

## **TOWN PLANNING BOARD**

### **Minutes of 462nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 30.3.2012**

#### **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

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. W.K. Lo

Ms. Anita W.T. Ma

Dr. W.K. Yau

Chief Traffic Engineer/New Territories East,  
Transport Department  
Mr. K.C. Siu

Assistant Director (Environmental Assessment)  
Environmental Protection Department  
Mr. H.M. Wong

Assistant Director/New Territories  
Lands Department  
Ms. Anita K.F. Lam

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

Secretary

**Absent with Apologies**

Professor Edwin H.W. Chan

Dr. C.P. Lau

Dr. James C. W. Lau

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Mr. Stephen M.W. Yip

Assistant Director (2), Home Affairs Department  
Mr. Eric K.S. Hui

**In Attendance**

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

Town Planner/Town Planning Board  
Mr. Wallace W.K. Tang



application. The Committee noted that Ms. Kwong had not yet arrived to join the meeting.

4. The Secretary said that the application had been deferred three times since 2011 due to the need to prepare further information including a revised traffic impact assessment, tree survey/preservation proposals, visual impact assessment and revised landscape proposal to address the concerns of various government departments on the application. Although the applicant had endeavoured to submit further information each time to address the department comments on the application, the concerns of government departments still remained unresolved.

5. The Secretary continued to say that on 16.3.2012, the applicant's representative requested for a further deferment of the consideration of the application for two months in order to allow sufficient time to prepare supplementary information to respond to the comments of the Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L of PlanD) on the revised tree preservation and landscape proposal submitted in August 2011 and to address the outstanding departmental comments from CTP/UD&L of PlanD and the Lands Department regarding the institutional mechanism to safeguard the enforceability of the implementation of the proposed landscape areas.

6. The Secretary stated that PlanD did not support the request for further deferment as the processing of the application had been extended for nearly 15 months since its submission in December 2010. The applicant had made three attempts to submit further information to address the concerns of CTP/UD&L of PlanD but the issues still remained unresolved. It should also be noted that some of the proposed landscape mitigation measures were outside the application site and implementation of such measures necessitated extension of the application site boundary. Under the circumstances, a fresh application would be required. Given the fact that the applicant was not able to satisfactorily address the concerns of CTP/UD&L of PlanD for over one year, there was no strong justification to further defer the submission of the application to the Committee for consideration. Besides, in acceding to the last request for deferment on 21.10.2011, the Committee had clearly advised the applicant that no further deferment would be granted.

7. After deliberation, the Committee decided not to defer a decision on the application. The Committee also agreed that the application should be submitted to the

Committee for consideration at the next meeting.

[Mr. H.M. Wong arrived to join the meeting at this point.]

**Agenda Item 4**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/209                      Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lots 678 S.C ss.2 and 678 S.D in D.D. 244, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/209)

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8.                      The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with PlanArch Consultants Ltd, the consultant of the application. The Committee noted that Ms. Kwong had not yet arrived to join the meeting.

**Presentation and Question Sessions**

9.                      Mr. Charles C.F. Yum, STP/SKIs, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

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

- (d) two public comments from two individuals were received during the first three weeks of the statutory publication period. The commenters objected to the application as the proposed Small House development would cause adverse air pollution, water pollution, noise impact, ecological impact and transport safety problem to the surrounding area; and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application complied with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' as the site was located within the village 'environs' and there was a general shortage of land in meeting Small House applications in the "Village Type Development" ("V") zone. The proposed Small House would not cause adverse impacts on the surrounding area and concerned government departments had no objection to the application. Although DAFC had reservation on the application, it should be noted that there were no farming activities at the site. Moreover, the proposed development was not incompatible with the surroundings and similar applications for Small House had been approved in the vicinity of the site. One of the grounds for the Committee to reject the two previous applications (No. A/SK-HC/86 and 88) straddling the site in 2001 was that sufficient land had been reserved within the "V" zone to meet the Small House demand. The current demand for Small House sites indicated that there was a general shortage of land in the "V" zone at present. With respect to the public comments received, it should be noted that the proposed Small House would have no adverse impacts on the surrounding area as confirmed by relevant government departments.

10. Members had no question on the application.

#### Deliberation Session

11. 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 30.3.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the subject site was within an area where there was no DSD's sewerage connection available in the vicinity at present;
- (d) to note the comments of the Commissioner for Transport that there was a vehicular access leading to the application site which was not under Transport Department's management. The status of the vehicular access

leading to the application site should be checked with the lands authority. The management and maintenance responsibilities of the same vehicular access should be clarified with the relevant lands and maintenance authorities accordingly; and

- (e) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) that the application site fell within the boundary of the Ho Chung Site of Archaeological Interest. The applicant was required to provide AMO, LCSD with sufficient time and let the staff of AMO enter the subject site to conduct an archaeological survey prior to the commencement of construction works.

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/195            Residential Care Home for the Elderly  
in “Village Type Development” zone,  
G/F and 2/F, No. 5F to 5G Pak Kong Au, Po Lo Che,  
Sai Kung (Lots No. 1387 and 1388 in D.D. 222)  
(RNTPC Paper No. A/SK-PK/195)

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13.            The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Lanbase Surveyors Ltd, the consultant of the application. The Committee noted that Ms. Kwong had not yet arrived to join the meeting.

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

14.            Mr. Charles C.F. Yum, STP/SKIs, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the residential care home for the elderly (RCHE);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The application involved the conversion of the G/F and 2/F of two existing NTEHs for RCHE, and the application premises fell within an area zoned as “Village Type Development” (“V”) on the OZP. As no additional land would be taken within the “V” zone, the RCHE under application would not affect the supply of land for Small House development within the “V” zone. Besides, the proposed conversion of the two NTEHs for RCHE was considered not incompatible with the surrounding rural land uses. Given the small scale and nature of the proposal, it was also unlikely to generate adverse traffic, environmental, drainage, visual and infrastructural impacts on the locality. Relevant government departments consulted had no comment on or objection to the application.

15. Noting the Director of Social Welfare (DSW)’s comments as stated in paragraph 8.1.7 of the Paper that DSW had not received the application for licence with regard to the application premises, a Member asked whether the Committee needed to obtain the comment from DSW on the use of the application premises for the proposed RCHE first before making a decision. In response, Mr. Charles C.F. Yum said that the applicant would need to comply with all the requirements imposed by the Social Welfare Department at the licence application stage should the application be approved by the Committee and there was no objection to the application from DSW and other concerned government departments.

16. The Chairman pointed out that an advisory clause was recommended asking the applicant to note the comments made by DSW with respect to the licence application.

Deliberation Session

17. 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 30.3.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the provision of fire service installations proposals and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.

18. 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 premises;
- (b) to note the comments of the Commissioner for Transport that Pak Kong Au Road leading to the subject site was not under Transport Department's management. The status of the vehicular access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same vehicular access should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the application premises, 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 connection, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comments of the Director of Fire Services that emergency

vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by the Buildings Department. In addition, detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority; and

- (e) to note the comments of the Director of Social Welfare that on the 1/F of the application premises was a registered self-care hostel licensed by the Social Welfare Department (SWD). As SWD had not yet received the application for licence with regard to the application premises, she would like to reserve comments at the present stage on the intended material changes in use of the application premises to the intended use of residential care home for the elderly.

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

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/33            School (Kindergarten)  
                                 in “Residential (Group C) 3” zone,  
                                 No. 18, Floral Villas, Tso Wo Road, Sai Kung  
                                 (RNTPC Paper No. A/SK-TMT/33)

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

19.            Mr. Charles C.F. Yum, STP/SKIs, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the school (kindergarten);

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment from the Mutual Aid Committee of Nos. 5 to 9, Tso Wo Road, Tai Mong Tsai was received during the first three weeks of the statutory publication period. The commenter raised concerns on the traffic, noise and air pollution problems due to the operation of the kindergarten under application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment made in paragraph 10 of the Paper. The kindergarten under application was a replacement of the previous one at the same application premises, which had moved out since August 2011. The kindergarten was considered in line with the planning intention of the “Residential (Group C)” zone on the OZP and was not incompatible with the surrounding developments. The kindergarten would be accommodated in the existing commercial block where there would be no construction works or any tree felling due to the operation of the kindergarten. Drop-off and pick-up area for the kindergarten was provided in front of the main entrance of the premises, which was located away from the residential blocks. In this regard, concerned government departments had no objection to the application. With respect to the public comment on the traffic, noise and air pollution problems, both the Commissioner for Transport and Director of Environmental Protection had no adverse comment on the kindergarten under application.

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 30.3.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the provision of water supplies for fire-fighting and fire service installations prior to the commencement of kindergarten operation to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to consult the School Registration and Compliance Section, Education Bureau on school registration process under the Education Ordinance/Regulations;
- (b) to note the comments of the District Lands Officer/Sai Kung that the applicant should apply for a fresh lease modification/temporary waiver to permit the school (kindergarten) use upon obtaining planning permission from the Town Planning Board;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh 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;
- (d) 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;
- (e) to note the comments of the Director of Environmental Protection that the sewage from the premises should be properly discharged to the sewage

treatment facility within Floral Villas; and

- (f) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that the concerned building intended to be used for such purposes was required to comply with the building safety and other relevant requirements as might be imposed by the Education Bureau and other relevant government departments for registration of the proposed kindergarten.

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/12      Proposed Private Swimming Pools and Circulation Pumps  
on a Temporary Basis for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 114, 115, 117 to 119 in D.D. 235, Sheung Sze Wan, Sai Kung  
(RNTPC Paper No. A/SK-CWBS/12)

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23.            The Secretary reported that Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with David S.K. Au & Associates Ltd, one of the consultants of the application.    The Committee noted that Dr. Lau had tendered an apology for being unable to attend the meeting.

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

24.            Mr. Charles C.F. Yum, STP/SKIs, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed private swimming pools and circulation pumps on a temporary basis for a period of three years;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the applications;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under application could be tolerated for a period of three years based on the assessment made in paragraph 10 of the Paper. The swimming pools were private recreational facilities intended for the exclusive use of the adjoining house residents. It was considered not incompatible with the surrounding land uses, which were mainly occupied by village type houses. In view of the scale and temporary nature of the proposed development, it would unlikely cause significant adverse impacts on the surrounding area. Relevant government departments, in this regard, had no comment on or objection to the application. As the site was within private lots and there was no proposed Small House development in the meantime, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “Village Type Development” zone. The site was the subject of a previous application No. A/SK-CWBS/11 approved by the Committee in 2010 for temporary private swimming pools use, which was subsequently revoked in January 2012 due to non-compliance with the approval conditions on the implementation of the Geotechnical Planning Review Report and landscaping proposal. In this regard, shorter compliance periods were recommended in order to monitor the progress of compliance.

25. Members had no question on the application.

#### Deliberation Session

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

temporary basis for a period of 3 years until 30.3.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of a Geotechnical Planning Review Report and implementation of the necessary geotechnical remedial works identified therein in respect of the adjoining slopes of the application site within 6 months from the date of planning approval to the satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB by 30.9.2012;
- (b) the submission and implementation of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) shorter compliance periods for approval conditions were granted in order to closely monitor the situation in compliance of application conditions;
- (b) should the applicant fail to comply with the approval condition(s) resulting in the revocation of the planning permission again, sympathetic consideration might not be given to any further application;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his inside services to the nearest suitable government water mains for connection for provision of water supply to the development. The applicant should also 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;

- (d) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the submission of the Geotechnical Planning Review Report (GPRR) for the previous application No. A/SK-CWBS/11 was considered acceptable on 15.4.2011. The applicant should confirm that the proposed development under the subject application geotechnically had no significant changes as compared with that under the previous application No. A/SK-CWBS/11. Otherwise, the previously accepted GPRR was considered invalid and the applicant should submit a fresh GPRR to justify the subject application; and
  
- (e) to note the comments of the District Lands Officer/Sai Kung that the proposed construction of swimming pools within the lots was not acceptable under the concerned lease. If the application was approved, Short Term Waiver (STW) for the proposed swimming pools would be required. Application for STW, if submitted, would be considered and there was no guarantee that approval to such STW application would be given. The STW, if approved, would be subject to payment of fees and conditions as might be considered appropriate. The proposed private swimming pools were designed to serve House Nos. 205, 206 and 207 respectively at Lots 164,165 and 166 in D.D. 235. However, the lots were not directly contiguous to House Nos. 205, 206 and 207 which were separated by a strip of government land (Plan A-2 of the Paper). The STW, if approved, would not cause to designate the exclusive use of the concerned government land for House Nos. 205, 206 and 207 or other developments.

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/I-TOF/5      Proposed Columbarium  
in “Government, Institution or Community” zone,  
Lot No. 47 (Part) in D.D. 313, 47 Wang Hang Village,  
Tai O, Lantau Island  
(RNTPC Paper No. A/DPA/I-TOF/5)

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**Presentation and Question Sessions**

28.            Mrs. Margaret W.F. Lam, STP/SKIs, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed columbarium;
- (c) departmental comments – the Commissioner for Transport (C for T) commented that a traffic impact assessment (TIA) should be submitted and the mitigation measures identified therein should be implemented for the proposed development;
- (d) four public comments were received during the first three weeks of the statutory publication period. The Tai O Rural Committee and an individual indicated support for the proposed development as it could meet the acute shortage of urns spaces in Tai O. While the Association for Tai O Environment and Development (ATOED) raised concern on the current consultation method on the planning application, Designing Hong Kong Ltd (DHKL) objected to the application on the grounds that the Government was undertaking a review on columbarium policy and hence no planning application should be approved prior to the completion of the review; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper, which was summarised below :
- (i) the subject “Government, Institution or Community” (“G/IC”) zone was intended for the provision of GIC facilities serving the needs of the local people and/or a wider district. The premises under application, which formed part of the Lung Ngam Monastery (the Monastery), was considered not incompatible with the existing GIC facilities on-site within the religious compound and the surrounding area;
  - (ii) although the applicant stated that the premises was for non-commercial purpose and would be restricted to serve the Tai O residents, the grave-sweepers to the Monastery could include other residents living outside Tai O. There was no information in the submission on the visitations to the Monastery, especially during the festive season. In this regard, C for T commented that a TIA was required for the application;
  - (iii) given that there was only limited provision of public transport to Tai O area and the existing transport infrastructure might not be able to accommodate the visitors to the Monastery during the festive season, the proposed development was not in line with the TPB Guidelines No. 16 in that the applicant failed to demonstrate that the proposed columbarium was sustainable in terms of the capacities of existing and planned transport infrastructure of the area;
  - (iv) as the development proposal did not conflict with the lease conditions governing the site and control of the premises under the Buildings Ordinance was not applicable because the premises was an NTEH, it was considered that conditional approval of the application requiring the submission of a TIA and implementation of

the mitigation measures identified therein was premature since there was no proper mechanism to ensure the subsequent fulfilment of the approval condition;

- (v) approval of the proposed development would set an undesirable precedent for other similar applications within the “G/IC” zone on the subject Development Permission Area (DPA) Plan. The cumulative impact of approving such applications would result in an adverse impact on the capacities of the existing and planned transport infrastructure of the area; and
- (vi) regarding the consultation procedures raised by ATOED, the application had been advertised in newspapers and posted at appropriate locations at the application site, and details of the application were available from the Board’s website and relevant District Planning Office of PlanD during the public inspection period. With respect to the issue on the columbarium policy review raised by DHKL, it should be noted that the Board would consider each application on its individual merits.

29. A Member asked whether the existing columbarium building in the vicinity of the application site was subject to any statutory planning control. In response, Mrs. Margaret W.F. Lam said that the existing columbarium building to the immediate north of the application site was built in around 2000 before the first publication of the draft Tai O Fringe DPA Plan No. DPA/I-TOF/1 in June 2010. It was considered as an existing use and hence required no planning permission from the Board.

#### Deliberation Session

30. The Chairman, by referring to paragraph 11.5 of the Paper which stated that there was no mechanism to ensure fulfilment of planning conditions by the applicant, should the application be approved, asked Members to consider whether it would be appropriate for the Committee to approve the application with conditions. In that situation, should the applicant fail to comply with the approval conditions, the planning permission could be

revoked and the proposed columbarium would be moved back to Part B of the Information on Private Columbaria issued by the Development Bureau.

31. Mrs. Margaret W.F. Lam explained that there was no information in the applicant's submission which demonstrated that the proposed columbarium would not cause adverse traffic impact on the existing transport infrastructure in the area and C for T commented that a TIA was required. In this regard, it would be prudent for the Committee not to approve the application given that the traffic impact arising from the proposed development could not be ascertained and there was no mechanism to ensure that the relevant planning condition would be fulfilled.

32. The Secretary said that a TIA was normally required for assessing planning applications for columbarium development. Approval of the application without the submission of a TIA to ascertain the possible adverse traffic impact might set an undesirable precedent for other similar applications especially when there was no mechanism to ensure the fulfilment of planning conditions by the applicant. A prudent approach should be adopted by the Committee in approving the application as once approved, the columbarium under application would be moved to Part A of the Information on Private Columbaria. In the meantime, consumers might base on the information in Part A to buy niches. It would then create a host of problems if the planning permission was subsequently revoked due to non-compliance of planning condition.

33. Noting that there was a practical need in the community for columbarium development and columbarium located within an existing monastery was generally more acceptable to members of the public, a Member opined that the traffic impact generated by the proposed columbarium with 1,600 niches might be acceptable if appropriate traffic management and pedestrian control measures were introduced. This Member enquired whether the Committee could approve the application subject to the submission of a TIA and implementation of the traffic improvement and pedestrian control measures to be identified therein by the applicant to the satisfaction of relevant government department.

34. The Chairman said that it would set a bad precedent if the Committee was to grant approval to the application without the submission of a TIA to demonstrate that the proposed development would not have adverse traffic impacts on the surrounding area. A

Member added that the proposed columbarium was not incompatible with the surroundings but a TIA had to be provided. The Chairman said that the absence of a TIA should be clearly spelt out in the rejection reason. Members agreed.

35. After further 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 agreed that the reasons should be suitably amended to reflect Members' views as expressed at the meeting. The reasons were :

- (a) the proposed columbarium did not comply with Town Planning Guidelines No. 16 for 'Application for Development/ Redevelopment within "Government, Institution or Community" ("G/IC") Zone for Uses other than Government, Institution or Community Uses under Section 16 of the Town Planning Ordinance' in that the applicant failed to demonstrate that the proposed columbarium was sustainable in terms of the capacities of existing and planned transport infrastructure of the area. There was no Traffic Impact Assessment in the submission to demonstrate that the proposed columbarium would have no adverse pedestrian and vehicular traffic impact on the surrounding area, particularly during the Ching Ming and Chung Yeung Festivals; and
- (b) approval of the proposed development would set an undesirable precedent for similar applications within the "G/IC" zone on the Development Permission Area Plan. The cumulative impact of approving such similar applications would result in an adverse impact on the capacities of the existing and planned transport infrastructure of the area.

**Agenda Item 9**

**Section 16 Application**

[Open Meeting]

A/I-CC/13                      Proposed Public Utility Installation (Radio Base Station)  
in “Green Belt” zone,  
Government Land at Sin Yan Tseng, Cheung Chau  
(RNTPC Paper No. A/I-CC/13)

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36.            The Committee noted that the applicant’s representative requested on 19.3.2012 for a deferment of the consideration of the application for four weeks in order to allow time to provide further information in response to the government departments’ comments on the application.

37.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of 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 four weeks were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr. Charles C.F. Yum and Mrs. Margaret W.F. Lam, STPs/SKIs, for their attendance to answer Members’ enquires. Mr. Yum and Mrs. Lam left the meeting at this point.]

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

**Agenda Item 10**

Section 16 Application

[Open Meeting]

A/DPA/NE-TKP/12 Proposed 16 Houses

(New Territories Exempted Houses - Small Houses)

and Utility Installation for Private Project (Sewage Treatment Plant)

in “Unspecified Use” zone, Various Lots in D.D. 293 and Adjoining

Government Land, To Kwa Peng, Sai Kung North

(RNTPC Paper No. A/DPA/NE-TKP/12A)

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38. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she was the consultant (Anna Kwong Architects & Associates Ltd) for the application. The Committee agreed that Ms. Kwong’s interest was direct and she should leave the meeting temporarily for the item.

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

39. The Committee noted that the applicant’s representative requested on 22.3.2012 for a deferment of the consideration of the application for another two months in order to allow sufficient time to prepare further information to address the comments of the Urban Design and Landscape Unit of the Planning Department, Drainage Services Department and Environmental Protection Department on the application.

40. 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, resulting in a total period of four months, were allowed for preparation of the submission of the further information, and no further deferment would be granted unless

under very special circumstances.

[Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

**Agenda Item 11**

**Section 16 Application**

[Open Meeting]

A/ST/761                      Shop and Services (Paint Store) in “Industrial” zone,  
Unit 5A, G/F, Veristrong Industrial Centre, 34-36 Au Pui Wan Street,  
Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/761B)

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41.            The Committee noted that the applicant requested on 23.3.2012 for a deferment of the consideration of the application for two more months in order to allow time to prepare additional information to address the comments given by the Director of Fire Services (D of FS).

42.            The Secretary stated that the application had been deferred twice since September 2011 due to the need to prepare further information to address the comments raised by the Director of Fire Services (D of FS). The applicant had subsequently submitted on 10.2.2012 and 23.2.2012 supplementary information comprising responses to the comments of D of FS with a view to addressing the departmental comments on the application. Meanwhile, concerned government departments were testing on the paint products to confirm whether they were dangerous goods. D of FS’s position on the application would be subject to the test results and the quantity of paint products to be stored. The Secretary continued to say that D of FS had advised that the test results would be available in about two months’ time and had no objection in-principle to the subject deferment.

43.            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 the further information, and no further deferment would be granted unless under very special circumstances.

[Mr. B.W. Chan left the meeting temporarily and Ms. Anita K.F. Lam arrived to join the meeting at this point.]

[Mr. Anthony K.O. Luk, Ms. Doris S.Y. Ting and Mr. Edward W.M. Lo, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/775                      Shop and Services (Showroom and Retail Shop)  
in “Industrial” zone, Workshop J02 & J03, G/F,  
Universal Industrial Centre, 19-25 Shan Mei Street, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/775)

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### **Presentation and Question Sessions**

44.            Mr. Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (showroom and retail shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment from an individual indicating no comment on the application was received during the first three weeks of the statutory

publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessment made in paragraph 11 of the Paper. The applied use was considered not incompatible with the land uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for units on the ground floor of the subject industrial building and its vicinity. The subject industrial building was subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor. If the application premises (52m<sup>2</sup>) was included, the aggregate commercial floor area would be within the maximum permissible limit of 460m<sup>2</sup>. The retail shop and showroom under application generally complied with the relevant considerations as set out in the TPB Guidelines No. 25D including the fire safety and traffic aspects. Relevant government departments consulted had no objection to or no comment on the application. Nevertheless, a temporary approval of three years was recommended in order not to jeopardize the long term planning intention of industrial use for the application premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

45. Members had no question on the application.

#### Deliberation Session

46. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.3.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 30.9.2012; and

- (b) if the above planning condition (a) 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.

47. 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 premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the application premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shu Tin for a waiver to permit the applied uses;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls, lobbies and floors having a fire resisting period of not less than two hours, and the means of escape of the existing premises should not be adversely affected;
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under

application; and

- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/151      Temporary Soya Products Processing Workshop, Retailing  
and Outside Seating Accommodation for a Period of 3 Years  
in “Agriculture” zone, Lots 1049 and 1050 in D.D. 95 and  
Adjoining Government Land, Kwu Tung North, Sheung Shui  
(RNTPC Paper No. A/NE-KTN/151)

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

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

- (a) background to the application;
- (b) the temporary soya products processing workshop, retailing and outside seating accommodation for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site and environmental nuisance was expected. However, he indicated that there was no environmental complaint against the site in the past three years;

- (d) two public comments were received during the first three weeks of the statutory publication period. While one public comment from a North District Council (NDC) member supported the application as it was convenient to the local residents and could promote local tourism, the other public comment from the Vice-chairman of NDC objected to the application mainly on the grounds that the temporary uses under application would have adverse traffic impact and create parking and pollution problems. The District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee cum Resident Representative of Ho Sheung Heung had no comment on the application but the incumbent NDC member raised objection to the application on the grounds of adverse environmental and traffic impacts on the surrounding area; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. Although the applied uses were not in line with the planning intention of the “Agriculture” zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application. Part of the site had, in fact, been used for soya production workshop before the Kwu Tung North Interim Development Permission Area Plan No. IDPA/NE-KTN/1 was gazetted in 1990. Subsequently, three previous applications for intensification of development, enlargement of site areas and addition of retailing and outside seating accommodation were approved by the Committee with conditions, each on a temporary period of three years. The applied use and layout of the current application were similar to the previously approved scheme under application No. A/NE-KTN/144. In this regard, it was considered that the proposed development would not cause significant adverse traffic, drainage and fire safety impacts. Concerned government departments had no comment on or objection to the application. Besides, the temporary uses under application were not incompatible with the surrounding rural land uses. The Project Manager

(New Territories North and West) of Civil Engineering and Development Department also advised that approval of the application on a temporary basis for a period of three years would not pose constraint to the development of the Kwu Tung North New Development Area. Although there were domestic dwellings in the vicinity of the application site and DEP did not support the application, no pollution complaint relating to the application site was received in the past three years. Relevant approval conditions were recommended in order to meet the traffic, environmental, drainage, fire safety and landscape requirements respectively. There was an objection from a NDC member on the grounds of traffic, parking and pollution. It should however be noted that most of the concerned departments had no adverse comments on the application. Moreover, approval conditions restricting the operation hours and the type of vehicles allowed were recommended to minimize the possible environmental nuisance to the local residents.

49. Members had no question on the application.

#### Deliberation Session

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.3.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no medium/heavy goods vehicles exceeding 5.5 tonnes, including container vehicles, and buses exceeding 10 metres long as defined in the Road Traffic Ordinance were allowed to enter/exit the application site during the planning approval period;
- (c) the maintenance of all existing drainage facilities properly and rectification

of those facilities if they were found inadequate/ineffective during the planning approval period;

- (d) the submission of a condition record of the existing drainage facilities on site as previously implemented on the same site in the planning application No. A/NE-KTN/144 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.6.2012;
- (e) the submission of proposals for 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 30.9.2012;
- (f) in relation to (e) above, the provision of fire service installations and water supplies for fire-fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.12.2012;
- (g) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (h) in relation to (g) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.12.2012;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) the approval of the application did not imply that the necessary approvals would be given by any government departments. The applicant should approach the relevant government departments direct for any necessary approvals;
- (b) to apply to the District Lands Officer/North for a fresh Short Term Waiver for the proposed additional usage and structures;
- (c) to note the comments of the Commissioner for Transport that the rural access road to the application site was via an unnamed village track and Ho Sheung Heung Pai Fung Road. The unnamed village track and Ho Sheung Heung Pai Fung Road were not under Transport Department's management. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities for the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation's comments that a watercourse connected to the River Beas ran in the proximity along the east and southern boundary of the site. Should the application be approved, precautionary measures should be undertaken to avoid any water pollution, particularly in terms of surface runoff/discharges, to the surrounding environment;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that :
  - (i) the 2 existing mature trees together with the planter should be clearly indicated on the revised site layout; and
  - (ii) 2 existing mature trees were close to the proposed emergency

vehicular access (EVA). Clarification on whether these existing trees would be affected by the proposed layout was required;

- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that :
  - (i) the site was located within the flood pumping gathering ground; and
  - (ii) water mains in the vicinity of the application site could not provide the standard pedestal hydrant;
  
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that :
  - (i) if the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
  - (ii) for unauthorized building works (UBW) erected on leased land, enforcement action might be taken by the Building Authority (BA) to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO;
  - (iii) before any new building works were to be carried out on the application site, the prior approval and consent of BA should be obtained, otherwise they were UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with BO;
  - (iv) if the proposed use under application was subject to the issue of a licence, the applicant should be reminded that any structures on the

application 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;

- (v) formal submission under BO was required for any proposed new works, including any temporary structures; and
  - (vi) for structure D, it should not be occupied until the construction works were completed and a Temporary Occupation Permit was issued;
- (h) to note the comments of the Director of Fire Services (D of FS) that :
- (i) EVA arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by BD; and
  - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Director of Food and Environmental Hygiene that :
- (i) under the current licensing regime, the operation of food business (including food factory and restaurant) at premises under application for food business licence in private buildings should be in compliance with government lease conditions, in compliance with statutory plan restriction and free of unauthorized building works;
  - (ii) upon receipt of application for food business licence, the Food and Environmental Hygiene Department would seek comment from the concerned departments (e.g. BD, Lands Department, Fire Services Department and PlanD, etc.); and

- (iii) the proposed food business had also to comply with the provisions of Public Health and Municipal Services Ordinance, Chapter 132 and the regulations made under it, including the Food Business Regulations, and any prevailing requirements or conditions as specified by his department or any requirements or conditions imposed or might be imposed by BA, D of FS, the Director of Lands, the Director of Electrical and Mechanical Services, the Director of Environmental Protection or any other government departments;
- (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 liaise with the local residents to address their concerns on the applied uses.

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/152      Temporary Open Storage of Ironmongeries, Scrap Metal and Waste, Steel and Building Materials and Miscellaneous Items and an Ancillary Office for a Period of 3 Years in “Agriculture” zone, Lot No. 542 S.A RP (Part) in D.D.92, Castle Peak Road, Kwu Tung, Sheung Shui  
  
(RNTPC Paper No. A/NE-KTN/152)

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

52.            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 yard for ironmongeries, scrap metal and waste, steel and building materials and miscellaneous items and an ancillary office 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. However, he indicated that there was no environmental complaint against the site in the past three years. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site had high potential for agricultural rehabilitation;
- (d) two public comments from two North District Council (NDC) members were received during the first three weeks of the statutory publication period. While one of them indicated no comment on the application, the other one objected to the application mainly on the grounds of adverse environmental impacts and health risks to the local villagers. The District Officer (North) advised that while the Chairman of Sheung Shui District Rural Committee had no comment on the application, the incumbent NDC member, Indigenous Inhabitants Representative (IIR) and Residents Representative (RR) of Yin Kong raised objection to the application on the grounds that the applied uses would have adverse impacts on the traffic and environment of the area; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The site fell within Category 3 areas under the TPB Guidelines No. 13E where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. Although the proposed development was not in line with the planning intention of the “Agriculture” zone and DAFC did not support the application, it should be

noted that the site had already been formed and could be used for vehicle parking and loading/unloading under previously approved schemes. The application generally complied with the TPB Guideline No. 13E in that the site was previously approved for similar use and concerned government departments had no major adverse comments on the application. Although DEP did not support the application and a public comment and local objections were received against the application mainly on environmental and health grounds, no environmental complaint in relation to the application site had been received in the past three years. To address the environmental concern raised by DEP and the locals, relevant approval conditions restricting the operation hour and types of vehicles used, imposing stacking height restrictions of the stored materials, prohibiting workshop activities and maintaining the existing drainage facilities were recommended. The applied uses were not incompatible with the surrounding land uses which comprised temporary structures, an open storage yard and two warehouses. In this regard, it was anticipated that the proposed use would not cause significant adverse impacts on the surrounding area and concerned government departments in general had no adverse comment on the application. The application site was involved in three previous applications. The current application was similar to the last approved scheme and there was no material change in planning circumstances within the application site and its surrounding area. Although the last approved application (No. A/NE-KTN/135) was revoked due to non-compliance with approval conditions on 5.12.2009, the applicant had submitted preliminary landscape and fire service installations proposals in the current application to demonstrate his sincerity to comply with the approval conditions. Nevertheless, to closely monitor the progress for compliance with approval conditions, a shorter compliance period was recommended. The application site fell within the boundaries of the North East New Territories New Development Areas (NDA) Planning and Engineering Study, and the site formation works for the NDAs development were tentatively scheduled to commence in 2017. Hence, the use under application for a temporary period of three years would not pose a constraint to the future development of the Kwu Tung

North NDA. While there were local objections and public comment against the application mainly on environmental grounds, DEP did not receive any complaints on the application site during the past three years and relevant approval conditions were recommended to address the local/public concerns.

53. In response to the enquiry of a Member, Ms. Doris S.Y. Ting explained that a shorter compliance period was recommended so as to closely monitor the progress for compliance with the approval conditions since the last approved application (No. A/NE-KTN/135) was revoked.

#### Deliberation Session

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.3.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 5:30 p.m. and 8:30 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 medium/heavy goods vehicles exceeding 5.5 tonnes, as proposed by the applicant, were allowed to enter/exit the application site during the planning approval period;
- (d) the stacking height of the materials stored within five metres of the periphery of the application site should not exceed the height of the boundary fence during the planning approval period;
- (e) no workshop activities should be carried out within the application site during the planning approval period;

- (f) the existing drainage facilities on the application site should be properly maintained and rectified if found inadequate/ineffective during the planning approval period;
- (g) the approved Emergency Vehicular Access within the application site should not be obstructed during the planning approval period;
- (h) the submission of a condition survey with photographic records of the existing drainage facilities on site as previously implemented on the same site in the planning application No. A/NE-KTN/135 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.6.2012;
- (i) the provision of fire extinguishers within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2012;
- (j) the submission and implementation of fire service installations proposals 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 30.9.2012;
- (k) the submission and implementation of the tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (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.

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

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) to note that a shorter compliance period was granted in order to closely monitor the situation in compliance of approval condition;
- (c) to note that should the applicant fail to comply with approval conditions again resulting in revocation of planning permission, sympathetic consideration might not be granted to future application unless there was exceptional circumstances;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans and his recommendations regarding fire service installations proposals in the following :
  - (i) to submit certificate(s) under Regulation 9(1) of the Fire Services (Installations and Equipment) Regulations (Chapter 95B) to his department for compliance of planning condition (i);
  - (ii) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed Short Term Tenancy site, fire service installations (FSIs) would need to be installed; and
  - (iii) except where building plan was circulated to the Centralized Processing System of Buildings Department (BD), the applicant was required to send the relevant layout plans to his department incorporated with the proposed FSIs for approval. In doing so, the applicant should note that :

- a. the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - b. the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that :
- (i) if the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject application;
  - (ii) before any new building works (including containers/open sheds as temporary buildings) were to be carried out on the application site, the prior approval and consent of BD 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 BO;
  - (iii) the use of movable containers as office was considered as temporary buildings and was subject to control under the Building (Planning) Regulations (B(P)R) Part VII. Formal submission under BO was required for any proposed building works, including any temporary structures;
  - (iv) for UBW erected on leased land, enforcement action might be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO;

- (v) in connection with (ii) and (iii) above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R 5 and 41D respectively; and
  - (vi) if the site did not abut a specified street of not less than 4.5m wide, its permitted development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
- (f) 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 Items 15 and 16**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/318      Proposed Temporary Private Swimming Pool, Private Garden and Private Car Parking Spaces for a Permitted House (New Territories Exempted House-Small House) for a Period of 3 Years in “Agriculture” zone, Lot 840 RP in D.D.100, Hang Tau, Kwu Tung South, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/318)

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A/NE-KTS/319      Proposed Temporary Private Swimming Pool and Private Garden for a Permitted House (New Territories Exempted House - Small House) for a Period of 3 Years in “Agriculture” zone, Lot 842 (Part) in D.D.100, No. 406 Hang Tau, Kwu Tung South, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/319)

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56.            Noting that the two applications were similar in nature and the application sites

were located in close proximity to each other, Members agreed that they could be considered together.

#### Presentation and Question Sessions

57. Ms. Doris S.Y. Ting, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed temporary private swimming pool, private garden and private car parking spaces for a permitted house (NTEH – Small House) for a period of three years (Application No. A/NE-KTS/318), and the proposed temporary private swimming pool and private garden for a permitted house (NTEH – Small House) for a period of three years (Application No. A/NE-KTS/319);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the applications;
- (d) one public comment from a North District Council (NDC) member was received on each of the application during the first three weeks of the statutory publication period. The commenter indicated support for the applications provided that the applicants would comply with the provision of the applications. The District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee and Indigenous Inhabitants Representatives (IIRs) of Hang Tau had no comment on the applications but with additional views that the Board should consider the noise impact generated by the proposed filtration pump of the swimming pool. On the other hand, the NDC member and Residents Representative (RR) of Hang Tau raised objection to the applications on the grounds that the sewage generated by the proposed swimming pools would pollute the adjacent land and river and affect the ecology; and the proposed developments would affect the ‘fung-shui’ of Hang Tau; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied uses under each of the application could be tolerated for a period of three years based on the assessment made in paragraph 10 of the Papers. The proposed temporary uses were intended for the exclusive use of the residents of the permitted Small Houses to the immediate vicinity of the application sites. Although the proposed developments were not in line with the planning intention of the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation had no strong view on the application. Besides, the application sites were hard paved and formed and currently surrounded by domestic structures. There was a similar application (No. A/NE-KTS/307) within the same “AGR” zone in the vicinity of the sites, which had also been approved with conditions by the Committee. The proposed temporary uses were small in scale and were not incompatible with the surrounding rural land uses. It was unlikely that the proposed developments would have significant adverse impacts on the surrounding area. Relevant government departments consulted had no adverse comments on or objection to the application. Nevertheless, relevant approval conditions on the provision of drainage facilities and landscaping were recommended to address the technical concerns of relevant departments. Besides, in order to avoid abuse of use, an approval condition prohibiting the public use of the temporary uses was also recommended. Although the application sites fell within the village ‘environs’ of Hang Tau Village, the District Lands Officer/North advised that there was no Small House application at the sites. There were local objections on the grounds of adverse impacts on the environment, sewerage, water pollution and ‘fung-shui’. Nevertheless, it should be noted that the proposed developments would unlikely have significant adverse impacts on the surrounding area and relevant government departments had no objection to the applications.

58. Members had no question on the applications.

Deliberation Session

59. After deliberation, the Committee decided to approve each application on a temporary basis for a period of 3 years until 30.3.2015, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission was subject to the following conditions :

Application No. A/NE-KTS/318

- (a) the proposed temporary swimming pool, garden and car parking spaces should not be opened to members of the public;
- (b) the submission of drainage proposals including proposal to deal with discharge from the swimming pool within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.9.2012;
- (c) in relation to (b) above, the implementation of drainage proposals including proposal to deal with discharge from the swimming pool within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.12.2012;
- (d) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (e) in relation to (d) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.12.2012;
- (f) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (g) if any of the above planning conditions (b), (c), (d) and (e) was not

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

Application No. A/NE-KTS/319

- (a) the proposed temporary swimming pool and garden should not be opened to members of the public;
- (b) the submission of drainage proposals including proposal to deal with discharge from the swimming pool within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.9.2012;
- (c) in relation to (b) above, the implementation of drainage proposals including proposal to deal with discharge from the swimming pool within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.12.2012;
- (d) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (e) in relation to (d) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.12.2012;
- (f) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (g) if any of the above planning conditions (b), (c), (d) and (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

Application No. A/NE-KTS/318

- (a) to note the comments of the District Lands Officer/North that the applicant should apply to his office for Short Term Waiver (STW) for the proposed structures. There was no guarantee that the STW would be granted to the applicant. If the STW was granted, the grant would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STW fee;
- (b) to note the comments of the Commissioner for Transport that the access from Hang Tau Road to the application site was not managed by his department. The land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities for the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows :
  - (i) all building works were subject to compliance with the Buildings Ordinance (BO);
  - (ii) formal submission by an Authorized Person was required under the BO for any proposed building works (including the swimming pool and filtration plant room). If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage; and
  - (iii) the site should be provided with means of obtaining access thereto from a street under the B(P)R Regulations 5;

- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the application site was located within the flood pumping gathering ground;
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant/contractor should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant/contractor should carry out the following measures :
  - (i) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (ii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (f) to liaise with the local residents to address their concerns on the proposed use.

Application No. A/NE-KTS/319

- (a) to note the comments of the District Lands Officer/North that the applicant should apply to his office for Short Term Waiver (STW) for the proposed structures. There was no guarantee that the STW would be granted to the applicant. If the STW was granted, the grant would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STW fee;

- (b) to note the comments of the Commissioner for Transport that the access from Hang Tau Road to the application site was not managed by his department. The land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities for the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
  
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows :
  - (i) all building works were subject to compliance with the Buildings Ordinance (BO);
  
  - (ii) formal submission by an Authorized Person was required under the BO for any proposed building works (including the swimming pool and filtration plant room). If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage; and
  
  - (iii) the site should be provided with means of obtaining access thereto from a street under the B(P)R Regulations 5;
  
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows :
  - (i) 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 his department's standards; and

- (ii) the application site was located within the flood pumping gathering ground;
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant/contractor should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant/contractor should carry out the following measures :
- (i) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (ii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (f) to liaise with the local residents to address their concerns on the proposed use.

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

**Agenda Item 17**

**Section 16 Application**

[Open Meeting]

A/NE-MUP/70            Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone, Lot 63RP in D.D. 46, Tai Tong Wu,  
Sha Tau Kok Road, Fanling  
(RNTPC Paper No. A/NE-MUP/70A)

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61.            The Secretary stated that the application was for the development of a Small House on a site zoned “Agriculture” (“AGR”) on the OZP. The application had been deferred once by the Committee in December 2011 at the request of the Planning Department (PlanD) taking into account that significant disturbance to the existing landscape resources had taken place at the site before the application was made and PlanD needed more time to investigate the case of suspected unauthorized development on the site.

62.            The Secretary said that on 13.1.2012, the applicant’s representative wrote to the Board claiming that the change of the site environment was due to the unauthorized soil disposal from the formation of access road for the construction works in the vicinity of the site and the applicant had no intention to “Destroy First and Build Later” and requested the Board to kindly consider the applicant’s bona fide basis and the shortage of land for Small House development to approve the application.

63.            The Secretary continued to say that investigation carried out by PlanD in December 2011 revealed that there was land filling works in the subject site. After investigation, it was considered that the works in the subject works constituted an unauthorized development under the Town Planning Ordinance. Enforcement Notice (EN) was subsequently issued to the concerned landowners on 19.1.2012. According to the site inspection upon the expiry of EN on 22.2.2012, the unauthorized filling of land was discontinued. The Planning Authority was currently assessing the site condition with a view to issuing a Reinstatement Notice (RN) requesting the notice recipients to reinstate the site.

64.            The Secretary said that on 24.6.2011, the Board, in considering the TPB Paper No. 8843 on ‘Proposed Measures against the “Destroy First and Build Later” Approach’,

noted that as the existing state of the site, which might be relevant in a planning application, might be in a state of flux, particularly where a RN had been served, the Board would be entitled in such a case to take into account the state of the site after the RN had been duly complied with. The Board also agreed that where the application site was subject to enforcement action and a RN had been served, if the enforcement of the RN impinged on the physical state or “individual characteristics” of the site, the Board could take into account the state of the site as required in the RN in considering the application. As the enforcement action on the site was still ongoing and the RN would be issued by the Planning Authority, PlanD recommended that a decision on the application be further deferred until the application site had been reinstated.

65. The Secretary stated that PlanD’s request for deferment met the criteria for deferment as set out in TPB Guidelines No. 33 on ‘Deferment of Decisions on Representations, Comments, Further Representations and Applications’ in that more time was required to complete the enforcement action, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

66. In response to the Chairman’s enquiry, the Secretary said that the RN would soon be issued by the Planning Authority to the concerned landowners. She added that according to the Board’s decision on 24.6.2011, the Committee would consider the application taking into account the state of the site upon reinstatement. As the enforcement action on the site was still ongoing, it was considered appropriate that a decision on the application should be further deferred until the site had been reinstated.

67. After further deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration within one month upon reinstatement.

**Agenda Item 18**

**Section 16 Application**

[Open Meeting]

A/NE-TKL/380      Proposed Temporary Concrete Batching Plant with Minor Relaxation of Building Height Restriction for a Period of 3 Years in “Industrial (Group D)” zone, Lots 22(Part), 24(Part) and 26 RP (Part) in D.D. 84, Ping Che Road, Ta Kwu Ling (RNTPC Paper No. A/NE-TKL/380)

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68.            The Committee noted that the applicant requested on 16.3.2012 for a deferment of the consideration of the application for two months in order to allow time for the arrangement of local stakeholders engagement programme to address the public concerns.

69.            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 the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 19**

**Section 16 Application**

[Open Meeting]

A/NE-LT/439      Proposed Twenty Houses (New Territories Exempted Houses – Small Houses) with an Emergency Vehicular Access in “Agriculture” zone and an area shown as ‘Road’, Various Lots in D.D.8 and Adjoining Government Land, Sha Pa Village, Lam Tsuen, Tai Po (RNTPC Paper No. A/NE-LT/439A)

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70. The Committee noted that the applicant requested on 21.3.2012 for a deferment of the consideration of the application for one more month in order to prepare supplementary information to address the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department on preservation of the existing trees along the proposed emergency vehicular access.

71. 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 one month, resulting in a total period of three months, was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Walter K.L. Chan returned to join the meeting at this point.]

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/449            Proposed 4 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 76 S.A, 76 S.B, 76 S.C and 76 S.D in D.D.19, San Uk Tsai, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/449)

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### **Presentation and Question Sessions**

72. Mr. Edward W.M. Lo, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed four houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site fell partly within the “Agriculture” (“AGR”) zone and had high potential for agricultural rehabilitation;
- (d) four public comments from members of the public were received during the first three weeks of the statutory publication period. The commenters objected to the application mainly on the grounds that the proposed development would worsen the drainage problem in the area; trees had been cleared by the applicant before making the application; the proposed development would result in adverse environmental and traffic impacts on the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Although a major portion of the application site fell within the “AGR” zone and DAFC did not support the application, the proposed Small Houses generally complied with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ of San Uk Tsai and there was a general shortage of land for Small House development in the “Village Type Development” zone; and that the proposed Small Houses would be able to be connected to the planned sewage system in the area. The Chief Town Planner/Urban Design and Landscape of PlanD had no objection to the application as no adverse impacts on the surrounding landscape character and existing landscape resources were anticipated. The proposed development was not incompatible with the surrounding rural environment. Although the application site fell within the upper indirect water gathering ground, both the Director of Environmental Protection and Chief Engineer/Development (2) of Water Supplies Department had no objection to the application as the

proposed Small Houses would be able to be connected to the planned sewerage system in the area. Regarding the public comments on the alleged flooding/condition around the application site, the Chief Engineer/Project Management of Drainage Services Department advised that such adverse drainage impacts could be minimized upon proper drainage system maintenance. As an approval condition requiring the applicants to submit a drainage proposal was recommended, the drainage impact imposed by the development was anticipated to be insignificant.

73. Members had no question on the application.

#### Deliberation Session

74. 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 30.3.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

of Water Supplies or of the TPB.

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

- (a) the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
- (c) the applicants were required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (d) the applicants should make proper sewer connection from the proposed Small Houses to the public sewerage at their own cost;
- (e) to note the comments of the District Lands Officer/Tai Po (DLO/TP) that the applicants should reserve the right-of-way for the nearby residents to reach their premises provided that it was the only way;
- (f) to note the comments of the Director of Environmental Protection that the application site fell within the water gathering ground (WGG). For House 1, the proposed septic tank should be within the House 1 site and within the "Village Type Development" zone. However, for Houses 2, 3 and 4, the use of septic tank and soakaway system as interim measures for sewage treatment and disposal before the planned public sewer was available was not acceptable as it would have potential to cause water pollution to the WGG;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that public stormwater drainage system was not available for connection in the vicinity of the application site. The

applicants should provide proper stormwater drainage system to intercept the stormwater generated within the proposed development and flowing towards the proposed development, and to convey the runoff to a proper discharge point. The applicants/owners were required to maintain the drainage system properly, to rectify the system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system. Moreover, public sewerage system was not currently available for connection in the vicinity of the application site;

- (h) to note the comments of the Chief Engineer/Project Management, DSD that the applicants should be vigilant on the latest situation of the sewerage project works, for which the Village Representatives would be kept informed by DSD;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in Appendix IV of the Paper;
- (j) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (k) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the access adjoining the application site was not maintained by his office;
- (l) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants were reminded to make necessary submission to DLO to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemption was not granted, the applicants should submit site formation plan to the Buildings Departments in accordance with the provisions of the Buildings Ordinance;

- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicants should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicants should carry out the following measures :
- (i) prior to establishing any structure within the application site, the applicants and/or their contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (ii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicants and/or their contractors when carrying out works in the vicinity of electricity supply lines; and
- (n) to note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

**Agenda Item 21**

**Section 16 Application**

[Open Meeting]

A/NE-LT/450                      Proposed 4 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 255 S.A, 255 S.B, 256 S.C, 256 S.D, 260 S.A, 260 S.B and 260 S.C in D.D.19, San Uk Tsai, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/450)

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76.                      The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Henry Chan Surveyors Ltd, the consultant of the application. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Ms. Kwong could stay in the meeting.

77.                      The Committee noted that the applicant’s representative requested on 20.3.2012 for a deferment of the consideration of the application for one month in order to prepare further information in response to the comments of the Drainage Services Department on the application.

78.                      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 the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/451            Proposed Public Utility Installation (Sewage Pumping Station)  
in “Agriculture” and “Village Type Development” zones,  
Lot No. 193 RP (Part) in D.D. 10 and Adjoining Government Land,  
Pak Ngau Shek, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/451)

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**Presentation and Question Sessions**

79.            Mr. Edward W.M. Lo, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed public utility installation (sewage pumping station);
- (c)    departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d)    one public comment from an individual was received during the first three weeks of the statutory publication period. The commenter objected to the application as the proposed development would have adverse impacts on the surrounding area, and affect the land value in the vicinity. The commenter further suggested that the sewage pumping station should be relocated to other government land; and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed sewage pumping station, being part of the works under the Lam Tsuen Valley Sewerage Project, was for alleviation of the water pollution problem brought by the surrounding villages. It was a small

scale public utility installation and did not contravene the planning intention of the “Agriculture” and “Village Type Development” zones. The local community had been consulted on the development proposal and they generally supported the implementation of the proposed sewerage scheme. The application site was mainly surrounded by agricultural land and vegetation and the pumping station would be installed with suitable environmental mitigation measures. In this regard, the Director of Environmental Protection had no objection to the application. Other government departments consulted, including the Chief Engineer/Development (2) of Water Supplies Department and Chief Town Planner/Urban Design and Landscape of PlanD, also had no adverse comment on or objection to the application. There was one public comment against the application regarding the adverse environmental impacts to the village ambient. It should, however, be noted that the nearest sensitive receiver was about 30m away and various mitigations measures would be implemented to mitigate the possible adverse environmental impacts on the surrounding area.

80. Members had no question on the application.

#### Deliberation Session

81. 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 30.3.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

- (c) the provision of adequate protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tai Po as follows :
  - (i) the application site fell mainly on a private lot, namely portion of Lot No. 193 R.P. in D.D.10, with a small portion on government land; and
  - (ii) should the application be approved by the Town Planning Board, the applicant had to apply to his office for a simplified temporary government land allocation to facilitate the construction works and thereafter apply for a permanent government land allocation for the sewage pumping station;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the proposed public utility installation (sewage pumping station) was a government building and he had no comment under the Buildings Ordinance (BO) on the application in view that it should be exempted from the provisions of BO by virtue of s41(1)(a) and s41(1)(ba) of BO;
- (c) to note the comments of the Director of Fire Services that the emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by BD and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of the Director of Environmental Protection that the applicant should fully implement the mitigation measures during the construction and operation of the proposed sewerage pumping station as

recommended in the Planning Statement in Appendix Ia of the Paper;

- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the access adjoining the application site was not maintained by his office;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid impact on the trees and the stream course nearby;
- (g) to note the comments of the Commissioner for Transport as follows :
  - (i) the village track to the site was not managed by his department. It appeared that the configuration including widths and sightlines of the tract were not designed for passage of heavy vehicles including construction vehicles;
  - (ii) if the applicant intended to make use of this village track for both the construction and maintenance access purposes, the applicant should own a duty to check the land status with the Lands Department. Also, the applicant should carry out inspections and necessary impact assessments to the whole access route to ensure it was suitable for the intended uses; and carry out necessary improvements in order to mitigate nuisance and impacts as generated from the proposed development. As an alternative, the project proponent could consider forming an independent maintenance access road to the proposed pumping station; and
  - (iii) the existing village access and any future proposed maintenance access to the proposed pumping station were not under his department's management; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant/his contractor should approach the electricity supplier for

the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures :

- (i) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (ii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and/or his contractors when carrying out works in the vicinity of electricity supply lines.

**Agenda Item 23**

**Section 16 Application**

[Open Meeting]

A/TP/516                      Proposed 2 Houses (Redevelopment) in "Green Belt" zone,  
Lot 2087 in D.D. 6, Pun Chun Yuen Road, Tai Po  
(RNTPC Paper No. A/TP/516B)

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83.            The Committee noted that on 26.3.2012, the applicant's representative submitted further information (FI) to clarify the calculation of accountable GFA of the balcony areas of the proposed houses and requested for a deferment of the consideration of the application to the next RNTPC meeting.

84.            The Secretary said that as the submitted FI involved technical clarification on the application and was only received four days before the meeting, there was insufficient time

for the relevant departments to provide their further comments. Since the departmental comments would be relevant to the consideration of the application, the Planning Department had no objection to the request for deferral to the next meeting.

85. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the departmental comments on the submitted further information. The Committee agreed that the application should be submitted for its consideration at the next meeting pending the departmental comments. The Committee also agreed to advise the applicant that as this was the third deferment allowed by the Committee, no further deferment would be granted unless under very special circumstances.

#### **Agenda Item 24**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/518                      Proposed House (New Territories Exempted House - Small House)  
in “Green Belt” and “Village Type Development” zones,  
Lot 557 S.C in D.D. 32 and Adjoining Government Land,  
Ha Wong Yi Au, Tai Po  
(RNTPC Paper No. A/TP/518)

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

86. Mr. Edward W.M. Lo, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the

application as approval of the application would lead to more site clearance activities at the village fringe and more piecemeal developments encroaching into the “Green Belt” (“GB”) zone and jeopardizing the existing landscape resources;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed Small House development met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that the Small House footprint fell entirely within the village ‘environs’ of Ha Wong Yi Au and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone. Although the CTP/UD&L of PlanD commented that the portion of the site falling within “GB” zone was currently vegetated and no information had been submitted to demonstrate that the potential adverse impacts to existing landscape could be sufficiently mitigated, the Director of Agriculture, Fisheries and Conservation had no objection to the application noting that the application site was largely hard paved. Nevertheless, an approval condition requiring the submission and implementation of landscape and tree preservation proposals was recommended. Given that the proposed development would involve site formation works cutting into the adjoining slope, an approval condition requiring the submission of a Geotechnical Planning Review Report and implementation of the necessary geotechnical remedial works was also recommended. Compared with Applications No. A/TP/502 and A/TP/503 approved by the Committee on 19.8.2011, the extent of site formation works affecting natural slope by this proposed Small House was less extensive and the proposed Small House would stand at the same building platform at the same level at 8.3mPD as those for Applications No. A/TP/502 and 503. In this regard, the proposed development would

unlikely cause adverse environmental, traffic and infrastructural impacts on the surrounding area. Relevant government departments consulted had no objection to or adverse comments on the application.

87. Members had no question on the application.

#### Deliberation Session

88. 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 30.3.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape and tree preservation proposals, including the cutting slope area, to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission of a Geotechnical Planning Review Report and implementation of the necessary geotechnical remedial works identified therein, in respect of the slopes adjacent to the application site to the satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage

Services Department in Appendix IV of the Paper;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should also resolve any land matters associated with the provision of water supply and be responsible for construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (c) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department in Appendix IV of the Paper;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (e) to note the comments of the Commissioner for Transport that the existing village access was not under the Transport Department's jurisdiction. The land status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comment of the Chief Highway Engineer/New Territories East, Highways Department that the nearby access was not maintained by his department; and
- (g) to note the comments of the Director of Electrical and Mechanical Services in Appendix IV of the Paper.

[The Chairman thanked Mr. Anthony K.O. Luk, Ms. Doris S.Y. Ting and Mr. Edward W.M. Lo,

STPs/STN, for their attendance to answer Members' enquires. Mr. Luk, Ms. Ting and Mr. Lo left the meeting at this point.]

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

#### **Agenda Item 25**

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

[Open Meeting]

Y/TM/5

Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/28 from "Open Space" to "Government, Institution or Community", Lots 491, 492, 495R.P.(Part), 498R.P., 500, 501, 502 R.P., 503, 717R.P. in D.D. 374 and Adjoining Government Land, So Kwun Wat, Tuen Mun  
(RNTPC Paper No. Y/TM/5)

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90. The Secretary reported that after the Paper was issued, the applicant's representative wrote to the TPB Secretary on 26.3.2012 for a deferment of the consideration of the application for two months in order to allow time to address the comments from various government departments on the application. A copy of the letter was sent to Members before the meeting.

91. The Secretary said that the request for deferment met the criteria for deferment as set out in TPB Guidelines No. 33 on 'Deferment of Decisions on Representations, Comments, Further Representations and Applications' in that the applicant needed more time to resolve the outstanding departmental comments, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

92. 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 three 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 the further information, and no further deferment would be granted unless under very special circumstances.

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

[Mr. C.C. Lau, Mr. K.C. Kan, Mr. Vincent T.K. Lai, Mr. Ernest C.M. Fung and Mr. W.W. Chan, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/431                      Renewal of Planning Approval for Temporary “Shop and Services (Retail Shop)” Use under Application No. A/TM/382 for a Period of 3 Years in “Other Specified Uses” annotated “Business” zone, Workshops No. 17 and 17A, G/F, Hang Wai Industrial Centre, 6 Kin Tai Street, Tuen Mun  
(RNTPC Paper No. A/TM/431)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “shop and services (retail shop)” use under Application No. A/TM/382 for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;

- (d) one public comment from an individual was received during the first three weeks of the statutory publication period. The commenter indicated support for the application as it met the Tuen Mun District Council's expectation; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a further period of three years based on the assessment made in paragraph 12 of the Paper. The application was for renewal of the planning permission under Application No. A/TM/382 for retail shop use. The renewal application was in line with the TPB Guidelines No. 34B in that the applicant had complied with all the approval conditions under the previous application and there was no change in the floor area and applied use. Although the zoning on the subject site had been changed from “Industrial” to “Other Specified Uses” annotated “Business”, there was no material change in the land uses in the surrounding industrial area. The application was also in line with the TPB Guidelines No. 22D in that the applied use was small in scale and would not have significant adverse impact on the local road network. The current application floor area of 98.10m<sup>2</sup>, in addition to the total floor area of 211.67m<sup>2</sup> of previously approved seven applications with valid permission that should be included in the aggregated commercial floor area limit, would result in total commercial floor area of 309.77m<sup>2</sup>. It still did not exceed the maximum permissible limit of 460m<sup>2</sup>. Besides, separate means of escape was available for the premises as it fronted directly onto Kin On Street. Relevant government departments consulted had no objection to or adverse comments on the application.

94. Members had no question on the application.

#### Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 18.4.2012 to 17.4.2015, on the terms of the

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

- (a) the submission of fire service installations and equipment proposal for the application premises within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2012;
- (b) in relation to (a) above, the provision of fire service installations and equipment in the application premises within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.1.2013; and
- (c) if any of the above planning conditions (a) or (b) 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.

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

- (a) to note the comments of the District Lands Officer/Tuen Mun that the applicant would need to apply to him for a temporary waiver for the proposal. The proposal would only be considered upon their receipt of formal application from the applicant and there was no guarantee that the application, if received, would be approved and he reserved his comment on such. The application would be considered by the Lands Department acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including, among others, charging of waiver fee and administrative fee;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the application area should be separated from the adjoining units and the corridor with walls of fire resisting period not less than two hours and the door to the corridor should have a fire

resistance period of not less than one hour. In addition, barrier free access provisions should be complied with in accordance with Building (Planning) Regulation 72; and

- (c) to note the comments of the Director of Fire Services that a means of escape completely separated from the industrial portion should be available for the area under application. An automatic sprinkler system was provided in the subject building. The applied use should be accountable for the permissible aggregate commercial floor area on G/F of the building. Regarding matters in relation to fire resisting construction of the premises, the Code of Practice for Fire Resisting Construction should be complied with.

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/233 Proposed Temporary Shop and Services (Real Estate Agency)  
for a Period of 3 Years in “Village Type Development” zone,  
Lot 553 RP (Part) in D.D. 130, To Yuen Wai, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/233)

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

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – concerned government departments had no

objection to or adverse comments on the application;

- (d) two public comments from a Village Representative of To Yuen Wai and a Tuen Mun District Council member were received during the first three weeks of the statutory publication period. The commenters indicated support for the application without giving any reason; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. There was currently no Small House development proposed for the site. Approval of the application on a temporary basis for three years would not jeopardize its long-term planning intention. Besides, the temporary use under application could serve some of the needs of the local villagers. The proposed temporary real estate agency was considered not incompatible with the adjoining residential dwellings to the northeast. Government departments concerned had no objection to or adverse comment on the application. The technical concerns of relevant departments could be addressed through the stipulation of approval conditions restricting the operation hours and requiring the submission of proposals relating to run-in/run-out, drainage, fire service installations, landscaping and boundary fencing.

98. Members had no question on the application.

#### Deliberation Session

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.3.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) the submission of a run-in/run-out proposal within 6 months from the date of the planning approval to the satisfaction of the District Officer (Tuen Mun) or of the TPB by 30.9.2012;
- (c) in relation to (b) above, the implementation of run-in/run-out proposal within 9 months from the date of the planning approval to the satisfaction of the District Officer (Tuen Mun) or of the TPB by 30.12.2012;
- (d) the submission of a drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.9.2012;
- (e) in relation to (d) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.12.2012;
- (f) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.9.2012;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.12.2012;
- (h) the submission of a landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 30.12.2012;
- (j) the provision of boundary fencing within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the

TPB by 30.9.2012;

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

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

- (a) to resolve any land issues relating to the development with other owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Tuen Mun that the subject lot under the planning application was an Old Schedule lot held under the Block Government Lease for agricultural purposes. The lot owner would need to apply to his office for Short Term Waiver (STW) for erection of the proposed structure on the lot. The STW proposal would only be considered upon his receipt of formal application from the lot owner. There was no guarantee that the application, if received by his office, would be approved and he reserved his comment on such. The application would be considered by the Lands Department acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including charging of waiver fee, deposit and administrative fee;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the site did not abut a specified street of not less than 4.5m wide, its permitted development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with B(P)R 5 and 41D respectively. Temporary building as shop and services was subject to control under B(P)R Part VII. Formal submission under the Buildings Ordinance was required for any proposed new building works, including any temporary structures and signboard;
- (d) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (e) to note the comments of the Director of Environmental Protection that given the site was within an area where no public foul sewer was available, the applicant was reminded that all wastewaters from the site should be properly collected, treated and disposed of in compliance with the requirements under the Water Pollution Control Ordinance;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that (i) the applicant should be responsible for the applicant's own access arrangement; and (ii) if any run-in/run-out was approved by the Transport Department, the applicant should construct it according to the Highways Department Standard Drawings No. H1113 and H1114 or H5133, H5134 and H5135 to match the existing pavement condition. In addition, adequate drainage measures should be provided to prevent surface water from flowing out from the lot onto public roads. No discharge of drainage or sewage into HyD's exclusive road drainage system was allowed;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage

Services Department in Appendix IV of the Paper; and

- (h) to note the comments of the Director of Fire Services that the applicant was advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirement that, for other storages, open sheds or enclosed structure with total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The applicant should also be advised that : (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, the applicant was required to provide justifications to his department for consideration.

### **Agenda Item 28**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/361            Proposed Filling and Excavation of Land for Development of New Territories Exempted Houses in “Village Type Development” zone, Lots 1340 S.B ss.4 to ss.24, 1340 S.B RP, 1340 S.B ss.1 RP (part) and 1340 S.B ss.2 RP (part) in D.D. 121, Tong Fong Tsuen, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/361A)

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

101.            Mr. Vincent T.K. Lai, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed filling and excavation of land for development of New Territories Exempted Houses (NTEHs);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed filling and excavation of land was associated with the site formation and slope stabilization for 19 Small Houses within the “Village Type Development” (“V”) zone. It was intended to meet the requirements of concerned government departments for implementation of Small Houses development and was considered in line with the planning intention of the “V” zone. The village clusters of Tong Fong Tsuen and Ping Shan San Tsuen were in close proximity to the site. After filling and excavation works, the final level of the northern portion of the site would be about +14.5m while the rest of the site would be at a level of +12.5m. Besides, slope stability works would be carried out on the northern portion of the site. In view of the nature and scale of the proposed development, no adverse impact on the surrounding area was anticipated. Noting that compensatory planting was proposed, the Director of Agriculture, Fisheries and Conservation had no strong view on the application. Other government departments consulted had no adverse comments on or objection to the application.

102. Members had no question on the application.

Deliberation Session

103. 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 30.3.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to liaise with the District Lands Officer/Yuen Long (DLO/YL) at the land grant stage to retain the existing road/path/track within the site as far as possible so as to provide access for the nearby residents;
- (b) to note the comments of DLO/YL that since the proposed house sites were within the village 'environs' of Tong Fong Tsuen, his office would consider the Small House applications submitted from the landowners by issuing Fee Building Licences; his office acting in the capacity as landlord might approve the applications at its discretion and if such approval was granted, it would be subject to the terms and conditions including the payment of administrative fee as imposed by his office; if any proposed works fell on the adjoining government land, prior approval should be obtained from his office before commencement of the works; the applicant was required to clarify the discrepancy amongst the master layout plan, site formation plan and drainage layout plan (DLP); and if any proposed drainage works were to be carried out on the adjoining government land, prior approval should be sought from his office before commencement of

the works;

- (c) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority; and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the applicant was required to review if the drainage design had catered for existing overland flow passing the site from other areas and the proposed drainage schedule and DLP; the design calculation in the submission was a summary only without any information on the reference or formulae adopted in the design; and as the existing manhole proposed by the applicant to connect for final discharge was not maintained by DSD, the applicant was required to substantiate its adequacy of discharging total runoff from the site, to assess the downstream capacity and seek consent from relevant party about his proposal;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that site formation works including filling and excavation works were building works under the control of Buildings Ordinance (BO). Before any new site formation works were to be carried out on the application site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were unauthorized buildings works. An Authorized Person should be appointed as the co-ordinator for the proposed site formation works in accordance with BO; and the BO (Application to the New Territories) Ordinance, Cap. 121 made provisions for the issue of a certificate of exemption (C of E) from prior approval and consent of BA in respect of site formation works in the New Territories. The criteria for the issue of a C of E by the Director of Lands for these site formation works were laid down in PNAP APP-56;
- (f) to note the comments of the Director of Agriculture, Fisheries and

Conservation that the applicant should ensure that the tree preservation measures as suggested in the tree survey report (TSR) would be fully implemented in order to protect the retained trees, in particular the 2 Incense Trees (i.e. T4 and T5) during the works; observe the recommendation in the TSR that “tree wells then would be erected along the drip line of the retained trees”; consider enlarging the width of tree well for the retained Incense Tree (i.e. T4), which had crown spread of 6m, as far as possible; and properly implement and maintain the compensatory planting and woodland mix planting as proposed in the submission;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that :
  - (i) most of the surveyed trees were outside the site boundary and were proposed to be retained and according to the Tree Assessment Schedule, a number of trees were in poor condition, the applicant should propose arboricultural treatments to prevent the trees from further deterioration;
  - (ii) the applicant should review if tree wells were necessary, in particular from the area between the new retaining wall and T4 in Section A-A and Section B-B. The applicant should endeavour to maintain the existing levels and maximize the size of tree wells to minimize the impact to the retained trees. The size of the tree well was not of adequate size especially for T4; and
  - (iii) trees that were close to the site might be affected by the works of the development, the applicant should ensure that tree care during the construction stage should be undertaken;
- (h) to note the comments of the Director of Fire Services that the applicant was reminded to follow ‘New Territories Exempted Houses (NTEHs) (Small House) – A Guide to Fire Safety Requirements’ issued by the Lands Department on the development of NTEH;

- (i) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was required to submit the proposed filling and excavation works to BD for approval as required under the provision of BO; and the applicant should be reminded that :
  - (i) as some registered features and natural slopes within and around the site were cut back substantially by unauthorized site formation works in 2000 and 2004, the slopes were considered sub-standard and there could be landslide risk; and
  - (ii) Certificate of Exemption for the site formation works for the Small House developments on site should not be issued and no NTEH development should proceed within the whole of previous Lot 1340 s.B in D.D. 121, until site formation works/stabilization measures were carried out to have these slopes upgraded and a proper surface drainage system in place; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractor(s) should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. If there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant and/or his contractor(s) should carry out the following measures :
  - (i) prior to establishing any structure within the site, the applicants and/their contractor(s) should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (ii) the 'Code of Practice on Working near Electricity Supply Lines'

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

**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/365            Proposed Temporary Open Storage of New Vehicles (Private Cars and Medium Goods Vehicles) (under 12 tonnes) for a Period of 3 Years in “Village Type Development” zone, Lot 289 in D.D. 126, Fung Ka Wai, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/365A)

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**Presentation and Question Sessions**

105.        Mr. Vincent T.K. Lai, 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 new vehicles (private cars and medium goods vehicles) (under 12 tonnes) 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 in the vicinity and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as there were existing trees near the periphery of the site but the applicant had submitted no tree survey or site photo to ascertain whether the existing trees would be affected by the proposed development;

- (d) two public comments against the application were received during the first three weeks of the statutory publication period. While a Yuen Long District Council (YLDC) member objected to the application as the proposed development was not in line with the planning intention; would result in extensive felling of trees; and would encourage ‘destroy first and build later’, a group of 23 Fung Ka Wai villagers raised strong objection to the application on ‘fung-shui’ grounds; and

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

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. According to the TPB Guidelines No. 13E, the site fell within Category 4 areas where applications would normally be rejected except under exceptional circumstances. The proposed temporary open storage use was not in line with the planning intention of the “Village Type Development” (“V”) zone. Given the site was located within the “V” zone and village ‘environs’ of Fung Ka Wai, with the nearest residential dwelling only about 8m to its east, the proposed development was incompatible with the surrounding rural environment. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The application was not in line with the TPB Guidelines No. 13E in that there was no exceptional circumstance that warranted sympathetic consideration. Even there were previous planning approvals for similar open storage use for the site when it was zoned as “Unspecified Uses” and “Recreation” (“REC”), no previous approval for open storage use had been granted since the site was zoned “V”. DEP did not support the application as there were existing residential dwellings/structures in the vicinity of the site. CTP/UD&L of PlanD had reservation on the application as the extent of landscape impact could not be assessed. Furthermore, there was no information in the submission to demonstrate that the development would not cause adverse drainage impact. Despite that a similar application (No. A/YL-PS/76) was approved by the

Committee, the subject site fell largely within the “REC” and it was approved before the introduction of the TPB Guidelines No. 13B in October 2001. Since then, no similar application on the “V” zone had been approved. In this regard, the approval of the application would set an undesirable precedent for other similar applications within the “V” zone. Besides, there were two local objections received mainly on the grounds that the development would cause environmental nuisance, result in felling of trees, affecting the ‘fung-shui’ and encouraging ‘destroy first and build later’.

106. Members had no question on the application.

#### Deliberation Session

107. 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 intension of “Village Type Development” (“V”) zone on the Outline Zoning Plan, which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The proposed open storage of new vehicles was incompatible with the rural and residential neighbourhood. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that

there was no exceptional circumstance that warranted sympathetic consideration. There was no similar planning approval granted for the site after it was zoned as “V” in 2000. There were also adverse departmental comments and local objections against the proposed development;

- (c) the applicant failed to demonstrate in the submission that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding area; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/375            Temporary Public Vehicle Park for Private Car for a Period of 3 Years  
in “Residential (Group A) 2” zone, Lot 2329 RP in D.D. 124,  
Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/375)

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

108.        Mr. Vincent T.K. Lai, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park for private car for a period of three years;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) nine public comments from members of the public were received during the first three weeks of the statutory publication period. While one commenter indicated support for the application without giving any reason, the other eight commenters objected to the application mainly on the grounds that the proposed development would result in air and noise pollution, affect the tranquillity of the rural environment and bring about traffic safety problem to the local residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. The site fell within the “Residential (Group A) 2” (“R(A)2”) zone and there was no development proposal on the subject “R(A)2” at this stage. Approval of the application on a temporary basis would not frustrate its long-term planning intention. The current application was mainly for providing 46 private car parking spaces, which was similar to a previous application (No. A/YL-PS/279) on the same site approved by the Committee on 18.1.2008. Noting that there would not be goods vehicles entering the site, the Director of Environmental Protection (DEP) had no adverse comment on the application. It was unlikely that the proposed temporary vehicle park would create significant adverse impacts on the surrounding area. Concerned departments had no objection to or adverse comments on the application. As there was one planning application for similar use on the same site approved by the Committee on 18.1.2008, approval of the application was consistent with the Committee's previous decision. A total of nine public comments was received during the statutory publication period. While one commenter supported the application, the other eight commenters objected to the application on grounds of air and noise pollution, peaceful characteristics of the area and traffic safety. In this regard, concerned departments, including DEP and Commissioner for

Transport, had no adverse comments on the application. Approval conditions restricting the operation hours, types of vehicles and activities on-site, and requiring the provision of mitigation measures were recommended to minimize any possible nuisance to the residents nearby.

109. In response to the enquiry of the Chairman, Mr. Vincent T.K. Lai said that the application was similar to a previously approved application (No. A/YL-PS/279) on the same site for temporary public vehicle park for private car and light goods vehicle. All the approval conditions had been complied with but the approval had expired in 2011. Mr. Lai also confirmed that despite that the applicant proposed to open the public vehicle park 24 hours a day, an approval condition restricting the operation hours from 7:00a.m. to 11:00p.m. was recommended in order to minimize any possible nuisance to the residents nearby.

#### Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.3.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no dismantling and repairing of vehicles or other workshop activities were allowed on-site at any time during the planning approval period;
- (c) no goods vehicle exceeding 5.5 tonnes, including coaches, container tractor/trailer, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no goods vehicle exceeding 5.5 tonnes, including coaches, container tractor/trailer, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the site at any time during the planning

approval period;

- (e) the provision of mitigation measures to minimize any possible nuisance of noise and artificial lighting on the site to the residents nearby within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (f) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on-site at any time during the planning approval period;
- (g) the parking layout arrangement, as proposed by the applicant, should be adhered to during the planning approval period;
- (h) the submission of a landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (i) in relation to (h) above, the implementation of landscape and tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 30.12.2012;
- (j) the existing drainage facilities implemented under Application No. A/YL-PS/279 should be maintained at all times during the planning approval period;
- (k) the submission of a condition record of the existing 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 30.9.2012;
- (l) the submission of a 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 30.9.2012;

- (m) in relation to (l) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.12.2012;
- (n) if any of the above planning conditions (a), (b), (c), (d), (f), (g) or (j) 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 (e), (h), (i), (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.

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

- (a) to note the comments of the District Lands Officer/Yuen Long that the private land under application site comprised Old Schedule Agricultural Lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. No approval was given for the two specified structures as ancillary shroff and temporary open-sided structure for car parking use. There had been a Short Term Waiver (STW) application for regularizing the existing structures for temporary public car park for private car and light goods vehicles use, which was covered by the previously approval. On 18.1.2011, the STW application was rejected. The application site was accessible via a road leading from Castle Peak Road – Hung Shui Kiu section. His office provided no maintenance work for the

government land involved and did not guarantee right-of-way. Also, the above-mentioned road had been handing over to the Water Supplies Department (WSD) under a Temporary Land Allocation (GLA-TYL1233) for a period until 31.1.2013 for main-laying works and any ancillary works in connection with the project. The Chief Engineer/Design, WSD should be consulted; and should planning approval be given to the subject planning application, the lot owner(s) would need to apply to this office to permit structures to be erected or regularize any irregularities on site. Such application would be considered by the Lands Department (LandsD) acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (b) to adopt the environmental mitigation measures as set out in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any possible environmental nuisances;
- (c) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the application site from Castle Peak Road - Hung Shui Kiu should be commented and approved by the Transport Department. Adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains and note that HyD should not be responsible for the maintenance of any access connecting the application site and Castle Peak Road - Hung Shui Kiu; and

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works were to be carried out on the application site, the prior approval and consent of the Building Authority (BA) 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 Buildings Ordinance (BO). For UBW erected on leased land, enforcement action might be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO. Any temporary structures to be erected on site would be subject to the control of BO. Formal submission under BO was required for any proposed new works, including the temporary structures. The site should be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under the B(P)R 41D. If the site was not abutting a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

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

**Agenda Item 31**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/773      Proposed Temporary Logistic Centre for a Period of 3 Years  
in "Undetermined" zone, Lots No. 1805 (Part), 1829 (Part),  
1830 (Part), 1831 (Part), 1832 (Part) and 1836 (Part) in D.D.125,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/773)

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Presentation and Question Sessions

112. Mr. Ernest C.M. Fung, STP/TMYL, informed Members that there was a typo error in approval condition (f) in the Paper which should be amended to read as “.....the provision of the drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.12.2012”. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary logistic centre for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The site fell within Category 1 areas under the TPB Guidelines No. 13E where favourable consideration would normally be given to applications within these areas. The applied use was not incompatible with the surrounding land uses in the subject “Undetermined” (“U”) zone which was predominantly occupied for open storage yards and vehicle parks. The application was in line with the TPB Guidelines No. 13E in that there was no local objection and no adverse comment from concerned government departments. The technical concerns of the Chief Town Planner/Urban Design and Landscape of PlanD and DEP could be addressed by stipulating approval conditions requiring the submission and implementation of

landscape and tree preservation proposal, and restricting the operation hours, workshop activities on-site and the types of vehicles used. The Committee had approved four previous applications for similar temporary open storage uses under Applications No. A/YL-HT/7, 348, 509 and 666 since 1997. Since the granting of these previous approvals, there had been no material change in the planning circumstances. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved eight similar applications for various temporary open storage and port back-up uses within the same “U” zone. Approval of the subject application was in line with the Committee’s previous decisions.

113. Members had no question on the application.

#### Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.3.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, melting, cleansing, compaction, repairing and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no heavy goods vehicle (i.e. over 24 tonnes) as defined in the Road Traffic Ordinance, or container trailer/tractor was allowed to enter, park or operate at the site, as proposed by the applicant, during the planning approval period;

- (e) the submission of a 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 30.9.2012;
- (f) in relation to (e) above, the provision of the drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.12.2012;
- (g) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (h) in relation to (g) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.12.2012;
- (i) the demolition of the existing structure on-site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (b) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the site comprised Old Scheduled Agricultural Lots granted under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government, and DLO/YL provided no maintenance works to and did not guarantee right-of way through the informal local track leading from the site to Ping Ha Road;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize the possible environmental impacts on the nearby sensitive receivers;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Building Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Formal submission under BO was required for any proposed new building works, including any temporary structures, and an Authorized Person should be

appointed as the co-ordinator for the proposed building works in accordance with BO. Any proposed temporary structures would be considered as temporary buildings, and were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. Prior approval and consent of BA should be obtained before any new building works were to be carried out on the site. The site should be provided with means of obtaining access from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D; and

- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his inside services to the nearest suitable government water mains for connection for provision of water supply to the development, to resolve any land matters (such as private lots) associated with the laying of water mains in private lots for the provision of water supply and that the applicant should be responsible for the construction, operation and maintenance of any inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant.

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

### **Agenda Item 32**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/775            Proposed House (New Territories Exempted House - Small House)  
in "Village Type Development" and "Green Belt" zones,  
Lot No. 1069 in D.D. 125, Sik Kong Wai, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/775)

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**Presentation and Question Sessions**

116. 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 proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed NTEH development was compatible with the surrounding rural land uses. Although the proposed NTEH development was not in line with the planning intention of the “Green Belt” (“GB”) zone, only a very small portion (about 2.75%) of the NTEH's footprint encroached upon the “GB” zone. Moreover, more than 50% of the site and the footprint of the proposed NTEH fell within the “Village Type Development” (“V”) zone and the 300 feet distance from Sik Kong Wai. The District Lands Officer/Yuen Long further advised that it could be regarded as falling within the village ‘environs’ of the village. In this regard, the proposed NTEH development was considered in line with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’. As there was a general shortage of land for Small House development in the subject “V” zone, favourable consideration might be given for the proposed NTEH. The application was also in line with the TPB Guidelines No. 10 in that the proposed NTEH development was to meet the demand from an indigenous villager and was close to the existing village developments and therefore not incompatible with the surroundings.

Besides, the development proposal also did not involve extensive clearance of existing natural vegetation. In this regard, the Chief Town Planner/Urban Design and Landscape of PlanD had no objection to the application. Relevant government departments consulted also had no adverse comment on or objection to the application.

117. Members had no question on the application.

#### Deliberation Session

118. 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 30.3.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site and discharge the runoff collected to a proper discharge point; and the development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should also consult the District Lands Officer/Yuen Long and seek consent from the relevant owners for any works to be carried out outside the site boundary before commencement of the drainage works;

- (b) to note the comments of the Director of Fire Services that the applicant should follow the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ issued by the Lands Department;
- (c) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly; and
- (d) to note the comments of the Chief Engineer/Development (2), Water Services Department (WSD) that the applicant might need to extend his inside services to the nearest suitable government water mains for connection for provision of water supply to the proposed development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant.

### **Agenda Item 33**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/778            Temporary Open Storage of Construction Materials and Warehouse  
with Ancillary Workshop for a Period of 3 Years in “Recreation” zone,  
Lots No. 215, 374, 378, 379 and 380 in D.D.125, Ha Tsuen,  
Yuen Long  
(RNTPC Paper No. A/YL-HT/778)

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

120.            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 construction materials and warehouse with ancillary workshop for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The site fell within Category 2 areas under the TPB Guidelines No.13E where planning permission could be granted on a temporary basis up to a maximum period of three years subject to no adverse departmental comments and local objections. The applied use was not incompatible with the surrounding land uses which were predominantly occupied by open storage yards. Approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the "Recreation" ("REC") zone since there was no known programme to implement the zoned use on the OZP. The development was in line with the TPB Guidelines No. 13E in that there was no objection from the locals and no adverse departmental comments on the application. The technical concerns of the Director of Fire Services and Chief Town Planner/Urban Design and Landscape of PlanD could be addressed by way of stipulating approval conditions regarding the provision of fire extinguishers, and the submission and implementation of fire service installations (FSIs) proposal, and landscape and tree preservation proposal. To mitigate any potential environmental impacts, approval conditions restricting the operation hours

and stacking height of materials were also recommended. The Board had approved the previous application No. A/YL-HT/281 upon review in 2003 on the site, and the Committee had approved the three subsequent applications No. A/YL-HT/360, 442 and 606 for the same use since then. Since the granting of the previous approvals, there had been no material change in the planning circumstances. As the last previous application No. A/YL-HT/606 was revoked due to non-compliance with the approval condition on the provision of water supplies for fire-fighting and FSIs, shorter compliance periods were proposed in order to monitor the progress of compliance. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved six similar applications within the same "REC" zone. Approval of the subject application was in line with the Committee's previous decisions.

121. Members had no question on the application.

#### Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.3.2015, 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 from 6:00 p.m. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;

- (e) the existing drainage facilities on-site should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing 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 30.9.2012;
- (g) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2012;
- (h) the submission and implementation of a 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 30.9.2012;
- (i) the submission and implementation of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before continuing the development on the site;
- (b) shorter compliance periods were imposed in order to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission again, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the lots under application were situated on Old Scheduled Agricultural Lots granted under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government, and the applicant should apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. Vehicular access to the site would require passing through a local track on government land (GL) leading to Fung Kong Tsuen Road. He did not provide maintenance works for the GL and did not guarantee right-of-way;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;

- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should replace 1 dead tree, 4 missing trees and 3 seriously damaged trees; remove the dumped objects off the planting areas; and tree planting opportunity was available at the eastern boundary;
- (h) to note the comments of the Director of Fire Services in Appendix V of the Paper and the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plan(s) should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration. The applicant should also adhere to the 'Good Practice for Open Storage' at Appendix VI of the Paper;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under BO or other enactment might be taken if contravention was found; use of containers as office were considered as temporary buildings and were subject to control under the Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including temporary structures for approval under BO was required;

if the site was not abutting a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and B(P)R 41D regarding the provision of Emergency Vehicular Access was applicable; and

- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant.

### **Agenda Item 34**

#### **Section 16 Application**

[Open Meeting]

A/YL-HT/779

Temporary Open Storage of Construction Materials  
for a Period of 3 Years in “Green Belt” zone, Lots No. 558 S.A,  
558 S.B ss.1 S.A, 558 S.B ss.1 RP, 558 S.B ss.2, 561 S.A,  
561 S.B ss.1 and 561 S.B ss.2 in D.D.128, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/779)

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124. The Committee noted that the applicant requested on 19.3.2012 for a deferment of the consideration of the application for two months in order to allow more time for the applicant to respond to the comments of relevant government departments on the application.

125. 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 the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 35**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/233      Temporary Open Storage of Construction Material and Metal Ware  
for a Period of 3 Years in “Residential (Group E)” zone,  
Lots 2201 (Part), 2219 RP (Part), 2225 (Part), 2339 S.A (Part)  
and 2341 (Part) in D.D.129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/233)

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**Presentation and Question Sessions**

126.      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 construction material and metal ware for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. He further advised that there were three substantiated pollution complaints against the site in the past three years;
- (d) two public comments from a Yuen Long District Council member and a local resident were received during the first three weeks of the statutory publication period. The commenters objected to the application mainly on the grounds of heavy vehicular traffic, noise/dust nuisance and use of heavy cranes due to the operation of the temporary use under application; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use under application could be tolerated for a period of one year, instead of three years as proposed by the applicant, based on the assessment made in paragraph 12 of the Paper. The site fell within Category 2 areas under the TPB Guidelines No.13E where planning permission could be granted on a temporary basis up to a maximum period of three years subject to no adverse departmental comments and local objections. Although the applied use was not in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone, there was no immediate development proposal for the site and the applied use was temporary in nature. The development was not incompatible with the general character of the area as, apart from a few residential dwellings, it was predominantly occupied by open storage yards. DEP did not support the application as there were sensitive receivers in the vicinity. Nevertheless, to mitigate any potential environmental impacts, approval conditions restricting the operation hours, the stacking height of materials, and prohibiting workshop activities, handling of electrical/electronic appliances/wastes and the types of vehicles to be used were recommended. In this regard, the applied use was considered in line with the TPB Guidelines No. 13E. Other government departments consulted had no adverse comment on or objection to the application. The Committee had previously approved nine applications on the site. It was noted that the last two applications No. A/YL-LFS/204 and 226 were both approved for a period of one year to monitor the situation on the site in view of the pollution complaints against the site from 2009 to 2011. Given the public concerns on the operation of the site and that the last application No. A/YL-LFS/226 was revoked due to non-compliance with approval condition, a shorter approval period of one year was recommended. Due to the demand for open storage uses in the area, the Committee/the Board had approved a number of similar applications within the same “R(E)” zone. Since the granting of the previous approvals and the similar approvals, there had been no material change in the planning circumstances. Approval of the subject application was therefore in line with the Committee’s previous decisions. There were two objections against the application mainly on the grounds of heavy vehicular traffic, noise/dust nuisance, use of heavy cranes, etc. In this

regard, relevant approval conditions had been recommended to address the commenters' concerns and a shorter approval period of one year had been recommended to monitor the situation on-site.

127. A Member noted that the previously approved application (No. A/YL-LFS/226) on the same site for similar temporary open storage use had been revoked in November 2011 and the site was currently used for open storage of metal ware without valid planning permission. It was also mentioned in the RNTPC Paper that subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be taken. This Member asked about the progress of enforcement action taken by the Planning Authority since the revocation in November 2011.

128. In response, Mr. Ernest C.M. Fung said that an Enforcement Notice on the unauthorized development covering a major part of the application site had been issued by the Planning Authority to the concerned parties, including the landowner and the operator, asking them to discontinue the unauthorized development within a specified period.

#### Deliberation Session

129. A Member had reservation on the application in view of DEP's concern that there were residential structures in close proximity to the site, with the closest one being about 8m away, and environmental nuisance was expected. This Member also noted that the site was subject to enforcement action undertaken by the Planning Authority.

130. The Chairman stated that the Committee had previously approved nine applications at the site and the last two applications (No. A/YL-LFS/204 and 226) were both approved for a period of one year. Taking into account that the site fell within Category 2 areas under the TPB Guidelines No. 13E and most departments concerned had no objection to the application, PlanD recommended that a shorter approval period of one year be granted to monitor the situation on-site.

131. A Member noted that the Committee/the Board had approved a number of similar applications for similar temporary uses within the same "R(E)" zone, which demonstrated that there was a keen demand for open storage uses in the area. The subject site, falling

within Category 2 areas, might not be unsuitable for the temporary use under application. In this regard, this Member considered that the application could be approved subject to a shorter approval period of one year, instead of the three years sought. The view was generally shared by other Members.

132. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, until 30.3.2013, instead of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) no repairing, cleaning, dismantling and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no handling (including loading, unloading, dismantling and storage) of electrical/electronic appliances, computers/computer parts, cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment, as proposed by the applicant, was allowed on the site during the planning approval period;
- (f) no vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle and container vehicle/trailer/tractor, as proposed by the applicant, was allowed to enter, park or operate at the site during the planning approval period;

- (g) the existing drainage facilities implemented should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.6.2012;
- (i) the submission and implementation of a revised landscape proposal including tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (j) the submission and implementation of a 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 30.9.2012;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (h), (i) or (j) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before continuing the development on the site;

- (b) to note that a shorter approval period of 1 year, instead of 3 years sought, was granted in order to monitor the situation of the site. Favourable consideration would not be given by the Committee to any further application should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government. No approval had been given for the specified structure as a toilet. The site was accessible from Deep Bay Road via a local track on other private land. His office did not guarantee right-of-way. The lot owners would still need to apply to him to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the site and Lau Fau Shan Road;
  
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that whilst there was a strip of existing trees distributed outside the northern application boundary, a row of tree planting within the northern side of the application boundary was recommended;
  
- (i) to note the comments of the Director of Fire Services in Appendix V of the Paper and the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. The applicant should also adhere to the 'Good Practice for Open Storage' at Appendix VI of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration;
  
- (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 structures existing at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works were to be carried out on the site, prior approval and consent of 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 BO. For UBW erected on leased land, enforcement action might be taken by 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 acceptance of any existing building works or UBW on the site under BO; and

- (k) to follow the 'Code of Practice for Safe Use of Mobile Cranes' issued by the Commissioner for Labour should there be any operational need to use cranes to load/unload the materials stored.

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/377      Temporary Animal Boarding Establishment with Ancillary Facilities  
for a Period of 5 Years in "Agriculture" zone, Lot 1493 in D.D. 107  
and Adjoining Government Land, Shui Mei Tsuen, Kam Tin,  
Yuen Long  
(RNTPC Paper No. A/YL-KTN/377)

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

134. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary animal boarding establishment with ancillary facilities for a period of five years;
- (c) departmental comments – concerned government departments had no

objection to or adverse comments on the applications;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years, instead of five years as proposed by the applicant, based on the assessment made in paragraph 11 of the Paper. Although the site was zoned “Agriculture” (“AGR”) on the OZP, it had been used for animal boarding establishment for some time. In this regard, the Director of Agriculture, Fisheries and Conservation had no objection to the application. The approval of the application on a temporary basis would not frustrate the planning intention of the “AGR” zone on the OZP. The development was considered not incompatible with the surrounding rural land uses. Though there were residential dwellings/developments in its vicinity, the Director of Environmental Protection considered that if the applicant could maintain good housekeeping practice, the applied use would unlikely cause adverse impact on the surrounding area. Although the last Application No. A/YL-KTN/304 for the same use was revoked due to non-compliance with approval condition related to the submission and provision of fire service installations (FSIs) proposal, the applicant had complied with the approval conditions related to submission and implementation of appropriate mitigation measures to avoid impact on the nearby fish ponds under the last application. The applicant had also made effort to implement a number of FSIs on the site under the previous Application No. A/YL-KTN/251. In view that previous approvals had been granted and there was no change in the planning circumstances and no adverse comment from relevant departments, sympathetic consideration could be given to the current application. Nevertheless, a shorter approval period of three years which was the usual term granted for temporary uses in the rural areas, instead of five years as proposed by the applicant, was recommended. Since the last approval (Application No. A/YL-KTN/304) was revoked due to

non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, instead of 5 years sought, until 30.3.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (b) the submission and implementation of appropriate mitigation measures to avoid disturbance/contamination to the fish ponds nearby within 6 months from the date of planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 30.9.2012;
- (c) the submission and implementation of a 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 30.9.2012;
- (d) the submission and implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.9.2012;
- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (f) upon the expiry of the planning permission, the reinstatement of the

application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should be obtained before commencing the applied use at the application site;
- (b) a shorter approval period was granted and shorter compliance periods were imposed so as to monitor the situation and fulfilment of approval conditions on the site. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the land under application comprised Old Scheduled Agricultural Lot held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given for the proposed specified structures and for the occupation of government land (GL) within the site. Modification of Tenancy (MOT) No. M21343 was granted on the lot to cover structures for domestic use. Should the use of these structures be found changed, Lands Department (LandsD) would consider cancelling the MOT accordingly. Besides, the site was accessible from Kam Tai Road via private land and GL. LandsD did not provide maintenance work on this GL nor guarantee right of way. In addition, the lot owner and occupier of the GL concerned would still need to apply to LandsD to permit structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such

terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant should maintain good housekeeping practice to minimize the environmental impact;
- (f) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP to minimise any potential environmental nuisances;
- (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 the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Chi Ho Road;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSI to be installed should be clearly marked on the building plans. In formulating the FSIs proposal for the proposed structure, for other storages, open sheds or enclosed structure with total

floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration;

- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant/contractor should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant 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 prior to establishing any structure within the site. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines; 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 approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for use under the application. Before any new building works were to be carried out on the site, prior approval and consent of the Building Authority (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 BO. If the site did not abut a

specified street having a width of not less than 4.5m wide, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The site should be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. For UBW erected on leased land, enforcement action might be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO. If the proposed use under application was subject to the issue of a licence, the applicant should be reminded that 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. The temporary structures were considered as temporary buildings and subject to control under B(P)R Part VII. Formal submission for any proposed new works, including any temporary structures, for approval under BO was required.

### **Agenda Item 37**

#### **Section 16 Application**

[Open Meeting]

A/YL-KTN/378 Proposed Residential Development in "Undetermined" zone, Lots 215 S.C, 264 S.B RP (Part), 266 S.A (Part), 266 RP (Part), 267, 268, 269 S.B RP (Part), 269 S.B ss.2 RP (Part), 270 (Part), 271 (Part), 272, 275, 277 (Part) and 295 (Part) in D.D. 103 and Adjoining Government Land, Ha Ko Po Tsuen, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/378)

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138. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd (SHKP). Mr. Y.K. Cheng had declared an interest in the application as he had current business dealings with SHKP. Dr. James C.W. Lau, having

current business dealings with Hyder Consulting Ltd, and Ms. Anna S.Y. Kwong and Mr. Stephen M.W. Yip, having current business dealings with Environ Hong Kong Ltd, had also declared interests in this item as these two firms were the consultants of the application. The Committee noted that Dr. Lau and Mr. Yip had tendered apologies for being unable to attend the meeting. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Ms. Kwong could stay in the meeting.

139. The Committee noted that the applicant's representative requested on 16.3.2012 for a deferment of the consideration of the application for two months in order to allow sufficient time to address the comments of relevant government departments on the application.

140. 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 the further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting]

A/YL-KTS/550      Proposed Houses in "Residential (Group D)" zone,  
Lots 634 and 649 in D.D. 106 and Adjoining Government Land,  
Kam Sheung Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/550)

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141. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with BMT Asia Pacific Ltd, one of the consultants of the application. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Ms. Kwong could stay in the meeting.

142. The Secretary stated that the application had been deferred twice since November 2011 at the request of the applicant due to the need to address the departmental comments on the application. The applicant had subsequently submitted in February 2012 further information to address the departmental comments and re-activate the processing of the application. According to the District Lands Officer/Yuen Long, the site comprised Old Scheduled Agricultural Lots demised for agricultural use and fell within the village 'environs' ('VE') of Ng Ka Tsuen. Under the prevailing land administration practice, land falling within 'VE' was primarily reserved for Small House development by indigenous villagers. Since the current application for development of four houses would have implications on the land available for Small House development in the long term, the Planning Department (PlanD) recommended that a decision on the application be deferred for two months pending the consideration of relevant department on the application under the prevailing practice on Small House development.

143. The Secretary stated that PlanD's request for deferment met the criteria for deferment as set out in TPB Guidelines No. 33 on 'Deferment of Decisions on Representations, Comments, Further Representations and Applications' in that more time was required to sort out the subject issue, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

144. After deliberation, the Committee decided to defer a decision on the application for two months as requested by the Planning Department (PlanD) pending the consideration of relevant department on the application under the prevailing practice on Small House development. The Committee agreed that the application should be submitted for its consideration within two months after the subject issue was sorted out. The Committee also agreed to advise the applicant that two months were allowed for PlanD to sort out the relevant land administration matter with concerned government department.

**Agenda Item 39**

**Section 16 Application**

[Open Meeting]

A/YL-KTS/557      Proposed Temporary Public Car Park with Ancillary Site Office for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lot 545 (Part) in D.D. 106 and Adjoining Government Land, Tung Wui Road, Yuen Long  
(RNTPC Paper No. A/YL-KTS/557)

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145.            The Secretary reported that with reference to the aerial photo in 2010, the site was covered with vegetation. Based on the aerial photo in 2011 and the recent site inspection, the site was formed and paved, and the vegetation on the site had been cleared. The Director of Agriculture, Fisheries and Conservation also advised that site formation and construction of the retaining wall were found at the site in 2011. As the site might involve unauthorized vegetation clearance and site formation works prior to the application, such practices contravened the approaches announced by the Board to deter “destroy first and build later” activities in July 2011. To allow more time for investigation to collect more information on the site formation/clearance works undertaken on the site, the Planning Department (PlanD) recommended that a decision on the application be deferred for two months pending the investigation of the suspected unauthorized vegetation clearance and site formation works on the site.

146.            The Secretary stated that PlanD’s request for deferment met the criteria for deferment as set out in TPB Guidelines No. 33 on ‘Deferment of Decisions on Representations, Comments, Further Representations and Applications’ in that more time was required to investigate the matter, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

147.            After deliberation, the Committee decided to defer a decision on the application for two months as requested by the Planning Department (PlanD) pending the investigation of the suspected unauthorized vegetation clearance and site formation works on the site. The Committee agreed that the application should be submitted for its consideration within two months after the investigation. The Committee also agreed to advise the applicant that

two months were allowed for PlanD to undertake the investigation on the suspected unauthorized vegetation clearance and site formation works on the site.

**Agenda Item 40**

**Section 16 Application**

[Open Meeting]

A/YL-SK/169            Temporary Shop and Services (Horticulture and Interior Design Sample Showroom) and Office for a Period of 3 Years in “Village Type Development” zone, Lots 1285 RP (Part) and 1286 RP (Part) in D.D. 114, Kam Sheung Road, Shek Kong, Yuen Long  
  
(RNTPC Paper No. A/YL-SK/169)

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148.            The Committee noted that the applicant requested on 27.3.2012 for a deferment of the consideration of the application for 60 days so as to allow time to address the comments of the Transport Department and Lands Department on the application.

149.            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 60 days were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr. K.C. Siu left the meeting temporarily at this point.]

**Agenda Item 41**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/575      Proposed Minor Relaxation of Building Height Restriction from 15m to 16.5m for Permitted Industrial Use (not elsewhere specified) and Warehouse (excluding Dangerous Goods Godown) Use in “Industrial” zone, Lot 1992 & Ext. in D.D. 121, 1 Ping Fuk Lane, Yuen Long  
(RNTPC Paper No. A/YL-TYST/575)

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**Presentation and Question Sessions**

150.      Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction from 15m to 16.5m for permitted industrial use (not elsewhere specified) and warehouse (excluding Dangerous Goods godown) use;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application was to relax the building height restriction from 15m to 16.5m for building one additional storey on top of the existing 3-storey warehouse building. The plot ratio of the site upon adding the additional

storey was about 2.9, which was still less than the maximum permissible plot ratio of 3 under the OZP. The floor height of the proposed new storey of about 4.15m was considered not excessive for warehouse use. The relaxation sought, which was equivalent to an increase of 1.5m or 10%, was considered not significant and would not cause significant adverse visual impact on the surrounding area. Both the Chief Town Planner/Urban Design and Landscape of PlanD and Chief Architect/Advisory and Statutory Compliance of Architectural Services Department had no adverse comment on the application. The proposed industrial/warehouse development was also in line with the planning intention of the “Industrial” (“I”) zone. There were 13 existing industrial buildings within the same “I” zone. All the buildings were of not more than three storeys and most of them did not exceed 15m. In this regard, the proposed building height of 16.5m for the development was generally in line with the existing building height profile of the subject low-rise industrial area. Government departments consulted had no adverse comment on the application.

151. In reply to the question of a Member, Mr. W.W. Chan said that the existing industrial/warehouse building at the site was of three storeys in height. Approval of the application for the addition of one storey would not exceed the building height restriction of four storeys for the subject “I” zone on the OZP.

#### Deliberation Session

152. 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 30.3.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the design and provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply that the proposed development parameters of the site could be achieved ultimately. The proposed development had also to conform to any other relevant legislation, the conditions of the government lease concerned, and any other government requirements, as might be applicable;
- (b) to note the comments of the District Lands Officer/Yuen Long that the proposed car parking and loading/unloading provision, i.e. 8 private car/van spaces and 7 lorry spaces for a development with a total gross floor area of 15,581m<sup>2</sup>, did not meet the minimum requirements as laid down in Special Condition (S.C.) No. 20 of the lease conditions. The lot owner would need to apply to the Lands Department (LandsD) for a lease modification. The lease modification would only be considered upon receipt of formal application to his office by the lot owner but there was no guarantee that the application for lease modification would be approved. Such application, if received by LandsD, would be considered by LandsD acting in the capacity as landlord at its sole discretion. In the event that any such application was approved, it would be subject to such terms and conditions, including among others the payment of premium and administrative fee, as might be imposed by LandsD. Besides, the registered site area of Lot 1992 & Ext. in D.D. 121 was 5,398.2m<sup>2</sup>, and the relevant S.C. relating to building height restriction of the site under the lease conditions should be S.C. No. (10)(a) and (10)(b) but not S.C. No. (11)(D) and (11)(E) as quoted in the Supplementary Planning Statement;
- (c) 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. The emergency vehicular access provision in the site should comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011; and

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

[Mr. K.C. Siu returned to join the meeting and Ms. Anita W.T. Ma left the meeting temporarily at this point.]

## **Agenda Item 42**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/580      Temporary Warehouse for Storage of Exhibition Materials  
and Construction Materials for a Period of 3 Years  
in “Undetermined” zone, Lots 1255 (Part), 1256 (Part), 1258 (Part),  
1259 (Part) and 1267 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/580)

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### **Presentation and Question Sessions**

154.      Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of exhibition materials and construction materials 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 in the vicinity and environmental nuisance was expected. However, he indicated that there was no environmental complaint against the site in the past three years;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. The temporary use under application was considered not in conflict with the planning intention of the “Undetermined” zone. Besides, it was not incompatible with the surrounding area which were mainly mixed with warehouses, workshops and open storage yards. 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. Although DEP did not support the application, the development was proposed for storage purpose mainly in an enclosed warehouse structure and there had not been any environmental complaint in the past three years. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting open storage and workshop activities and restricting the use of medium and heavy goods vehicles were recommended. Other government departments consulted had no adverse comment on or objection to the application. The last planning approval under Application No. A/YL-TYST/450 was revoked due to non-compliance with the

approval conditions on implementation of drainage facilities and submission and implementation of fire service installations proposal. In the current application, the new applicant had committed to provide and maintain the drainage facilities for the site. In this regard, shorter compliance periods were proposed to closely monitor the progress of compliance.

155. Members had no question on the application.

#### Deliberation Session

156. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.3.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no storage at the open areas of the application site, as proposed by the applicant, was allowed at any time during the planning approval period;
- (d) no repairing, dismantling, cleaning and any 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;

- (f) the submission and implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (g) the submission and 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 30.9.2012;
- (h) the submission and implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.9.2012;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

157. 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) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions. Sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance with approval conditions;

- (c) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that part of Lot 1267 in D.D. 119 was covered by Letter of Approval (Ref.: MT/LM 13872) to allow the use of the land for the erection of specific agricultural structures. However, no approval had been given to allow the specific structures including warehouse for storage of exhibition materials and construction materials on the site. The lot owners concerned would need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for this track nor guarantee right-of-way. Part of the government land was temporarily allocated to the Drainage Services Department (DSD) for the “PWP Item 4368DS (part upgraded from 4235DS in May 2009) – Yuen Long South Branch Sewers” project;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (g) 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;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that greening opportunities, such as vertical greening along the fence or on warehouse walls which were visible to pedestrians, should be explored in order to enhance the greening and screening effect;
- (i) to note the comments of the Chief Engineer/Mainland North, DSD that the details of connection with the existing open channel and the details of the proposed catchpits and manholes should be shown on the drainage plan. Moreover, DLO/YL and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or the applicant's jurisdiction;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (k) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his department for consideration;

- (l) 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 structures existing at the site. If the existing structures were erected on leased land without approval of BD, 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, the prior approval and consent of 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 of BO. For UBW erected on leased land, enforcement action might be taken by 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 BO. If new temporary warehouses were proposed, they were considered as temporary buildings subject to control under the Building (Planning) Regulation (B(P)R) Part VII. Formal submission under BO was required for any proposed new works, including any temporary structures. 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 a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractors should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure.

The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

**Agenda Item 43**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/581      Temporary Open Storage of Construction Machinery  
for a Period of 3 Years in "Undetermined" zone,  
Lots 1231 S.A ss.1 (Part) and 1231 S.B RP (Part) in D.D.119,  
Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/581)

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**Presentation and Question Sessions**

158.      Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction machinery 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 in the vicinity of the site and environmental nuisance was expected. However, he indicated there was no environmental complaint against the site in the past three years;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The site fell within Category 1 areas under the TPB Guidelines No. 13E where favourable consideration would normally be given to applications within these areas. The application was generally in line with the TPB Guidelines No.13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. There were also similar approved applications in this part of the “Undetermined” (“U”) zone. Although the site was zoned “U” on the OZP, the area was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, the Commissioner for Transport had no adverse comment on the application. Approval of the application on a temporary basis would not frustrate the long-term use of the area. The development was not incompatible with the surrounding area, which were mixed with open storage yards, warehouses and workshops. Although DEP did not support the application, there was no environmental complaint in the past three years. To address DEP's concerns, approval conditions restricting the operation hours and prohibiting the carrying out of workshop activities were recommended. Other government departments consulted had no adverse comment on or objection to the application.

159. Members had no question on the application.

#### Deliberation Session

160. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 30.3.2015, 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 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) no repairing, dismantling, maintenance, cleaning and any other workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) the existing drainage facilities on the application site should be maintained at all time during the planning approval period;
- (e) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.9.2012;
- (f) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2012;
- (g) in relation to (f) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 30.12.2012;
- (h) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.5.2012;
- (i) the submission of a 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 30.9.2012;

- (j) in relation to (i) 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 30.12.2012;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) 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.

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

- (a) renewal of the planning permission should have been made before continuing the applied use at the site;
- (b) to note the comments of the District Lands Officer/Yuen Long that Lot 1231 S.A ss.1 in D.D. 119 was covered by Short Term Waiver (STW) No. 3219 to allow the use of the land for the purpose of storage of construction machinery and ancillary use with permitted built-over area not exceeding 32.01m<sup>2</sup> and with height not exceeding 5.2m above the level of the ground. Lot 1231 S.B RP in D.D. 119 was covered by STW No. 3220 to allow the use of the land for the purpose of storage of construction machinery and ancillary use with permitted built-over area not exceeding 45.29m<sup>2</sup> and with height not exceeding 5.2m above the level of the ground. The lot owners concerned would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities

on-site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on government land (GL) and other private land extended from Kung Um Road. His office did not provide maintenance works for this track nor guarantee right-of-way. Part of the GL was temporarily allocated to the Drainage Services Department for the “PWP Item 4368DS (part upgraded from 4235DS in May 2009) – Yuen Long South Branch Sewers” project;

- (c) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um 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 the species and locations of the existing trees as shown on the submitted landscape plan did not tally with the actual situation on-site. In addition, the stored materials were found stacked around the tree base causing damages to the trees or jeopardizing

their healthy growth. All the stored materials should be kept minimum 1m away from the tree base. The tree preservation proposal to be submitted should include all the required tree maintenance works mentioned and protection measures for the existing trees, such as railing or guarding around the tree base. Moreover, an as-planted plan to reflect the actual species and locations of the existing trees on-site should be provided;

- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (h) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix IV of the Paper. For the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his department for consideration;
- (i) 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 structures existing at the site. If the existing structures were erected on leased land without approval of BD, 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, the prior approval and consent of 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 of BO. For UBW erected on leased land, enforcement action might be taken by 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 BO. Any temporary structure to be

erected on-site would be subject to the control of BO. Formal submission under BO was required for any proposed new works, including temporary structure. The site should be provided with means of obtaining access thereto from a street under the Building (Planning) Regulation (B(P)R) 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractors should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

#### **Agenda Item 44**

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

[Open Meeting]

A/YL-TYST/582      Temporary Open Storage of Metal Parts with Ancillary Workshop  
for a Period of 3 Years in “Undetermined” zone,  
Lots 748 (Part), 797 (Part) and 798 (Part) in D.D. 117, Kung Um Road,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/582)

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162.      The Committee noted that the applicant’s representative requested on 15.3.2012

for a deferment of the consideration of the application for two months so as to allow time for the applicant to address the departmental and public comments on the application.

163. 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 the further information, and no further deferment would be granted unless under very special circumstances.

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

[The Chairman thanked Mr. C.C. Lau, Mr. K.C. Kan, Mr. Vincent T.K. Lai, Mr. Ernest C.M. Fung and Mr. W.W. Chan, STP/TMYL, for their attendance to answer Members' enquires. Messrs. Lau, Kan, Lai, Fung and Chan left the meeting at this point.]

#### **Agenda Item 45**

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

164. The Chairman said that this was the last RNTPC meeting of the current term (2010-2012). Seven Members would retire by the end of March 2012 and seven Members would be re-appointed for the coming term (2012-2014). The Chairman proposed and Members supported that a vote of thanks be given to the retiring Members, namely Mr. Walter K.L. Chan, Mr. B.W. Chan, Mr. Y.K. Cheng, Ms. Anna S.Y. Kwong, Professor Paul K.S. Lam, Dr. James C.W. Lau and Mr. Stephen M.W. Yip for their contribution to the work of the Committee in the past years, and also to the Members to be re-appointed for their continuous contribution to the work of the Committee in the coming two years.

165. There being no other business, the meeting closed at 4:20 p.m..