Proposed Temporary Warehouse for Storage of Vehicle Parts  
for a Period of 3 Years in "Undetermined" zone,  
Lot 1152 S.C (Part) in D.D. 119,  
Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/554)

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Presentation and Question Sessions

80. 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 temporary warehouse for storage of vehicle parts for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate east and west and in the vicinity and a home for the elderly to the south of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
  - (i) the proposed warehouse for storage of vehicle parts was not in conflict with the planning intention of the “Undetermined” zone, which was intended to cater for the continuing demand for open storage that could not be accommodated in conventional godown premises. Besides, it was not incompatible with the surrounding areas which were mainly mixed with warehouses, storage yards and workshops. Since there was no known programme for permanent development, approval of the application on a temporary basis would not frustrate the long-term use of the area;

- (ii) although DEP did not support the application in view of residential uses and a home for the elderly in the vicinity of the site, the proposed warehouse was for storage purpose mainly in an enclosed structure and there were no environmental complaint related to the application site in the past three years. The applicant also committed not to operate the site during night time between 7:00 p.m. and 9:00 a.m. and on Sundays and public holidays; not to carry out workshop activities on the site; and not to use heavy goods vehicles for transportation of goods. It was expected that the proposed development would not generate significant environmental impacts on the surrounding areas. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting open storage and workshop activities and restricting the use of heavy goods vehicles were recommended; and
  
- (iii) relevant approval conditions on the submission and implementation of run-in/out, tree preservation and landscape, drainage, and fire service installations proposals were recommended to address the technical requirements of departments concerned.

81. Members had no question on the application.

#### Deliberation Session

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.11.2014, 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 7:00 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 Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;

- (c) no open storage was allowed on the application site at any time during the planning approval period;
- (d) no dismantling, repairing, paint-spraying, cleansing 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) 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 park/store on the application site or enter/exit the site at any time during the planning approval period;
- (f) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.5.2012;
- (g) in relation to (f) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.8.2012;
- (h) 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 4.5.2012;
- (i) in relation to (h) 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 4.8.2012;
- (j) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.5.2012;
- (k) in relation to (j) 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 4.8.2012;

- (l) 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 4.5.2012;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.8.2012;
- (n) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

83. 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 use/development including the vehicle repair workshop which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owners should apply to his office to permit structures to be erected or regularize any irregularities on-site. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal short track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for this track or guarantee right-of-way;
- (d) to note the comments of the Commissioner for Transport that the ingress/egress of the site did not abut on Kung Um Road. The land status of the strip of land between the site and Kung Um Road site should be checked with the lands authority, and the management and maintenance responsibilities of the same strip of land should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out to be constructed at the access point at Kung Um Road should be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate, to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) 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;

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practices should be adopted and necessary control measures should be implemented to avoid causing water pollution to the nearby watercourses;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that there were three existing trees (which were *Aglaia odorata* (米仔蘭), *Dracaena fragrans* (龍血樹) and *Sapium sebiferum* (烏柏)) at the south-western corner of the site. However, the numbers and species of the existing trees did not tally with those indicated on the submitted landscape and tree preservation proposal. There were also stored materials/vehicle parts being piled up at the root area of the existing trees on-site which would adversely affect their health. The stored materials/vehicle parts should be kept at least 1m away from the tree trunks in order to avoid further damage to the trees;
- (i) to note the comments of the Director of Fire Services on the requirements in formulating fire service installations (FSIs) proposal as detailed in Appendix III of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, justifications should be provided to his department for consideration; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the existing structures at the site. If the existing structures were erected on leased land without BD's approval, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works were to be carried out on the site, including temporary structures, prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal

in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. The temporary warehouse for storage, porch and site offices were considered as temporary buildings that were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

[The Chairman thanked Mr. Kepler S.Y. Yuen, STP/TMYL, for his attendance to answer Members' enquires. Mr. Yuen left the meeting at this point.]

**Agenda Item 26**

**Any Other Business**

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