

## **TOWN PLANNING BOARD**

### **Minutes of 426th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 24.9.2010**

#### **Present**

Director of Planning Mr. Jimmy C.F. Leung	Chairman
Mr. Walter K.L. Chan	Vice-chairman
Ms. Anna S.Y. Kwong	
Professor Paul K.S. Lam	
Professor Edwin H.W. Chan	
Mr. Timothy K.W. Ma	
Dr. C.P. Lau	
Dr. W.K. Lo	
Dr. W.K. Yau	
Mr. Stephen M.W. Yip	
Chief Traffic Engineer/New Territories West, Transport Department Mr. T.K. Choi	
Assistant Director (Environmental Assessment), Environmental Protection Department Mr. C.W. Tse	

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

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

Secretary

**Absent with Apologies**

Mr. B.W. Chan

Mr. Y.K. Cheng

Dr. James C. W. Lau

Mr. Rock C.N. Chen

Ms. Anita W.T. Ma

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

**In Attendance**

Assistant Director of Planning/Board  
Mr. Lau Sing

Chief Town Planner/Town Planning Board  
Miss H.Y. Chu

Town Planner/Town Planning Board  
Miss Alice Y.Y. Cheung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 425th RNTPC Meeting held on 10.9.2010

[Open Meeting]

1. The draft minutes of the 425th RNTPC meeting held on 10.9.2010 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Sai Kung and Islands District**

**Agenda Item 3**

Section 16 Application

[Open Meeting]

- A/I-MWF/17      Proposed Public Utility Installation (Electricity Package Substation)  
                      in “Village Type Development” zone,  
                      Government Land in D.D. 3 Mui Wo, Luk Tei Tong Village,  
                      Mui Wo, Lantau  

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(RNTPC Paper No. A/I-MWF/17)

3. The Committee noted that on 9.9.2010, the applicant wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for two months in order to allow time for sorting out technical issues on the location of the application site.

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

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

[Mr. Charles C.F. Yum, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/184      Proposed House (New Territories Exempted House — Small House)  
                        in “Agriculture” zone,  
                        Lot 482 in D.D. 244, Ho Chung, Sai Kung  
                        (RNTPC Paper No. A/SK-HC/184)

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

5.      With the aid of a Powerpoint presentation, Mr. Charles C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) — Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the site was located within the Ho Chung Valley, which was an active agricultural area and was also one of the major high quality agricultural land in Sai Kung. Taking into account the availability of infrastructure such as access roads and water source for

irrigation, the site possessed high potential of agricultural rehabilitation in terms of plant nursery or green house cultivation. As such, DAFC had reservation on the application from the agricultural point of view. The Commissioner for Transport (C for T) had reservation on the application as the NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although the additional traffic generated by the proposed development was not expected to be significant, approval of the applications for such type of development outside the “V” zone would set an undesirable precedent for similar applications in future and the resulting cumulative adverse traffic impact could be substantial. However, as the application only involved the construction of one Small House, the C for T considered that the application could be tolerated unless it was rejected on other grounds;

- (d) one public comment was received from the Designing Hong Kong Limited (DHKL) during the statutory publication period objecting to the application because the site was within the “Agriculture” (“AGR”) zone and the area lacked a sustainable village layout for infrastructure and public facilities and a quality urban design. The District Officer (Sai Kung) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. According to the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ (‘Interim Criteria’), sympathetic consideration might be given to the application as the site was located within the village ‘environs’ (‘VE’) of Ho Chung Village and there was a general shortage of land in meeting Small House development in the “V” zone of Ho Chung Village (including Nam Pin Wai). The proposed NTEH had no adverse drainage, landscape and environmental impacts on the surrounding areas. Concerned departments had been consulted and no objection had been raised. Although DAFC advised that the site was located within Ho Chung Valley, which was one of the major high quality agricultural land in Sai Kung,

there were no farming activities at the site and its surrounding areas. The proposed NTEH was compatible with the surrounding land uses which comprised mainly village houses. Since the promulgation of the ‘Interim Criteria’ on 24.11.2000, 27 similar planning applications in Ho Chung Village had been approved for Small House development in the “AGR” zone as there was a general shortage of land in the Village for meeting the demand for Small House development in the “V” zone based on the information provided by the District Lands Office/Sai Kung. As regards the public comment raising objection to the application, it was considered that the application deserved sympathetic consideration according to the ‘Interim Criteria’ and there was no objection from the relevant Government departments.

6. Members had no question on the application.

#### Deliberation Session

7. 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 24.9.2014, 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.

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

- (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) that :

- (i) the applicant might be required to amend the layout of the proposed Small House at the processing stage of the DLO/SK; and
  - (ii) the applicant should be reminded that the Government did not guarantee any right-of-way to the subject lot and he must accordingly make his own arrangements for acquiring such right-of-way;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), 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 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 the WSD's standards. The water main in the vicinity of the site could not provide the standard fire-fighting flow;
  - (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
  - (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that public sewerage works for the Ho Chung area were under planning and were anticipated for completion in 2016. Upon completion of the sewerage works, the Environmental Protection Department (EPD) would normally serve notice to those concerned lot owners to construct their own terminal manholes for connecting the constructed public sewerage network available to them. The applicant should make due allowance in his sewerage design to allow such connection in future upon the notice served by the EPD; and
  - (e) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department that a row of in-ground tree planting at the northwest site boundary to create a green screen to the local road.

## **Agenda Item 5**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/48              Proposed House in “Green Belt” zone,  
                            Lot No. 1052 S.A in D.D. 217, Ta Ho Tun, Sai Kung  
                            (RNTPC Paper No. A/SK-HH/48)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed House;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had objection to the application from the landscape planning point of view. CTP/UD&L, PlanD considered that the site was covered with trees ranging from semi-mature to mature sizes. As indicated in the applicant’s Planning Statement, two mature trees (T18 & T19) would be felled or transplanted as they were in conflict with the proposed access road. Due to the low crown of the existing trees, more trees would likely be disturbed during construction of the proposed house. As there were some existing buildings and structures in the vicinity of the site, though the proposed development might not have adverse impact on the landscape character of the area, approval of the proposed house within the “Green Belt” (“GB”) zone would set an adverse precedent that would attract similar development within the “GB” zone where there was a general presumption against

development. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that according to their field inspection, the site was densely vegetated with trees and shrubs and extensive vegetation clearance was expected for the proposed house and private garden. DAFC considered that the tree assessment schedule was not exhaustive and was found with missing trees, and discrepancy was noted between the tree survey by their Department and the tree assessment schedule submitted by the applicant. Although most of the trees and shrubs concerned were common species, they formed part of the woodland with the neighbouring “GB” zone and had certain amenity value. Their removal would inevitably result in a loss of greenery. In view of the above, DAFC had reservation on the proposal from the preservation point of view. The Commissioner for Transport (C for T) had reservation on the application as house development should be confined within the “Residential” zone as far as possible. Although the additional traffic generated by the proposed development was not expected to be significant, approval of the application for such type of development outside the “Residential” zone would set an undesirable precedent for similar applications in future and the resulting cumulative adverse traffic impact could be substantial. However, as the application only involved the construction of one house, the C for T considered that the application could be tolerated unless it was rejected on other grounds. The C for T also advised that the existing vehicular access road passing through the northeastern portion of the site was not managed by Transport Department. The land status of this vehicular access road leading to the site should be checked with the Lands Authority and its management and maintenance responsibilities should be clarified with the relevant authorities accordingly;

- (d) nine public comments were received during the statutory publication period. One public comment was from a local who considered that the existing access road should be maintained. One public comment was from a Sai Kung District Councillor who raised concerns that the existing vehicular access road would pass through the site. This Sai Kung District Councillor also conveyed the objection from the Sai Kung Tai Chung Hau

villagers. One public comment was submitted by the Village Representative of Ta Ho Tung Village objecting to the application as there were concerns on the closure/blocking of the existing vehicular access road, the impact on the “Green Belt” (“GB”) zone, the proposed development might change to other uses such as columbarium, funeral parlour, monastery etc. after the house was built, and it might create nuisances to the local villagers. One public comment was submitted by the Sai Kung Tai Chung Hau Village Mutual Aid Committee objecting to the application because of massive tree cutting and adverse environmental and ecological impacts. Two public comments (in the form of two separate letters signed by five and 12 local villagers respectively) and a public comment submitted by a local villager objected to the application because of the concern on the closure/blocking of the existing vehicular access road. One public comment was submitted by the Designing Hong Kong Limited objecting to the application because the area was within the “GB” zone and it lacked a sustainable village layout for infrastructure and public facilities and a sustainable urban design. One public comment was submitted by World Wild Fund Hong Kong expressing concerns on the “GB” zone, tree felling, site formation and excavation works of the proposed development. While the District Officer (Sai Kung) had no comment on the application, he advised that the existing vehicular access road passing through the northeastern portion of the site was not managed and maintained by his Office; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was considered not in line with the planning intention of the “GB” zone and there was a general presumption against development within this zone. There were no strong justifications provided in the submission to warrant a departure from the planning intention of the “GB” zone. According to the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” Zone under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 10), development within the “GB” zone would only be considered in

exceptional circumstance and must be justified with very strong planning grounds. The site and its surroundings were mainly covered with trees and shrubs. The proposed development would involve clearance of natural vegetation and affect the existing natural slope. In addition, the trees on site as part of the wooded area in the vicinity had certain amenity value, and the removal of them would inevitably result in a loss of greenery. The submission failed to demonstrate that the proposed development would not have adverse landscape impact on the surrounding areas. CTP/UD&L, PlanD objected to the application from the landscape planning point of view. DAFC also had reservation on the application from the preservation point of view. The residential structures to the northwest of the site had been in existence before the first publication of the Hebe Haven Interim Development Permission Area (IDPA) Plan in 1990 which could be tolerated under the OZP. No other new residential development had been approved by the TPB in the same “GB” zone. The approval of the application would set an undesirable precedent for similar applications in this “GB” zone in future. The cumulative effect of approving such similar applications would result in a general degradation of the environment and bring about adverse landscape impact on the area. There were local objections and local concerns on the application.

10. Members had no question on the application.

#### Deliberation Session

11. After deliberation, Members considered that the application could not be supported. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After further deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed residential development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive

recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission for a departure from the planning intention;

- (b) the proposed residential development did not meet the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” Zone under section 16 of the Town Planning Ordinance’ in that the application would involve clearance of natural vegetation and affect the existing natural slope. The submission failed to demonstrate that the proposed development would not have adverse landscape impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment and bring about adverse landscape impact on the area.

[The Chairman thanked Mr. Charles C.F. Yum, STP/SKIs, for his attendance to answer Members' enquires. Mr. Yum left the meeting at this point.]

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

[Ms. Doris S.Y. Ting, Mr. W.W. Chan and Ms. Lisa L.S. Cheng, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/297      Proposed Filling of Land for Permitted Agricultural Use and  
Repairing of Two Temporary Structures for Domestic Use  
in “Agriculture” zone,  
Lot 1364 RP (Part) in D.D. 100, Tsiu Keng Road, Kwu Tung South,  
Sheung Shui  

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**(RNTPC Paper No. A/NE-KTS/297)**

12.      The Secretary informed Members that the application was for proposed filling of land for permitted agricultural use and repairing of two temporary structures for domestic use at the application site in D.D. 100, Tsiu Keng Road, Kwu Tung South, Sheung Shui. The Paper for the application had already been issued to Members before the meeting. On 22.9.2010, the applicant requested for a deferment of consideration of the application so that further information on the temporary structures within the application site could be provided. The applicant’s letter dated 22.9.2010 was tabled at the meeting for Members’ consideration.

13.      The Committee noted that the District Planning Officer/Sha Tin, Tai Po and North had no objection to the applicant’s request for deferment as it met the criteria set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB Guidelines No. 33) in that further information was required to clarify the proposal and that the deferment would not affect the interest of other relevant parties. The Secretary asked the Committee to consider whether the applicant’s request for deferment should be acceded to or whether the Committee would continue to consider the application based on the Paper already issued on 22.9.2010.

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

further deferment would be granted unless under very special circumstances.

## **Agenda Item 7**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/298      Proposed Temporary Shop and Services (Real Estate Agency)  
for a Period of 3 Years  
in “Residential (Group C) 2” and “Open Space” zones,  
Lot 1990 S.B in D.D. 95, Kwu Tung Road,  
Kwu Tung South, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/298)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed 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) one public comment indicating “no comment” was received during the statutory publication period and the District Officer (North) had not received any local comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed real estate agency comprising two single-storey structures of about 71.28 m<sup>2</sup> in total floor area within a site of about 192 m<sup>2</sup> was small in

scale. It was located near a public road and was considered not incompatible with the surrounding land uses which were mainly low-density residential development, village dwellings and temporary structures. As there was no development programme for the planned development on the application site, the proposed temporary real estate agency would not frustrate the long term planning intentions of the “Residential (Group C)2” (“R(C)2”) and “Open Space” (“O”) zones of the site. In view of its small scale and the nature of operation, it was unlikely that the proposed real estate agency would have significant adverse impacts on the surrounding areas. Government departments consulted had no objection to or no adverse comment on the application. Relevant approval conditions were recommended in paragraphs 12.2 (b) to (g) of the Paper requiring the submission and implementation of drainage facilities, fire service installations and landscape proposals to address the technical concerns of the relevant Government departments. There was no public comment against the application.

16. Members had no question on the application.

#### Deliberation Session

17. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.9.2013, 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 9:30 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.3.2011;
- (c) in relation to (b) above, the implementation of drainage facilities within

9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.6.2011;

- (d) the submission of water supplies for firefighting and fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011;
- (e) in relation to (d) above, the provision of water supplies for firefighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.6.2011;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.3.2011;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.6.2011;
- (h) 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
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

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

- (b) to apply to the District Lands Officer/North, Lands Department for Short Term Waiver for regularization of the structures erected on the site;
- (c) the permission was given to the use / development under application. It did not condone any other use / development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use / development not covered by the permission;
- (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 Fire Services (D of FS) that :
  - (i) the applicant should be advised to observe the recommendations regarding the fire service installations (FSIs) proposal :
    - if the enclosed structure with a total floor area less than 230m<sup>2</sup> with access for emergency vehicles being provided to reach 30m travel distance from the structure, portable hand-operated approved appliances (e.g. Fire Extinguishers) should be provided; or
    - if the enclosed structure with a total floor area less than 230m<sup>2</sup> without access for emergency vehicles being provided to reach 30m travel distance from the structure, portable hand-operated approved appliances (e.g. Fire Extinguishers) and a modified hose reel system supplied by a 2m<sup>3</sup> fire services (FS) water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on

plans;

(ii) the applicant was required to submit relevant layout plans incorporated with the proposed FSIs to Fire Services Department for approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission, the applicant should also be advised of the following points :

- the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
- the location of where the proposed FSI to be installed and the access for emergency vehicles should be clearly indicated on the layout plans;

(iii) detailed fire safety requirements would be formulated upon receipt of formal submission of the general building plans;

(f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that :

(i) the granting of this planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found;

(ii) if containers were used as office, they were considered as temporary buildings and were subject to control under Building (Planning) Regulations (R(P)R) Part VII; and

(iii) formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site was not abut on 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. Also, the applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the proposed development.

## **Agenda Item 8**

### **Section 16 Application**

[Open Meeting]

A/NE-KTS/299      Proposed Temporary Public Vehicle Park  
(excluding Container Vehicle) for a Period 5 Years  
in "Green Belt" zone and an area shown as 'Road', Government Land  
near the Junction of Kwu Tung Road and Kwu Tung South Road in  
D.D. 95 and D.D. 98, Kwu Tung South, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/299)

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19.      The Secretary reported that the application was submitted by the District Lands Office/Yuen Long, Lands Department (DLO/YL, LandsD). Mr. Alan K.L. Lo, Assistant Director/New Territories, Lands Department (AD/NT, LandsD), had declared an interest in the item as he was LandsD's representative in the Committee. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Alan Lo could be allowed to stay at the meeting.

20.      The Committee noted that on 20.9.2010, the applicant wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for two months in order to allow additional time for the applicant to explore whether an alternative site could be identified and to prepare supplementary information to further justify the application.

21.      After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two

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

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/343      Proposed Temporary Warehouse for Storage of Metalware and Vehicle Parts/Accessories for a Period of 3 Years in “Open Storage” zone and an area shown as ‘Road’, Lot 1552 S.A ss.3 (Part) in D.D. 77, Ping Che  
(RNTPC Paper No. A/NE-TKL/343)

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22.      The Committee noted that replacement for page 12 of the Paper to amend the approval condition (a) in paragraph 12.2 (a) to reflect the different operation hours of the proposed use on weekdays and on Saturdays, as proposed by the applicant, was tabled at the meeting for Members’ information.

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

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of metalware and vehicle parts/accessories for a period of three years;
- (c) departmental comments – the Commissioner for Transport (C for T) advised that the proposed vehicular access to the application site was via a village access road connecting to Ng Chow South Road. C for T considered that the access road was too narrow and substandard even for medium goods vehicles to get access to the site from the traffic viewpoint. Should the Committee consider to approve the application, an approval

condition stipulating that no medium / heavy goods vehicle including container vehicle was allowed to go to / from the application site should be imposed. Otherwise, the proposed vehicular access should be upgraded and improved to the satisfaction of the C for T if the applicant intended to use medium goods vehicles. C for T also advised that such village access road and Ng Chow South Road were not under the management of the Transport Department. The applicant should check the land status of the access leading to the site and clarify the management and maintenance requirements of this access with the relevant lands and maintenance authorities accordingly, and provide information on the traffic arrangement within the application site for his further consideration. The Project Manager/New Territories North and West, Civil Engineering and Development Department (PM/NTN&W, CEDD) had no comment on the application and advised that according to the Preliminary Outline Development Plan of the Ping Che / Ta Kwu Ling New Development Area (PC / TKL NDA) under the on-going North East New Territories New Development Areas Planning and Engineering Study, the application site and Road 5 fell outside the boundary of the PC / TKL NDA and there was no planned implementation programme of Road 5. The Chief Town Planner/Studies & Research, Planning Department (CTP/SR, PlanD) advised that the application site did not fall within the proposed boundary of the PC / TKL NDA;

- (d) one public comment stating “no comment” was received during the statutory publication period. The District Officer (North) had not received any local comment on the application. DO(N) also advised that the access road leading to the application site branching off Ng Chow South Road was maintained by his Office. Both sides of the access road involved private land and he had no objection for the applicant to widen and maintain the access road at his own cost. However, his Office would carry out maintenance works at the Government land portion only; 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 assessments set out in paragraph 11 of the Paper. The majority of the application site fell within the “Open Storage” (“OS”) zone (about 68.7%) and partly within an area shown as ‘Road’ (about 31.3%) for Road 5 and the proposed development was a Column 1 use within the “OS” zone. The alignment of Road 5 had been shown on the Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) since the publication of the first OZP (No. S/NE-TKL/1) on 1.7.1994 for enhancing the accessibility within the “OS” zone. As advised by the PM/NTN&W, CEDD, there was no planned implementation programme for Road 5 and the application site and Road 5 fell outside the boundary of the PC / TKL NDA. Hence, the approval of the application on a temporary basis of three years would not frustrate the implementation programme of Road 5 and the PC / TKL NDA. Moreover, the proposed development was considered not incompatible with the surrounding land uses. It was also unlikely that it would cause adverse drainage and landscape impacts on the surrounding areas, and concerned Government departments had no adverse comment on or no objection to the application. As the applicant had not demonstrated that the land issue relating to upgrading and improvement of the village access road could be resolved with the concerned landowner(s), an approval condition prohibiting medium / heavy goods vehicles including container vehicles entering the application site had been recommended in paragraph 12.2 (c) of the Paper to address C for T’s concern. Similar applications for warehouse use encroaching onto the ‘Road’ area in the vicinity of the site had been approved by the Committee. There was no local objection to the application.

24. In response to a Member’s enquiry, Ms. Doris S.Y. Ting said that the approval conditions (a) and (b) recommended in paragraph 12 of the Paper stipulated the restrictions on the operating hours of the proposed use, as proposed by the applicant.

25. A Member referred to the approval condition (c) in paragraph 12 of the Paper and asked about the definition of medium and heavy goods vehicles. In response, Ms. Doris S.Y. Ting said that, goods vehicles exceeding 5.5 tonnes were defined as medium goods vehicles in the Road Traffic Ordinance. In response to a further enquiry of the same Member, Ms.

Doris S.Y. Ting referred to paragraph 6.4 of the Supplementary Planning Statement in Appendix 1a of the Paper and said that according to the applicant's submission, vehicle parts and accessories such as car seats, side windows and mirrors would be stored in the proposed warehouse.

Deliberation Session

26. A Member said that the proposed development could be supported. However, the medium/heavy goods vehicles as mentioned in approval condition (c) should be defined clearly to enable the applicant to comply with the condition. In response, the Secretary said that consideration should be given to amending the approval condition by stating that medium goods vehicles were those goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance. The Secretary also pointed out that the subject approval condition was a common planning condition stipulated by the Town Planning Board to mitigate the potential traffic impact of the applied uses on local access road. To maintain consistency, the Secretariat would standardize the wording of this approval condition for general application. Members agreed.

27. In response to another Member's enquiry, Ms. Doris S.Y. Ting referred to Plan A-4b of the Paper and said that during a recent site visit, she observed that there were scrap metal and plastic bags packed with materials in the site. However, she did not have any information on the kinds of materials that were packed inside the plastic bags.

28. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.9.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m. on weekdays and between 1:00 p.m. and 9:00 a.m. on Saturdays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;

- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container vehicles, as defined in the Road Traffic Ordinance, were allowed to enter the application site at any time during the planning approval period;
- (d) the submission of a layout plan showing the parking, loading/unloading and manoeuvring spaces arrangement within the application site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 24.3.2011;
- (e) in relation to (d) above, the provision of parking, loading/unloading and manoeuvring spaces arrangement within the application site within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 24.6.2011;
- (f) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.3.2011;
- (g) in relation to (f) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.6.2011;
- (h) the submission of proposals for water supplies for firefighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011;
- (i) in relation to (h) above, the provision of water supplies for firefighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.6.2011;
- (j) 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 24.3.2011;

- (k) in relation to (j) 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 24.6.2011;
- (l) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) to resolve any land issue relating to the development with the concerned owner(s);
- (c) to note the comments of the District Officer (North) that the access road leading to the application site branching off Ng Chow South Road was maintained by his Office;
- (d) to note the comments of the District Lands Officer/North, Lands Department to apply to his Office for a Short Term Waiver for the regularization of the structures erected on Lot 1552 S.A ss.3;

- (e) to note the comments of the Commissioner for Transport that the village access road leading to the application site and Ng Chow South Road were not under the management of Transport Department. The land status of the access leading to the application site should be checked with the lands authority. The management and maintenance requirements of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (f) 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;
  - (ii) the application site was within the flood pumping gathering ground; and
  - (iii) water mains in the vicinity of the application site could not provide the standard firefighting flow;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows:
  - (i) all unauthorized structures on the site should be removed;
  - (ii) the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions

appropriate under the said Ordinance or other enactment might be taken if contravention was found; and

(iii) formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The applicant should also pay attention to B(P)R 41D regarding the provision of emergency vehicular access to the proposed development;

(h) to note the comments of the Director of Fire Services as follows :

(i) submission of layout plans incorporated with the proposed fire service installations (FSIs) to his Department for approval was required and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission, the applicant should also be advised of the following points :

(a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

(b) the location of the proposed FSI to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and

(ii) detailed fire safety requirements would be formulated upon receipt of formal submission of the general building plans; and

(i) to follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

## **Agenda Item 10**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/712           Shop and Services (Real Estate Agency)  
                  in “Industrial” zone,  
                  Workshop R3, G/F, Valiant Industrial Centre,  
                  Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin  
                  (RNTPC Paper No. A/ST/712)

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### **Presentation and Question Sessions**

30.           Mr. W.W. Chan, 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 (real estate agency);
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period from The Incorporated Owners of Unison Industrial Centre, which agreed to the application because the real estate agency under application had been operated at the application premises for years, there was no adverse impact on other buildings, and it could make use of the vacant premises at the ground floor of industrial building. The District Officer (Sha Tin) had no adverse comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to approving the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The real

estate agency under application was considered not incompatible with the adjoining units on the street level of the same industrial building (Valiant Industrial Centre) which were occupied by mixed industrial and commercial uses. In view of the nature of operation of the applied use, no adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated. All the Government departments consulted had no objection to or no adverse comment on the application. Based on the Town Planning Board Guidelines for ‘Use/Development within “Industrial” Zone’ (TPB Guidelines No. 25D), the aggregate commercial floor area on the ground floor of an industrial building with sprinkler system should not exceed 460 m<sup>2</sup>. According to the planning records of similar applications approved by the Committee/TPB on the ground floor and lower ground floor of the subject industrial building, the remaining aggregate commercial floor area for the subject industrial building was 460 m<sup>2</sup>. Approval of the current application involving a floor area of about 23 m<sup>2</sup>, and even with the inclusion of the floor area (about 51.45 m<sup>2</sup>) of another application (No. A/ST/713) on the lower ground floor if approved by the Committed at the same meeting on 24.9.2010, the resultant aggregate commercial floor areas would not exceed the maximum permissible limit of 460 m<sup>2</sup>. The Director of Fire Services had no in-principle objection to the application subject to the approval conditions on fire safety measures as recommended in paragraphs 12.2 (a) and (b) of the Paper. The real estate agency under application was in line with the TPB Guidelines No. 25D as the applied use would have direct discharge to street and would not adversely affect the traffic conditions in the local road network. The Commissioner for Transport had no in-principle objection to the application. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

31. Members had no question on the application.

Deliberation Session

32. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.9.2013, 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 safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011;
- (b) the implementation of fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 24.6.2011; 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.

33. 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 subject premises would not be jeopardized;
- (c) to apply to the District Lands Officer/Sha Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (CBS/NEW(1) & LU,

BD) that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the premises should be separated from adjoining workshops by compartment walls having a fire resisting period of not less than two hours. In this respect, the entrance of Workshop R3C as shown on the sketch plan should comply with this requirement, and independent exits should be provided for Workshop R3C;

- (e) to note the comments of the Director of Fire Services that a means of escape completely separated from the industrial portion was available and fire service installations (FSIs) being provided to the satisfaction of the Fire Services Department. Detailed fire service requirements would be formulated upon receipt of the formal general building plan submission. Regarding matters in relation to fire resisting construction for the premises, the applicant was advised to comply with the requirements as stipulated in the ‘Code of Practice for Fire Resisting Construction’ which was administered by the BD; and
- (f) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’, which was promulgated by the Town Planning Board in September 2007, for the information on the steps required to be followed in order to comply with the approval condition on the provision of FSIs.

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/713              Shop and Services in “Industrial” zone,  
                            Workshop G2, LG/F, Valiant Industrial Centre,  
                            Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin  
                            (RNTPC Paper No. A/ST/713)

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**Presentation and Question Sessions**

34. Mr. W.W. Chan, 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;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and the District Officer (Sha Tin) had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to approving the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. The shop and services under application was considered not incompatible with the adjoining units on the street level of the same industrial building (Valiant Industrial Centre) which were occupied by mixed industrial and commercial uses. In view of the nature of operation of the applied use, no adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated. All the Government departments consulted had no objection to or adverse comments on the application. Based on the Town Planning Board Guidelines for 'Use/Development within "Industrial" Zone' (TPB Guidelines No. 25D), the aggregate commercial floor area on the ground floor of an industrial building with sprinkler system should not exceed 460 m<sup>2</sup>. According to the planning records of similar applications approved by the Committee/TPB on the ground floor and lower ground floor of the subject industrial building, the remaining aggregate commercial floor area for the subject industrial building was 460 m<sup>2</sup>. Approval of the current application involving a floor area of about 51.45 m<sup>2</sup> and with the inclusion of the floor area (about 23 m<sup>2</sup>) of another application (No. A/ST/712) on the ground floor which was approved by the Committed at the same meeting on 24.9.2010, the

resultant aggregate commercial floor areas would not exceed the maximum permissible limit of 460 m<sup>2</sup>. The Director of Fire Services (D of FS) had no in-principle objection to the application subject to approval conditions on fire safety measures as recommended in paragraphs 12.2 (a) and (b) of the Paper. The shop and services under application was in line with the TPB Guidelines No. 25D as the applied use would have direct discharge to street and would not adversely affect the traffic conditions in the local road network. The Commissioner for Transport had no in-principle objection to the application. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area. Since the approval of the last application (No. A/ST/695) was revoked due to non-compliance with the approval condition on the submission of fire safety measures to the satisfaction of the D of FS, a shorter compliance period was proposed to monitor the progress of compliance by the applicant should the Committee decide to approve the application. Moreover, the applicant would be advised that should he fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

35. Members had no question on the application.

#### Deliberation Session

36. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.9.2013, 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 safety measures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.12.2010;

- (b) the implementation of fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011; 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application 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 subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition again 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/Sha Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (CBS/NTE(1) & LU, BD) 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 having a fire resisting period of not less than two hours;

- (f) to note the comments of the Director of Fire Services that a means of escape completely separated from the industrial portion was available and fire service installations (FSIs) being provided to the satisfaction of the Fire Services Department. Detailed fire service requirements would be formulated upon receipt of the formal general building plan submission. Regarding matters in relation to fire resisting construction for the premises, the applicant was advised to comply with the requirements as stipulated in the ‘Code of Practice for Fire Resisting Construction’ which was administered by the BD. With regard to the FSI proposal submitted on 27.8.2010, the layout plan was considered not acceptable. The applicant was advised to indicate the location(s) of hose reel(s) on the layout plan clearly. Moreover, visual fire alarm should be provided for the application area; 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’, which was promulgated by the Town Planning Board in September 2007, for the information on the steps required to be followed in order to comply with the approval condition on the provision of FSIs.

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting]

A/ST/714      Renewal of Planning Permission for Temporary Flat Use  
                  under Application No. A/ST/641 for a Period of 5 Years  
                  in “Government, Institution or Community” zone,  
                  Staff Quarters at Block E, Prince of Wales Hospital,  
                  46 Ngan Shing Street, Shatin  
                  (RNTPC Paper No. A/ST/714)

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38.      The Secretary reported that the Planning Department (PlanD) requested the Town Planning Board (the TPB/the Board) to defer consideration of the application. The Secretary informed the Committee that the application was submitted by the Government

Property Agency for renewal of the planning permission under Application No. A/ST/641 for a period of five years for temporary flat use of the staff quarters at the Prince of Wales Hospital. The Committee noted that Mr. B.W. Chan, Mr. Y.K. Cheng and Mr. Stephen M.W. Yip had declared interests in the item as they were members of the Hospital Authority. The Committee also noted that Mr. B.W. Chan and Mr. Y.K. Cheng had tendered an apology for being unable to attend the meeting. As PlanD had requested for a deferment of consideration of the application, Members agreed that Mr. Stephen Yip could be allowed to stay at the meeting.

39. The Secretary informed Members that the current renewal application was submitted 13 months before the expiry date of the planning permission (No. A/ST/641) on 1.9.2011. According to the TPB Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB Guidelines No. 34B), such applications should be submitted to the Board no more than four months before the expiry of the temporary approval. In view of the long lead time before the expiry of the planning permission, it would be too early to consider the renewal application given that the planning circumstances might be different at the time nearer to the expiry of the planning permission. This might have a material bearing on the decision of the application. The assessment on the application should be made nearer the time of expiry. As such, PlanD recommended to defer a decision on the subject application. In addition, the Secretary informed the Committee that according to the TPB Guidelines on Deferment of Decisions on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB Guidelines No. 33), a decision on a section 16 application would be deferred if there were other reasonable grounds as the Board thought fit.

40. After further deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application would be submitted to the Committee for consideration at the time nearer to the expiry of the planning permission. The Committee also agreed to advise the applicant to update relevant materials in support of the application nearer the time of expiry of the planning permission under Application No. A/ST/641.

## **Agenda Item 13**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/715              Proposed Public Utility Installation (Package Substation)  
in an area shown as ‘Road’, Government Land in D.D. 180,  
under an Elevated Road at Chik Chuen Street, Tai Wai, Sha Tin  
(RNTPC Paper No. A/ST/715)

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### **Presentation and Question Sessions**

41.              Mr. W.W. Chan, 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 (package substation);
- (c) departmental comments – the District Lands Officer/Sha Tin, Lands Department (DLO/ST, LandsD) advised that the concerned area fell within ST829 which was allocated to the Water Supplies Department (WSD) and the comments from WSD should be sought on the application. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) had no comment on the application. The CE/Dev(2), WSD advised that the proposed development had interface with WSD’s Replacement and Rehabilitation of Water Mains Stage 3 Project and advised that the applicant should liaise with WSD’s Consultant Management Division and WSD’s consultant regarding any project interface issue. The Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) had no comment on the application;
- (d) no public comment was received during the statutory publication period and the District Officer (Sha Tin) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessment made in paragraph 10 of the Paper. The proposed package substation was required to provide the electricity supply to the development at Tai Wai, particularly for the residential blocks at Chik Chuen Street, Chik Shun Street, Chik Fuk Street, Shing Ho Road, the village houses at the north of Tai Wai Village and future developments in the vicinity as the electricity demand of the area was growing rapidly in the past years. It was a single storey structure occupying an area of less than 12m<sup>2</sup>. No existing tree would be affected. In view of the small scale of the proposed package substation, it would not have adverse visual and traffic impacts on the surrounding area. Concerned Government departments had no objection to or no adverse comment on the application. There was no local objection or public comment against the proposed development.

42. In response to a Member's enquiry, Mr. W.W. Chan informed Members that the application site was a piece of Government land. Mr. Alan K.L. Lo, Assistant Director/New Territories, Lands Department (AD/NT, LandsD) supplemented that according to the record, the application site had been temporarily allocated to WSD for the use as a works area. In response to the enquiry of another Member, Mr. W.W. Chan informed Members that HyD also had no comment on the application.

#### Deliberation Session

43. 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 24.9.2014, 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 and water supplies for firefighting and emergency vehicular access arrangement to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Director of Water Supplies that the proposed development had interface with Water Supplies Department (WSD)'s Replacement & Rehabilitation of Water Mains Stage 3 Project. The applicant should liaise with WSD's Consultant Management Division and WSD's consultant, Scott Wilson CDM JV, regarding any project interface issue. As the subject site was located in close proximity to the existing water mains, the cost of any necessary diversion if required should be borne by the applicant;
- (b) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that the applicant should explore the opportunity for screen planting outside the site boundary if the provision of screen planting would not obstruct the pedestrian movement; and
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that there were stormwater drain pipes and manholes were within the vicinity of the proposed package substation. Should the proposed works be of significance to CLP Power Hong Kong Limited (CLP), the actual site conditions should be verified by sub-surface explorations; and CLP should be advised to exercise extreme care when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the existing drainage works due to CLP's construction activities in the area should be made good to his satisfaction at the resources of CLP.

## **Agenda Item 14**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/419      Proposed House (New Territories Exempted House – Small House)  
in “Green Belt” zone,  
Lots 136 S.B and 138 S.A in D.D. 9, Kau Lung Hang Village,  
Kau Lung Hang, Tai Po

(RNTPC Paper No. A/NE-KLH/419)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the proposed Small House was outside the “Village Type Development” (“V”) zone of the Kau Lung Hang Village and more than 50% of the site was outside the village ‘environs’ ‘(VE’). Under the current New Territories Small House Policy, the application would generally not be considered. According to the Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD), the proposed public sewer would be on the opposite side of the Kau Lung Hang Ecologically Important Stream (EIS) and it was unlikely that the proposed Small House would be served by the proposed public sewer. As the proposed Small House would not be connected to the existing or planned sewerage system in the area, both the Director of Environmental Protection and the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application. The DEP also objected to the application on the

grounds that the application site was within the upper indirect Water Gathering Grounds (WGGs), the sewage discharge from the proposed house would have the potential to cause water pollution to the WGG. Although the application site was covered with shrubs and grasses within the “GB” zone and the proposed development would require clearance of vegetation, the Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application from the nature conservation point of view as the plants to be affected by the proposed development were common species. However, DAFC was also concerned that the proposed development might cause adverse ecological impact on the Kau Lung Hang EIS. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view as the approval of the application would set an undesirable precedent to other similar applications in the area, leading to urban sprawl in the subject “GB” zone and degradation of landscape quality in the area. The Commissioner for Transport (C for T) had reservation on the application as the NTEH development should be confined within the “V” zone as far as possible. Although the additional traffic generated by the proposed development was not expected to be significant, approval of the applications for such type of development outside the “V” zone would set an undesirable precedent for similar applications in future and the resulting cumulative adverse traffic impact could be substantial. However, as the application only involved the construction of one Small House, the C for T considered that the application could be tolerated unless it was rejected on other grounds;

- (d) three public comments were received during the statutory publication period from the Village Representatives (VRs) of Kau Lung Hang Village, Designing Hong Kong Limited (DHKL) and World Wide Fund for Nature Hong Kong (WWFHK). The VRs of Kau Lung Hang Village raised objection to the application as the application site, which fell outside the “V” zone, was considered not suitable for Small House development and it would affect the surrounding environment. DHKL raised objection to the application as the site fell within the “GB” zone and there was a lack of a

sustainable village layout plan for the area. WWFHK expressed concerns on the application as the proposed development was not in line with the planning intention of the “GB” zone and it would degrade the subject “GB” zone. Since the application site was in close proximity to the Kau Lung Hang EIS, WWFHK was also worried that the site formation works and the proposed septic tanks for the proposed houses would cause adverse water quality impact on the area. The District Officer (Tai Po) had no comment on the application; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper :
  - the application did not meet the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ (‘Interim Criteria’) as the proposed Small House footprint was entirely outside both the “V” zone and the ‘VE’. DLO/TP did not support the application as the proposed Small House fell outside the ‘VE’, under the current New Territories Small House Policy, such kind of application would generally not be considered. The application site was within the “GB” zone and the WGG and only about 8m from the Kau Lung Hang EIS. According to CE/PM, DSD, as the proposed public sewer would be on the opposite side of the Kau Lung Hang EIS, provision of public sewerage connection to the application site was technically not favourable according to the current design of the proposed village sewerage scheme. Since it would not be able to connect the proposed Small House to the existing or planned sewerage system in the area, both DEP and CE/Dev (2), WSD objected to the application. In addition, DAFC and WWFHK were concerned that the proposed development might cause adverse water quality impact on the EIS during the construction and operational stage of the proposed development. The application did not meet the assessment criteria set out in the TPB Guidelines No. 10 for ‘Application for Development within “Green Belt” Zone under section 16 of the Town Planning Ordinance’ in that there was no satisfactory sewage disposal

facilities for the Small House development and the proposed development would affect the existing natural landscape of the area. It also did not meet the ‘Interim Criteria’ as the proposed Small House would not be able to be connected to the planned public sewers in the area and the VRs of Kau Lung Hang Village had objection to the application. There were adverse comments from concerned Government departments in that CTP/UD&L, PlanD did not support the application from the landscape planning point of view, and C for T had reservation on the application as he considered that the NTEH development should be confined within the “V” zone as far as possible; and

- the applicant had made reference to two houses at Lots 1671 and 1556 in the vicinity of the application site. It should be noted that the house at Lot 1556 to the immediate west of the site was a domestic building which was in existence before the first publication of the statutory plan for Kau Lung Hang, and the house at Lot 1671 located to the northeast was the subject of a section 16 application No. A/NE-KLH/197. Application No. A/NE-KLH/197 was approved by the Committee on 30.7.1999 before the first promulgation of the ‘Interim Criteria’ on 24.11.2000 for the considerations that the proposed Small House was entirely within the ‘VE’ of Kau Lung Hang Village and was generally compatible with the surrounding rural and village environment; there was also a general shortage of land in meeting the demand for Small House development in the “V” zone of the villages concerned; and the proposed development would not have any significant adverse environmental, traffic and drainage impacts on the surrounding areas. As compared to Application No. A/NE-KLH/197, the footprint of the proposed Small House under the current application fell outside both the “V” zone and the ‘VE’. Moreover, according to the revised ‘Interim Criteria’ adopted by the Town Planning Board on 23.8.2002, proposed Small House development within the WGGs had to be connected to the existing or planned sewerage system in the area. In this regard, it would not be able to connect the proposed Small House

development under the current application to the public sewer. There were public comments raising objection to the application.

46. Members had no question on the application.

#### Deliberation Session

47. After deliberation, Members considered that the application could not be supported. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. After further deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ in that the application site fell entirely outside the village ‘environs’ and the “Village Type Development” zone of recognised villages and the proposed Small House would not be able to be connected to the planned public sewers;
- (b) the proposed development did not meet the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” Zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape of the area and there was no satisfactory sewage disposal facilities for the Small House development;
- (c) the proposed development fell within the upper indirect water gathering grounds and was not able to be connected to the existing or planned sewerage system in the area. The applicant failed to demonstrate in the submission that the proposed development would not cause adverse water quality impacts on the surrounding areas, in particular the Kau Lung Hang Ecologically Important Stream to the south; and
- (d) approval of the application would set an undesirable precedent for similar

applications within the “Green Belt” zone, the cumulative effect of which would result in degradation of the landscape quality in the area.

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/320      Proposed House (New Territories Exempted House – Small House) in “Village Type Development” and “Green Belt” zones, Government Land in D.D. 27, Sha Lan Village, Tai Po  
(RNTPC Paper No. A/NE-TK/320)

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

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had objection to the application from the landscape planning point of view on the grounds that the majority of the site fell within the “GB” zone, and was located at the lower foothill of a wooded slope to the northwest of Sha Lan Village. As the land to the immediate east of the site had been cleared of vegetation and the original slope profile had been disturbed, the construction of the proposed development would result in more of the wooded slope being disturbed and encroachment of developments onto the “GB” area. Approval of this application would set an undesirable precedent to other similar applications in the area and defeat the purpose of the “GB” zone and result in an unfavourable environment to the preservation of the

existing wooded slope;

- (d) two public comments were received during the statutory publication period. The first comment was submitted by World Wide Fund for Nature Hong Kong (WWFHK) raising concerns that the proposed development was not in line with the planning intention of the “GB” zone; the proposed development might involve clearance of natural vegetation and cause adverse landscape impact; and the cumulative impacts of approving such applications in the area would result in degradation of the environment. The other comment was submitted by Designing Hong Kong Limited (DHKL) objecting to the application mainly on the grounds that over 90% of the site fell within an area zoned “GB” and the area lacked a plan for a sustainable layout of infrastructure and development. The District Officer (Tai Po) had not received any local comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development complied with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories’ (‘Interim Criteria’) in that the footprint of the proposed Small House fell entirely within the village ‘environs’ (‘VE’), and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Sha Lan, Shuen Wan Chan Uk, Lei Uk and Chim Uk Villages. In this regard, the DLO/TP, LandsD had no objection to the application. The application site was located at the fringe of Sha Lan Village and existing village houses were found to the south of the site. It was noted that the proposed development was not in line with the planning intention of “GB” zone and there were comments from WWFHK and CTP/UD&L, PlanD objecting to the application in view of its adverse landscape impact. Nonetheless, the proposed Small House was considered not incompatible with the existing village setting and existing village houses were found to the south of the site. Moreover, although the site was located at the bottom of a densely vegetated slope, there were no existing trees on the site and DAFC advised

that the vegetation being affected were of common species and he had no strong view on the application from the nature conservation point of view. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department had no objection to the application on slope stability aspect.

49. Members had no question on the application.

#### Deliberation Session

50. 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 24.9.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services 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.

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

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department that the proposed Small House might encroach upon the designated “Green Hatched Black Area” of Lot 249 in D.D. 27 for site formation works. The proposed Small House might be shifted northwards to avoid encroaching onto the said “Green Hatched Black Area”;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that connections to the public stormwater drainage system and to the public sewers were not available in the vicinity of the site.

The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal method for the proposed development;

- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard firefighting flow;
- (d) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to the Tai Po District Lands Office to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in the Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) No. APP-56. If such exemption was not granted, the applicant should submit a site formation plan to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

## **Agenda Item 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/454                  Proposed Religious Institution  
                              in “Green Belt” zone,  
                              Lots 443 S.A., 443 R.P., 54 R.P. and 56 in D.D. 24, Ma Wo, Tai Po  
                              (RNTPC Paper No. A/TP/454)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed religious institution;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that the whole development would be extensive in the “Green Belt” (“GB”) zone and was excessive in terms of its scale, intensity and building height, and the applicant had failed to provide a satisfactory landscape proposal to alleviate the adverse impact. The Commissioner for Transport (C for T, TD) did not support the application and considered that the applicant should provide further information/rectification to substantiate the traffic study, the new access road, the traffic arrangement, the parking provision and loading and unloading facilities, the pedestrian circulation plan and the traffic arrangement for the proposed development. The Director of Environmental Protection (DEP) considered that the proposed development would have the potential to give rise to environmental concerns including dust from burning of joss stick, traffic related emissions and air-conditioning plant noise. However, DEP considered that with the implementation of the measures identified in the Traffic and Environmental Study Report, the proposed development would unlikely result in

- significant adverse impact;
- (d) six public comments objecting to the application were received during the statutory publication period from two Tai Po District Council (TPDC) Members, residents of Ma Wo Village enclosing 29 signatures, the Management Associations (MAs) of two nearby residential developments and Designing Hong Kong Limited (DHKL). A TPDC Member pointed out that the TPB should consider whether the proposed change of land use would affect the livelihood of the local residents and sufficient consultation and communication were necessary. Another TPDC Member indicated that while he was neutral on the matter, he received objection from nearby residents and he was concerned that niches would be increased after completion of the religious building. The residents of Ma Wo Village objected to the application on the grounds of adverse impacts from the development on the surrounding areas. The MAs of the two nearby residential developments raised objection on the grounds that the proposed conversion of “GB” zone into religious institution use would lead to further decrease in the existing greenery in the area and contravene the Government’s Greening policy; there were already a large number of temples in Ma Wo; the proposed development would create nuisances and affect the tranquillity of Ma Wo and surrounding areas; and the proposed development would result in adverse traffic impact and cause inconvenience to the nearby residents. DHKL raised objection on the grounds that the land use changes were incompatible with the planning intention of the area; there was no information on tree protection and management; and the proposed development would have undesirable precedent effect for similar case in the region. The District Officer (Tai Po) (DO(TP)) advised that a similar application was submitted to the TPB in 2007 (Application No. A/TP/395) and objections from the Owners’ Committees (OCs) of nearby residential developments were received. As such, DO (TP) foresaw that residents of nearby residential developments might have views on the subject application; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application based on the assessments set out in paragraph 11 of the Paper :

- the application site in Ma Wo was within a “GB” zone and there was a general presumption against development within this zone. The site was currently occupied by a cluster of buildings of one to three storeys used for religious and other related purposes. Comparing the proposed scheme under the subject application with that under the previous rezoning application (No. Y/TP/11) rejected by the Committee on 10.7.2009, the height and gross floor area (GFA) of the main building had been reduced from 18.1 m and 2,133 m<sup>2</sup> to 12 m and 1,092 m<sup>2</sup> respectively. However, the footprint of the main building had been increased by about 23% in the current submission. While some existing structures would be removed, a greater proportion of the site would be built-over by a new canteen block, water tank, staircases, a new access road, a wider circular internal road and parking spaces and there would be further reduction in the size of the landscaped area in the current scheme. Moreover, relevant details of the current scheme on the building design, tree survey and landscape assessment and transport and traffic arrangement were not provided. There was no information in the submission to justify a departure from the planning intention of the “GB” zone; and
- the application did not comply with the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” Zone under section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 10) in that the scale, intensity, building height and the new access arrangement of the proposed development were considered incompatible with the surrounding areas. CTP/UD&L, PlanD objected to the application from the urban design and landscape points of view. C for T did not support the application from the traffic point of view. DEP also considered that the proposed development would have the potential to give rise to environmental concerns. There were public comments objecting to the application.

53. A Member enquired about the status of the existing building structures on the application site. In response, Ms. Lisa L.S. Cheng informed Members that some of the building structures within the site were in existence prior to the publication of the Tai Po Outline Zoning Plan. According to PlanD's record, a large platform, which was located in the middle of the site, was unauthorized under the Buildings Ordinance.

### Deliberation Session

54. A Member said that noting from Drawing A-5 of the Paper, "columbarium" was included in the master plan for the "Previously Rejected Application Y/TP/11". This Member enquired whether "columbarium" had been the subject of application at the application site in the previous application and whether the use of "columbarium" was a use being applied for in the current application. In response, Ms. Lisa L.S. Cheng informed Members that for both the previous and current applications relating to the site, "columbarium" had not been a subject of the applied use.

55. After deliberation, Members considered that the application could not be supported. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After further deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intention of the "Green Belt" zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was insufficient information in the submission to justify a departure from this planning intention;
- (b) the application did not comply with the Town Planning Board Guidelines No. 10 for "Application for Development within "Green Belt" Zone under Section 16 of the Town Planning Ordinance" in that the scale, intensity, building height and the new access arrangement of the proposed development were considered incompatible with the surrounding areas;

- (c) the traffic impact assessment provided in the submission was inadequate to demonstrate that the proposed development would not have adverse traffic impact on the surrounding areas and that the provision of transport facilities and pedestrian facilities were adequate; and
- (d) information provided in the submission, including the landscape impact and visual impact assessments, were insufficient to demonstrate that the proposed development would not have adverse landscape and visual impacts on the surrounding areas.

[The Chairman thanked Ms. Doris S.Y. Ting, Mr. W.W. Chan and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members' enquires. Ms. Ting, Mr. Chan and Ms. Cheng left the meeting at this point.]

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

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

### **Agenda Item 17**

#### Section 16 Application

[Open Meeting]

A/TM/403              Proposed Conversion of All Industrial Floor Spaces  
                          to 'Shop and Services' Use in "Industrial" zone,  
                          G/F (Part), 1/F (Part), 9/F to 12/F and 15/F to 16/F Parklane Centre,  
                          25 Kin Wing Street, Tuen Mun  
                          (RNTPC Paper No. A/TM/403A)

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56.              The Committee noted that on 8.9.2010, the applicant's representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer

consideration of the application for two months so as to allow sufficient time to address the departmental comments on the application.

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

### **Agenda Item 18**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYY/206 Proposed Public Utility Installation (Electricity Package Substation)  
in “Village Type Development” zone,  
Government Land in D.D. 124, Shun Tat Street, Tuen Mun  
(RNTPC Paper No. A/TM-LTYY/206)

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#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (electricity package substation);
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the statutory publication period expressing concerns that the proposed development would block a

proposed emergency vehicular access (EVA) serving the village houses in the area and suggested that the site be shifted 20 yards (about 18.3m) to the right. The District Officer (Tuen Mun) had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The electricity package substation (EPS) was proposed to provide adequate electricity supply to existing village houses and to cater for future development at Sun Fung Wai. It was an essential facility serving the developments in the “Village Type Development” (“V”) zone. This substation (with a floor area of 11.95m<sup>2</sup> and a building height of about 3m (one storey)) on a site area of 11.95m<sup>2</sup> was small in scale and was not incompatible with the surrounding rural area dominated by village houses. It was anticipated that the proposed EPS had no significant adverse impacts on health, environment, traffic, infrastructural capacity, landscape quality and nature conservation. The Director of Health opined that with the compliance with relevant International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines, the proposed development should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields. The Director of Environmental Protection did not anticipate adverse potential environmental impacts associated with the proposal. The Chief Town Planner/Urban Design and Landscape, Planning Department had no objection to the application from the urban design and landscape perspectives. Other departments consulted had no objection to or adverse comments on the application. To address the technical requirements of relevant Government departments, approval conditions requiring submission and implementation of landscape, drainage as well as water supplies for firefighting and fire service installations proposals had been recommended in paragraphs 12.2 (a) to (c) of the Paper. Regarding the public comment concerning the blockage of a proposed EVA and the suggestion to shift the site for the EPS, the Director of Fire Services and the District Lands Officer/Tuen Mun had confirmed that the proposed EPS did

not encroach onto any EVA.

59. Members had no question on the application.

#### Deliberation Session

60. 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 24.9.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department that should the application be approved, the applicant was requested to make sure that the construction of the proposed electricity package substation could fully comply with the relevant conditions as stated in the Block Licence which the applicant had already obtained and the applicant had to obtain excavation permit from his office before commencement of works. If the applicant could not comply with the relevant conditions as stated in the Block Licence, the applicant would be required to apply for a Short term Tenancy (STT) to his Office for the proposed structure to be erected on Government land. However, the

- application for STT would not necessarily be successful;
- (b) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
  - (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement;
  - (d) to note the comments of the Director of Health that compliance with the relevant International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields; effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities was encouraged; upon commissioning of the electricity package substation, it was advisable to verify the actual compliance with the ICNIRP guidelines with direct on-site measurements by the relevant parties;
  - (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of the general building plans;
  - (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that adequate Emergency Vehicular Access should be provided in accordance with Building (Planning) Regulations (B(P)R) 41D; if the site did not abut on a specified street of width not less than 4.5m wide, the development intensity would be determined by the Building Authority under B(P)R 19(3); formal submission of any proposed new building works for approval and consent under the Buildings Ordinance;

and

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

[The Chairman thanked Ms. S.H. Lam, STP/TMYL, for her attendance to answer Members' enquires. Ms. Lam left the meeting at this point.]

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting]

- A/TSW/49      Proposed Comprehensive Residential and Commercial Development (Known as "Integrated Elderly Community Project") with Flat (Elderly Accommodation), Hotel, Shop and Services, Eating Place, Residential Institution, Public Clinic, Training Centre, Educational Institution, School, Private Club and Place of Recreation, Sports or Culture in "Comprehensive Development Area" zone and an area shown as 'Road', Government Land in Tin Shui Wai Area 115  
(RNTPC Paper No. A/TSW/49)
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62.      The Secretary reported that the application was submitted by Hong Kong Housing Society (HKHS). The following Members had declared interest on this item:

- |   |   |
|---|---|
| Mr. Jimmy C.F. Leung<br>as the Director of Planning | ] being a member of the Supervisory Board of HKHS   |
| Mr. Walter K.L. Chan                                | ] being a member of the Executive Committee of HKHS |

Mr. B.W. Chan	] being a member of the Supervisory Board of HKHS
Mr. Y.K. Cheng	] being a member of HKHS
Mr. Timothy K.W. Ma	] being a member of HKHS
Mr. Alan K.L. Lo as the Assistant Director/New Territories of Lands Department	] being an alternate member for the Director of Lands who was a member of the Supervisory Board of HKHS

63. The Committee noted that Mr. B.W. Chan and Mr. Y.K. Cheng had tendered an apology for being unable to attend the meeting. The Secretary said that as both the Chairman and the Vice-chairman had declared interest on the item, the Chairman could continue to chair the meeting out of necessity. Members agreed. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Mr. Walter K.L. Chan, Mr. Timothy K.W. Ma and Mr. Alan K.L. Lo could be allowed to stay at the meeting.

64. The Committee noted that on 10.9.2010, the applicant's representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for two weeks so as to allow sufficient time for resolving some outstanding issues with Government departments.

65. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant **to allow time to resolve the outstanding issues with Government departments**. The Committee also agreed that the application should be submitted to the Committee for consideration at the next meeting on 15.10.2010. The Committee also agreed to advise the applicant that the Committee had allowed sufficient time to the applicant for resolving outstanding issues with Government departments, and no further deferment would be granted unless under very special circumstances.

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/327      Proposed Temporary Barbecue Area with Ancillary Site Office  
for a Period of 3 Years in “Green Belt” zone,  
Lot 1223 in D.D. 122, Yuen Long  
(RNTPC Paper No. A/YL-PS/327)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary barbecue area with ancillary site office for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses located in close proximity to the site and environmental nuisance was expected. DEP also noted that the proposed use, which might induce human chatting and shouting, was anticipated to generate noise nuisance, and the ash and odour from the proposed use might cause air nuisance. According to DEP’s record, the site was the subject of two environmental complaints in 2009 against water and noise pollution from the hawker activities on the site. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) commented that no drainage proposal was submitted by the applicant. The Director of Agriculture, Fisheries and Conservation (DAFC) considered that although the application was temporary in nature, the proposed use was incompatible with the “Green Belt” (“GB”) zone; and if the application was approved by the Committee, the use should be relocated when opportunity arose. The Chief Town Planner/Urban Design and Landscape, Planning Department

(CTP/UD&L, PlanD) advised that the site was formed and three existing mature trees were found within the site. Based on the application, the existing trees were indicated in the submitted plan and containers were proposed at the location of the existing trees. CTP/UD&L, PlanD considered that the applicant should be advised to re-locate the proposed containers in order to avoid conflict with the existing trees and she had reservation on the application from the landscape planning perspective;

- (d) four public comments from the nearby villagers were received during the statutory publication period. They objected to the application as the proposed development would bring about air pollution, environmental hygiene, fire risk, public order and nuisance problems. It was also pointed out by the commenters that the site had been used as a cooked food hawker centre at night time and it caused hygienic problem and generated excessive noise from late night till dawn. The District Officer (Yuen Long) had not received any local comment on the application; and

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development for a commercially operated barbecue area was not in line with the planning intention of the “GB” zone and there was a general presumption against development within this zone. The “GB” zone where the proposed development located was still mainly covered with vegetation. Although land within the site and the immediate surrounding had largely been paved with a few sites occupied by open storage yards and car parks, these developments were unauthorized developments subject to enforcement action by the Planning Authority. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. As advised by CTP/UD&L, PlanD, the existing trees in the site would be affected by the proposed container structures and she had reservation on the application. DEP did not support the application as there were sensitive receivers located in close proximity

to the site, the nearest of which was only a few metres to the immediate north of the site. The proposed barbecue area attracted visitors and group activities especially during Sundays and public holidays when an average patronage of about 50 visitors were gathered. DEP considered that the proposed development at the site would result in noise and air nuisance. The applicant therefore failed to demonstrate in the submission that the proposed development would not have adverse environmental impact on the surrounding areas. Besides, CE/MN of DSD commented that the applicant did not provide any drainage proposal in the application and there was no information in the submission to demonstrate that the applied use would not have adverse drainage impacts on the surrounding areas. As such, the proposed development was not in line with the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” Zone under Section 16 of the Town Planning Ordinance’ (TPB Guidelines No.10). Moreover, no similar application had been approved in the same “GB” zone. Approval of the application would set an undesirable precedent for other similar uses to proliferate into the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

67. Members had no question on the application.

#### Deliberation Session

68. After deliberation, Members considered that the application could not be supported. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. After further deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the applicant failed to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “GB” zone, the cumulative effects of which would result in a general degradation of the environment of the area.

## **Agenda Item 21**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/328      Temporary Vehicle Park for Private Cars and Light Vans  
for a Period of 2 Years in “Village Type Development” zone,  
Lot 432RP in D.D. 123, Tai Tseng Wai, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/328)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary vehicle park for private cars and light vans for a period of two 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 statutory publication period and the District Officer (Yuen Long) had not received any local comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of two years based on the assessments set out in paragraph 11 of the Paper. According to the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), an application for a Small House development on the site had been received and was now under processing by his Office. The applicant was the sole owner of the site and was also the applicant of the proposed Small House. Besides, the applicant clarified that once the Small House application had been granted, he would commence the building works for the Small House on the site. As such, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Village Type Development” (“V”) zone. The provision of a vehicle park on the site would also help meet the parking demand of local villagers. The vehicle park was for parking of private cars and light vans only and would not involve heavy vehicles. Moreover, the proposed development was not incompatible with the surrounding land uses which were predominantly village houses. In view of the nature and scale of the development, it was unlikely that the development would create significant adverse traffic, drainage and landscape impacts on the surrounding areas. The Director of Environmental Protection (DEP) had no objection to the application and advised the applicant to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites’ issued by his Department. Furthermore, to further reduce the potential impact on the surrounding environment, approval conditions had been recommended in paragraphs 12.2 (a) and (b) of the Paper to stipulate restrictions on operation hours and types of vehicles on the site. Any non-compliance with the approval conditions would result in revocation of the planning permission and any unauthorised development would be subject to enforcement action by the Planning Authority. The vehicle park only involved 10 parking spaces and was small in scale. Other concerned Government departments, including the Commissioner for Transport, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD, had no objection to the application. To

address the technical requirements of the CE/MN, DSD and CTP/UD&L, PlanD, approval conditions had been recommended in paragraph 12.2 (d) to (g) of the Paper. There was no local objection to the application.

[Dr. W.K. Lo arrived to join the meeting at this point.]

70. Members had no question on the application.

#### Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 24.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no vehicles other than private cars and light vans, as proposed by the applicant, were allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained during the planning approval period;
- (e) the submission of the condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.3.2011;
- (f) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the

TPB by 24.3.2011;

- (g) in relation to (f) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.6.2011;
- (h) 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;
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the site was accessible by an informal village track on other private land to connect Fuk Shan Street. His Office did not guarantee right-of-way nor provide maintenance to the track;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that no works should be carried out on the site and the applicant would be required to maintain the existing drainage within the site;

- (d) to adopt environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (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 (HyD) that HyD should not be responsible for the maintenance of any access connecting the site to Fuk Shun Street; and
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that two rows of trees should be planted along the northwestern boundary to enhance landscape screening to the adjacent village houses.

[The Chairman thanked Mr. W.M. Lam, STP/TMYL, for his attendance to answer Members' enquires. Mr. Lam left the meeting at this point.]

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

**Agenda Item 22**

**Section 16 Application**

[Open Meeting]

A/YL-HT/636      Proposed Temporary Logistics Transport Transit Centre with Ancillary Vehicle Parking Facilities for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 57(Part), 61(Part), 62(Part), 63(Part), 64, 65, 66, 67, 71, 140(Part), 141(Part), 143(Part), 144(Part), 145, 146(Part), 148(Part), 149(Part), 150(Part), 151, 152(Part) and 157(Part) in D.D.125, Lots No. 3220(Part), 3221 S.B(Part), 3222(Part), 3223(Part), 3224(Part), 3225 S.A(Part), 3225 S.B(Part), 3226, 3227, 3228, 3229, 3230(Part), 3231, 3232, 3234(Part) and 3235(Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/636)

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73.      The Committee noted that on 15.9.2010, the applicant wrote to the Secretary of the Town Planning Board (the TPB/the Board) and requested the Board to defer consideration of the application for two months in order to allow more time for him to carry out a noise impact assessment to address the noise concern relating to the application.

74.      The Secretary pointed out that the subject application had been deferred for over a year since its first deferral sought on 6.8.2009 which was agreed by the Committee on 21.8.2009. Notwithstanding the reason for each deferral was to address different technical issues, the applied use had not been in operation and there were many objections to the application. The Committee noted that the subject application had already been deferred several times for a total period of 10 months, and in approving the last request for deferment on 11.6.2010, the Committee had indicated that no further deferment would be granted unless under very special circumstances. In this connection, the Secretary pointed out that the Committee should consider whether the granting of a further deferral of two months would be justified. Should the Committee decide to accede to the current request for deferment for two months for the last time, the applicant should be advised that the application would be submitted to the Committee for consideration upon receipt of the further information from the applicant. Otherwise, should the Committee decide not to accede to the current request of deferment, the applicant should be advised that the application would be submitted to the

Committee for consideration at the next meeting.

75. In response to a Member's enquiry, Mr. Anthony C.Y. Lee, STP/TMYL, informed Members that the main justification provided by the applicant for previous deferment requests was to submit further technical assessments for the proposed development. Subsequently, these assessments had been submitted by the applicant. Under the current deferment request, the applicant explained that he needed more time to update a noise impact assessment (NIA) for the proposed development.

76. The Secretary pointed out that the request for deferment could be granted by the Committee if it met the criteria for deferment as set out in the TPB Guidelines on Deferment of Decisions on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB Guidelines No. 33). In this regard, one of the criteria for deferment was that the interests of other relevant parties would not be affected. As there had been many local objections to the subject application, it would not be reasonable to hold the application in abeyance for a long time. The Secretary drew Members' attention to the fact that the previous request for deferments were all granted on sympathetic consideration that the applicant had made an effort and was still endeavouring to submit further information to address the various technical issues pertaining to the application. The Committee should therefore consider whether it was still justified to accede to the applicant's current request for deferment of the application.

77. A Member opined that the current request for deferment could be acceded to but this should be the last deferment. Other Members shared the same view.

78. After further deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Nevertheless, as consideration of the subject application had already been deferred for a total period of 10 months, and to avoid any undue delay of the consideration of the application, the Committee had decided that this would be the last deferment, further deferment would not be

allowed by the Committee.

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/693      Temporary Open Storage of Metals and Construction Materials  
with Vehicle Repair Workshop for a Period of 3 Years  
in “Comprehensive Development Area” zone,  
Lots No. 3253, 3254 S.A (Part), 3254 RP (Part), 3265 RP (Part),  
3269 (Part), 3270, 3271 and 3272 in D.D. 129 and  
Adjoining Government Land, Ha Tusen, Yuen Long  
(RNTPC Paper No. A/YL-HT/693)

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79.      The Committee noted that replacement for page 10 of the Paper to rectify a typing error in paragraph 11, i.e., “2” instead of “3” public comments were received, had been dispatched to Members for information on 20.9.2010.

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

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

- (a) background to the application. The site was the subject of six previous applications for similar temporary open storage parking and workshop uses, all of which were approved by the Committee. The last two applications, No. A/YL-HT/513 and No. A/YL-HT/597, were subsequently revoked due to non-compliance with approval conditions. As compared to the last previous Application No. A/YL-HT/597, the current application was submitted by a different applicant with the same contact address for a similar use on a marginally smaller site;
- (b) the temporary open storage of metals and construction materials with vehicle repair workshop for a period of three years;

- (c) departmental comments – the Chief Engineer/Mainland North, DSD (CE/MN, DSD) considered the drainage proposal submitted by the applicant not acceptable. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road and environmental nuisance was expected. The Commissioner for Transport (C for T) considered that while the road was still safe for long vehicles to pass through, it was narrow and might not provide a desirable walking environment for pedestrians. The Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) advised that the site was located in the vicinity of the works limit of Contract No. CV/2006/01 “Ping Ha Road Improvement Works (Ha Tsuen Section)”, which was scheduled for commencement in December 2007 for completion by end 2010. CE/LW, CEDD advised that the ingress/egress route via Ping Ha Road to/from the site might be affected during the construction period for this road project. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) had reservation on the subject application from the landscape perspective on the grounds that the applicants of the previous applications at the site (Nos. A/YL-HT/513 and A/YL-HT/597) failed to comply with approval conditions on the implementation of landscape proposals, resulting in the revocation of the planning permission. The Director of Fire Services (D of FS) considered that repairing of oil tanker trucks should be prohibited at the site as it would involve significantly greater fire risks;

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

- (d) two public comments were received during the statutory publication period. The first comment was submitted by a Yuen Long District Council (YLDC) member objecting to the application on the grounds that the previous planning permissions were revoked due to non-compliance with approval conditions, reflecting the applicant’s lack of sincerity in this regard. The second comment was submitted by a local who had no objection to the application, but was concerned about the fire risks of oil tanker trucks

being repaired in the vehicle repair workshop. The District Officer (Yuen Long) had not received any local comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not incompatible with most of the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone, it was incompatible with the residential dwellings/hostel to its immediate south, southwest and northeast (about 10-20m away). In this regard, DEP considered that the applied use would cause environmental nuisance and did not support the application. CTP/UD&L, PlanD had reservation on the application from the landscape perspective owing to the repeated failures of the applicants of the two previous applications to comply with the approval conditions on the implementation of the accepted landscape proposal. Besides, the applicant's drainage proposal was considered not acceptable by CE/MN of DSD. No fire service installations (FSIs) proposal had been submitted to address the concern on fire risk from D of FS. In this regard, repair of an oil tanker truck had been observed on-site, and D of FS advised that such activity would involve significantly greater fire risks and such use should be prohibited. Moreover, the planning permissions of the last two applications had been revoked due to non-compliance with approval conditions. Application No. A/YL-HT/513 was revoked due to non-compliance with the approval conditions on implementation of tree preservation and landscape proposals, submission of FSIs proposals and provision of FSIs. Regarding Application No. A/YL-HT/597, the applicant had already been warned by the Committee that no favourable consideration to further planning application would be given if the permission granted to the application was again revoked for non-compliance with approval conditions. Despite the warning, the applicant of Application No. A/YL-HT/597 had only complied with the approval condition on the submission of landscape proposal, and the planning permission was revoked due to non-compliance with the approval conditions on submission of a drainage proposal and provision of drainage

facilities, implementation of a landscape proposal, submission of FSIs proposals and provision of FSIs. There were two public comments objecting to the current application mainly on the grounds of the lack of sincerity by the applicant to comply with the approval conditions and the fire risks at the site. The application did not meet the TPB Guidelines for 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' (TPB Guidelines No. 13E) in that there were major adverse departmental/local comments on the applied use. Given the repeated non-compliance with approval conditions for the site, it was also doubtful that the adverse comments from EPD and the technical concerns of concerned departments could be addressed through the implementation of approval conditions.

81. Members had no question on the application.

#### Deliberation Session

82. After deliberation, Members considered that the application could not be supported. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. After further deliberation, the Committee decided to reject the application and the reason was :

- the development would be subject to fire risks and would have adverse drainage, environmental and landscape impacts on the surrounding areas, and the submitted information could not demonstrate that the fire risks and adverse drainage, environmental and landscape impacts could be mitigated.

## **Agenda Item 24**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/696      Temporary Public Car Park for a Period of 3 Years  
in “Comprehensive Development Area” zone,  
Lots No. 825 and 826 S.B RP (Part) in D.D. 125 and  
Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/696)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary public car park for a period of three years;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) three public comments were received during the statutory publication from a Yuen Long District Council (YLDC) member, a local villager and Designing Hong Kong Limited (DHKL). The YLDC member objected to the application on the grounds that the previous planning permissions were revoked due to non-compliance with approval conditions, reflecting the applicant's lack of sincerity in this regard and suggested the Town Planning Board (TPB) to reject the application. While the local villager had no objection to the application, he would like to seek the TPB's assistance in the provision of a pedestrian access for his house (the vacant structure at Plan A-2) at the adjoining Lot No. 826 S.B ss.1 S.A in D.D. 125 and a cover over the existing culvert to the east of the site for pedestrian safety. DHKL objected to the application as the applied use was not in line with the planning intention for the area; there were adequate parking facilities

and similar uses in the area already, and the area should be considered for running public markets or public open space through short term leasing before any comprehensive design plan to develop the subject “Comprehensive Development Area” (“CDA”) zone. The District Officer (Yuen Long) had not received any local comment on the application; and

[Dr. C.P. Lau left the meeting temporarily at this point.]

- (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 assessments set out in paragraph 11 of the Paper :
- the applied use was not incompatible with most of the surrounding uses within the subject “CDA” zone. Approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone on the OZP since there was not yet any programme/known intention to implement the subject “CDA” zone. There was no environmental complaint against the site over the past three years. Significant environmental impact on the surrounding areas was not expected and the Director of Environmental Protection had no objection to the application. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and the types of vehicles allowed to be parked, and prohibiting workshop and open storage uses on the site had been recommended in paragraphs 13.2 (a) to (e) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the site would be subject to enforcement action by the Planning Authority. There was no adverse comment from concerned Government departments. To address the technical concerns of the Chief Engineer/Mainland North, Drainage Services Department, the Chief Town Planner/Urban Design and Landscape, PlanD and the Director of Fire Services, approval conditions requiring maintenance of drainage facilities on the site and submission of the condition record of the existing drainage facilities,

submission and implementation of landscape and tree preservation, and fire service installations (FSIs) proposals had been recommended in paragraphs 13.2 (f) to (k) of the Paper;

- the Committee had approved four previous applications for the same temporary public car/vehicle park by the same applicant since 2001. Although the last two applications (Nos. A/YL-HT/581 and A/YL-HT/630) were revoked due to non-compliance with approval conditions, the applicant had complied with the run-in/out approval conditions of Application No. A/YL-HT/581, and drainage and landscape approval conditions of Application No. A/YL-HT/630. Application No. A/YL-HT/630 was revoked due to non-compliance with the fencing approval condition, which was the only outstanding condition. While the site had largely been fenced, PlanD found that the southwestern portion of the fencing lied outside the site boundary. Nevertheless, PlanD's latest site inspection revealed that the fencing now had now been re-aligned and lied within the site boundary. Noting the applicant's efforts in this regard, PlanD considered that the application could be approved on sympathetic grounds. Since granting the previous approval, there had been no material change in the planning circumstances. Moreover, the Committee had recently approved similar applications in the same "CDA" zone for similar vehicle parks. Approval of the subject application was in line with the Committee's previous decision. Nevertheless, since the last two approvals were revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Should the applicant fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application;
- regarding the public comment on the insincerity of the applicant to comply with the approval conditions, PlanD was satisfied with the

applicant's efforts and sincerity in fulfilling the fencing requirements. Regarding the public comment on the provision of the pedestrian access to an adjoining house, an advisory clause had been recommended in paragraph 12.2 (j) of the Paper advising the applicant to liaise with the relevant lot owner in this regard. Regarding the public comment on a covered culvert to the east of the site, it was considered unreasonable to impose such a condition as the culvert was outside the site. Regarding the public comments from DHKL, approval of the application on a temporary basis would not frustrate the planning intention of the "CDA" zone since there was not yet any programme/known intention to implement the "CDA" zone; the leasing of the Government land within the site, which had an odd configuration, might not be viable; and there was 5.24 hectares of land reserved for public open space on the Ha Tsuen Outline Zoning Plan already.

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

84. In response to a Member's enquiry on the revocation of two previous applications as stated in paragraph 11.5 of the Paper, Mr. Anthony C.Y. Lee informed Members that the last two applications (Nos. A/YL-HT/581 and A/YL-HT/630) were revoked due to non-compliance with approval conditions concerning the provision of landscaping and fencing under Application No. A/YL-HT/581, and the provision of fencing under Application No. A/YL-HT/630. Mr. Anthony C.Y. Lee said that the non-compliance with the approval condition on fencing was sometimes due to the land ownership problem commonly found in rural areas. The Chairman supplemented that Members could refer to paragraphs 5.1 and 5.2 of the Paper for information.

[Dr. C.P. Lau returned to join the meeting at this point.]

85. In response to another Member's enquiry, Mr. Anthony C.Y. Lee pointed out that the applicant stated in the planning submission that he had already provided a pedestrian ingress/egress at the southern boundary fencing of the site, but considered it unreasonable to entertain the commenter's request for a vehicular right-of-way to the adjoining lot. Mr. Anthony C.Y. Lee pointed out that the subject matter was a land dispute between the

applicant and the adjoining landowner, which was not a material planning consideration in assessing planning application. An advisory clause (j) advising the applicant to liaise with the owner of the adjoining lot regarding the provision of a right-of-way had been recommended in paragraph 12.2 of the Paper.

#### Deliberation Session

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.9.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 11:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no parking of container vehicles, including container trailers and tractors, was allowed on the site during the planning approval period;
- (c) no vehicle without valid licences issued under the Traffic Regulations was allowed to be parked/stored on the site during the planning approval period;
- (d) no cutting, dismantling, melting, cleansing, repairing or other workshop activity was allowed on the site during the planning approval period;
- (e) no open storage of materials was allowed on the site during the planning approval period;
- (f) the drainage facilities implemented on the site under Application No. A/YL-HT/630 should be maintained at all times during the planning approval period;
- (g) 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 24.12.2010;

- (h) the submission of a landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.12.2010;
- (i) in relation to (h) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.3.2011;
- (j) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.12.2010;
- (k) in relation to (j), the implementation of the fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

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

- (b) shorter compliance periods were granted in order to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Town Planning Board 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, Lands Department that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without his prior approval, and to apply for Short Term Tenancy/Short Term Waiver (STT/STW) to regularize the unauthorized occupation of Government land (GL) and unauthorized structures on-site. Should no STT/STW application be received/approved and the irregularities persist on-site, he would consider taking appropriate land control/lease enforcement action against the occupier/registered owners. The site was accessible by a local road (Yu Yip New Road) on GL to connect Ping Ha Road. He did not provide maintenance works to the track or 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 Highway Engineer/New Territories West, Highways Department that the pavement of the access track to the site should be maintained in good condition and no loose aggregates/debris should be brought from the site to the nearby public roads through the site access, and adequate drainage measures should be provided to ensure no surface water would flow out from the site to nearby public roads/drains via the access;
- (h) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations (FSIs) proposals as stated in Appendix V of the Paper. 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. 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;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department to remove the existing structures that apparently have not obtained approval under Buildings Ordinance (BO). The converted container office and open sheds on-site were considered as temporary structures which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission under the 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 was not abutting on 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; and
- (j) to liaise with the owners of Lot No. 826 S.B ss.1 s.A in D.D.125 regarding

the provision of a right-of-way.

## **Agenda Item 25**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/253      Temporary Container Tractor and Trailer Park  
for a Period of 3 Years in “Open Storage” zone,  
Lots 324 (Part), 326 RP (Part), 327 (Part), 328 RP (Part), 441 RP,  
442, 443 S.B (Part) and 444 S.C RP (Part) in D.D. 96, Lots 17 (Part)  
and 21 S.C (Part) in D.D. 98, and Adjoining Government Land,  
Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/253)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary container tractor and trailer park for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. The Chief Engineer/Railway Development 1-1, Railway Development Office, Highways Department (CE/RD1-1, RDO, HyD) advised that the site was located within the area of influence for the Northern Link (NOL) and clashed with the underground railway alignment and at-grade auxiliary structures in the Technical Proposal of NOL of June 2007. Approval of the application should be subject to the condition that the applicant would vacate the site at the time of railway development;

- (d) no public comment was received during the statutory publication period and the District Officer (Yuen Long) had no comment on the application; 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 assessments set out in paragraph 12 of the Paper. The temporary container tractor and trailer park was generally in line with the planning intention of the “Open Storage” (“OS”) zone. The proposed use was compatible with the surrounding environment according to the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E). The site had been the subject of three approved applications for similar uses since 2000. The current application was submitted by the same applicant and with similar site area and uses. DEP did not support the application because there were sensitive receivers in the vicinity of the site. However, it was noted that there had not been any environmental complaint in the past three years. The applicant had not applied for any ancillary repairing and workshop activities but on-site inspection revealed that a tyre repair workshop and open storage of vehicle parts and tyres were at the northeastern part of the site. To mitigate any potential environmental impacts, approval conditions restricting operation hours and prohibiting cutting, dismantling, melting, cleansing, repairing or workshop activities had been recommended in paragraphs 13.2 (b) to (d) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on the site would be subject to enforcement action by the Planning Authority. It was noted that the applicant had complied with the approval conditions related to drainage, landscaping and fire service installations (FSIs) facilities under the last Application No. A/YL-NTM/209 approved by the Committee. The Chief Engineer/Mainland North, Drainage Services Department, the Chief Town Planner/Urban Design and Landscape, PlanD and the Director of Fire Services had no objection to the application and their concerns could be addressed by stipulating approval conditions

requiring the applicant to maintain the existing trees and existing drainage facilities on the site, to submit the as-built drainage plan and its condition record and to submit and provide the FSIs proposal as recommended in paragraphs 13.2 (e) to (i) of the Paper. Moreover, to address the concerns of CE/RD(1-1), RDO, HyD, an approval condition requiring the applicant to vacate the site at the time of railway development upon request and at no cost to the Government had been recommended in paragraph 13.2 (a) of the Paper. Other concerned departments had no comment on the application. Recent similar applications (Nos. A/YL-NTM/241, A/YL-NTM/247 and A/YL-NTM/248) for temporary container vehicle park in the locality within the same “OS” zone were approved by the Committee based on similar considerations. Approval of the subject application was in line with the TPB/Committee’s previous decisions. There was no public comment on the application.

89. Members had no question on the application.

#### Deliberation Session

90. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.9.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the applicant should vacate the site at the time of railway development upon request and at no cost to the Government;
- (b) no night time operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no cutting, dismantling, melting, cleansing, repairing or other workshop activity was allowed on the site during the planning approval period;

- (e) the existing trees on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of the as-built drainage plan and 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 24.3.2011;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011;
- (i) in relation to (h) 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 24.6.2011;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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 (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.

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

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

- (b) the permission was given to the use/development under application. It did not condone to the open storage use, repairing and other workshop activity which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issue 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, Lands Department that the site included Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his office. Unauthorised structure (including converted containers) might also be straddling on Lots 324, 443 S.B both in D.D. 96. Besides, Government land (GL) to the north and east of the application site was also occupied without approval from his Office. His Office reserved the right to take enforcement/control action against these irregularities, if indeed found in due course. Should planning approval be given, the occupier(s) of GL and the registered owner(s) of the lot(s) concerned should be reminded to apply to his Office for Short Term Tenancy (STT) / Short Term Waiver (STW) to regularise the irregularities on site. Should no STT/STW application be received/approved and the irregularities persist on site, his Office would consider taking appropriate land control/lease enforcement action against the occupier(s)/registered owner(s);
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the site was in an area where no public stormwater drainage maintained by CE/MN, DSD was currently available for connection. The area was probably served by some of the existing local village drains or road side drains. The village drains were probably maintained by the District Officer/Yuen Long (DO(YL)). The applicant should approach DO(YL) if he wished to know more about these drains. If the proposed discharge point was to these drains,

comments/agreement should be sought from the relevant departments on the proposal; the site was in an area where no sewerage was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained; and to note his other detailed comments as mentioned in Appendix V of the Paper;

- (f) 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 minimise the possible environmental nuisance; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the unauthorized strictures on site should be removed as they were liable to action under section 24 of the Buildings Ordinance (BO). The granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures such as containers used as offices for approval under the BO was required. If the site was not abutting and accessible from a street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage.

[The Chairman thanked Mr. Anthony C.Y. Lee, STP/TMYL, for his attendance to answer Members’ enquires. Mr. Lee left the meeting at this point.]

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

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/503      Temporary Open Storage of Container Trailers for Sale,  
Vehicles/Spare Parts and Construction Materials  
for a Period of 2 Years  
in “Other Specified Uses” annotated “Rural Use” zone,  
Lots 401 (Part), 403, 404 (Part), 405 RP (Part), 408 RP (Part),  
410 (Part), 411 (Part), 414 RP, 447 RP (Part), 448 (Part), 462 (Part)  
and 463 RP (Part) in D.D. 106 and Adjoining Government Land,  
Kam Sheung Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/503)

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### **Presentation and Question Sessions**

92.      Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of container trailers for sale, vehicles/spare parts and construction materials for a period of two years;
- (c) departmental comments – while the site was not the subject of any environmental complaint in the past three years, the Director of Environmental Protection (DEP) did not support the application as there were residential structures/dwellings to the immediate north and east and in the vicinity of the site, and environmental nuisance was expected;
- (d) two public comments were received during the statutory publication period from a Yuen Long District Councillor and Designing Hong Kong Limited (DHKL). The Yuen Long District Councillor was concerned about the adverse traffic impact on Kam Sheung Road arising from the use of heavy vehicles for the development. DHKL objected to the application as the

use of the site for open storage was a blight on the environment and was not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone. DHKL considered that if the application was approved, a condition requiring the submission of a plan for quality landscaping and well-designed fencing should be imposed to mitigate the impact. The District Officer (Yuen Long) had not received any local comment on the application; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of two years based on the assessments set out in paragraph 12 of the Paper. The development was considered not incompatible with the surrounding land uses. Similar applications (Nos. A/YL-KTS/485 and A/YL-KTS/501) located to the immediate south/south of the site within the same “OU(RU)” zone had recently been approved by the Town Planning Board (TPB)/Committee. As there was no known development programme for the “OU(RU)” site, it was considered that a temporary planning permission would not frustrate the long-term planning intention of the “OU(RU)” zone. The current application was generally in line with the TPB Guidelines No. 13E ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that the site was the subject of previous planning approvals for various open storage/storage uses since 1998 and no adverse comment on the current application from the relevant departments except DEP had been received. Approval condition related to the provision of fire extinguishers under the last Application No. A/YL-KTS/427 submitted by the same applicant had also been fulfilled. As previous approvals had been granted and the applicant had demonstrate efforts to comply with the approval condition under the last application, and that there was no major change in the planning circumstances since the last planning approval, sympathetic consideration could be given to the current application. While DEP did not support the application as there were residential structures located to the immediate north and east and in the vicinity of the site and environmental nuisance was expected, there was no environmental complaint received by DEP in the past three years.

Besides, the site was adjacent to Kam Sheung Road with good access to the road. The traffic generated from the site would not pass through major village settlement in the area. To address DEP's concern on the possible nuisance generated by the temporary use, approval conditions restricting operation hours, prohibiting dismantling, maintenance, repairing, washing, paint spraying or workshop activities and maintenance of the existing boundary fencing had been recommended in paragraphs 13.2 (a) to (d) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the site would be subject to enforcement action by the Planning Authority. To address the technical concerns of the Chief Town Planner/Urban Design and Landscape, PlanD, the Chief Engineer/Mainland North, Drainage Services Department and the Director of Fire Services, approval conditions requiring the applicant to submit and implement the landscape and tree preservation, drainage and fire service installations (FSIs) proposals had been recommended in paragraphs 13.2 (e) to (j) of the Paper. Concerning the two public comments raising objection or concern on the application on the grounds of incompatibility with the planning intention of the "OU(RU)" zone and adverse traffic impact on Kam Sheung Road, relevant approval conditions requiring submission and implementation of landscape and tree preservation proposal and maintenance of boundary fencing had been recommended. In this regard, the development was considered not incompatible with the surrounding land uses and a temporary planning permission would not frustrate the planning intention of the "OU(RU)" zone. Besides, the Commissioner for Transport had no adverse comment on the application from the traffic viewpoint.

93. Members had no question on the application.

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

#### Deliberation Session

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

temporary basis for a period of 2 years until 24.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, washing, paint spraying or other workshop activities should be carried out on the site during the planning approval period;
- (d) the existing boundary fencing on the application site should be maintained at all times during the planning approval period;
- (e) the submission of the landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.3.2011;
- (f) in relation to (e) above, the implementation of 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 24.6.2011;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.3.2011;
- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.6.2011;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 24.3.2011;

- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.6.2011;
- (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 expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) should the application be approved, the applicant should be reminded that the permission was given to the use under application. It did not condone the workshop use which currently existed on the site but not covered by the application;
- (c) to resolve any land issues relating to the development with the concerned owners of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands

Department that the site was situated on Old Schedule Agricultural Lots held under Block Government Lease under which no structure was allowed to be erected without prior approval from his Office. There were unauthorized structures (including converted containers) on the lots within the site. The total covered land area was far less than the information from his earlier survey. The applicant should clarify on this aspect. Besides, the Government land (GL) within the site was occupied without approval from his Office. Letter of Approval (L of A) or Modification of Tenancy (MOT) No. M15154, M15192 and MT/LM2588 were issued for Lots 403, 404 & 411 permitting erection of temporary agricultural/domestic structures thereon. Apparently, these temporary structures have been removed or converted for unauthorized use. His Office would consider cancellation of these L of A or MOT as appropriate. In addition, a shrine was found on GL next to Lot 403. Any disturbance to it might arouse local sentiment. Should the application be approved, the registered owners of the concerned lots and the occupier of the GL should apply to his Office for Short Term Waiver / Short Term Tenancy to regularize the irregularities on the site. If no application was received/approved and irregularities persist on the site, his Office would consider taking lease enforcement/land control action against the owner/occupier as appropriate;

- (e) to adopt environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the comments of the Commissioner for Transport that the ingress/egress of the site did not directly connect to Kam Sheung Road. The applicant should seek consent from the relevant lands and maintenance authorities for using the access road;
- (g) 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 application site and Kam Sheung Road;

- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practice and implement necessary measures to avoid potential water pollution to the nearby watercourses as appropriate;
- (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 of where the proposed FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed by his Department, he should provide justifications to his Department for consideration; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Dr. C.P. Lau left the meeting temporarily at this point.]

## **Agenda Item 27**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/504      Temporary Port Back-up Use and Cargo Handling Station  
for a Period of 3 Years in “Agriculture” zone,  
Lots 587 (Part), 589 RP (Part), 591 RP (Part), 592 RP (Part) and  
593 RP (Part) in D.D. 103, Ko Po San Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/504)

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### **Presentation and Question Sessions**

96.      Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

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

- (a) background to the application;
- (b) the temporary port back-up use and cargo handling station for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that two environmental complaints on noise generated by loading/unloading activities at the site were received in 2009 and 2010. DEP did not support the application as sensitive receivers of residential structures were found to the immediate east and north of the application site and in the vicinity, and environmental nuisance was expected. Whilst the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) had no objection to the application, CE/Dev(2), WSD advised that laying of 1,400mm and 1,200mm diameter water mains would be carried out during the period from November 2010 to end of 2015 along the existing vehicular access and the existing Waterworks Reserve (WWR) leading to the ATWTW, which were located along the western and northwestern boundaries of the site. CE/Dev(2), WSD also advised that temporary land

allocation for storage area and site office of the above WWR had already been granted to WSD; no structure shall be erected over the WWR and such area should not be used for storage or car-parking purposes; the Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of various works on the water mains and all other services across, through or under it which the Water Authority might require or authorize; no tree / shrub should be planted within the WWR; and no change of the existing conditions within the WWR should be undertaken without prior agreement from WSD;

- (d) five public comments were received during the statutory publication period from a Yuen Long District Councillor, a resident in Ko Po Tsuen, a member of the public, a villager of Ko Po San Tsuen and Designing Hong Kong Limited (DHKL). All the public commenters objected or strongly objected to the application on the grounds that the development would spoil the rural environment and was not in line with the planning intention; the site was located close to residential dwellings and an electricity substation; the cargo handling works and the use of heavy vehicles would generate noise and dust to the nearby residents; there were concerns on fire and road safety aspects, the impact on air quality and the adverse drainage and sewage impacts arising from the development; the access to the site was narrow and was built for the use of the Water Supplies Department (WSD); the site was not suitable for the use of heavy/container vehicles or for private use; the development continued to operate since the rejection of the last application; the movement of heavy vehicles had caused damage and subsidence of the road near the entrance, and hence flooding; and the proposed noise barrier was not functional as the development was located too close to residential dwellings. The District Officer (Yuen Long) had not received any local comment on the application; and

[Mr. Timothy K.W. Ma and Dr. C.P. Lau returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD did not support the

application based on the assessments set out in paragraph 12 of the Paper. The development which required the operation of container vehicles (or heavy goods vehicles) was not compatible with the surrounding land uses, which were predominated by residential structures/dwellings, agricultural land, ponds and vacant land to the west, north and east of the application site. While there were storage/open storage yards, a workshop and a warehouse located to further west of the site, some of them were suspected unauthorized developments subject to enforcement actions by the Planning Authority. Although a similar application (No. A/YL-KTS/460) for temporary open storage of vehicles and container trailers/tractors park and another application (No. A/YL-KTS/407) for temporary storage and parking of private vehicles close to the site were approved by the Committee in 2009 and 2007 respectively, the former was subject to previous approvals granted by the Committee since 2000 and the latter would not generate significant environmental impact given its small scale (with a site area of 450m<sup>2</sup>) and no adverse comment was received from DEP on that application. The application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB Guidelines No. 13E) in that there were adverse departmental comments and local objections. In particular, since the scale of the development with a site area of about 3,253m<sup>2</sup> was relatively substantial and the use of container vehicles for operation of the development was necessary, the residential dwellings/structures nearby (with a few directly abutting the site) would be susceptible to adverse environmental impact arising from the development. In this regard, two environmental complaints on noise generated by loading/unloading activities at the site were received by DEP in 2009 and 2010 and DEP did not support the application. Local objections against the application were also received. The last application No. A/YL-KTS/484 for temporary cargo handling and forwarding facility on the site was rejected by the Board recently on 16.4.2010 mainly due to the concern on environmental nuisance on the nearby residential dwellings. Although the applicant claimed that the consultants in the last application had wrongly stated the extent and size of the application site as well as the

number of goods vehicle parking spaces, the nature of the applied use was similar to that of the last application and there was no major change in planning circumstances that warranted a departure from the TPB's previous decision. Besides, as requested by the relevant departments, the applicant had to submit a landscaping and tree preservation proposal and a drainage proposal to demonstrate that the development would not generate adverse landscape and drainage impacts. Although the previous approval (No. A/YL-KTS/131) involving the site had been granted on review by the Board in November 1998 for temporary open storage of vehicles for a period of 12 months, the approval was granted for a smaller site (with site area of about 1,100m<sup>2</sup>) more than 10 years ago when the concerned site was surrounded by vacant land and vacant pigsty and chicken farms rather than residential dwellings/structures and no local objection was received at that time. While similar applications were approved by the Committee or the TPB on review in the concerned "Agriculture" ("AGR") zone, most of these similar applications were located to the north of Tsing Long Highway falling within the Category 2 areas according to the TPB Guidelines No. 13E and were surrounded by major highways/roads. Local objections against the application had been received.

97. In response to a Member's enquiry, Mr. Kepler S.Y. Yuen referred to paragraph 10.1.8 and Plan A-2 of the Paper and informed Members that an area adjoining the western and northwestern boundaries of the application site had been temporarily allocated to WSD as storage area and site office for laying of water mains along the existing vehicular access and the existing WWR leading to the Au Tau Water Treatment Works from November 2010 to end of 2015.

#### Deliberation Session

98. A Member said that the area temporarily allocated to WSD was for storage and office uses in relation to laying of water mains, and there was no residential dwellings in its vicinity. Hence, unlike the applied use on the application site, the temporary storage and office use on the site temporarily allocated to WSD would not generate environmental nuisance to the area. The Chairman said that there was no planning justification to support

the subject application as it was not compatible with the surrounding land uses, in particular, the residential dwellings to the east of the site, and the applied use would have adverse environmental impact on these residential dwellings.

99. After deliberation, Members considered that the application could not be supported. Members then went through the reason for rejection as stated in paragraph 13.1 of the Paper and considered that it was appropriate. After further deliberation, the Committee decided to reject the application and the reason was :

- the application did not comply with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that the development was not compatible with the surrounding land uses which were predominated by residential structures/dwellings, agricultural lands and vacant land. The residential dwellings/structures which were located to the immediate east and north of the site and in the vicinity would be susceptible to adverse environmental nuisance generated by the development.

## **Agenda Item 28**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/613      Temporary Open Storage of Construction Materials  
and Vehicle Parts for a Period of 3 Years  
in “Residential (Group D)” zone,  
Lots 2901 (Part), 2902 (Part), 2904 (Part), 2905 (Part), 2909 (Part)  
and 2911 (Part) in D.D. 111 and Adjoining Government Land,  
Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/613)

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### **Presentation and Question Sessions**

100. Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials and vehicle parts for a period of three years;
- (c) departmental comments – while there was no environmental complaint on the site in the past three years, the Director of Environmental Protection (DEP) did not support the application as there were residential dwellings in the vicinity of the site, and environmental nuisance was expected;
- (d) two public comments were received during the statutory publication period. The public comment from the resident of Wang Toi Shan had no objection to the application in principle, but raised concerns on the obstruction to vehicles and traffic congestion on the access road. The other public comment from Designing Hong Kong Limited (DHKL) objected to the application on the grounds that the use of the site for open storage was a blight on the environment; the site was zoned “Residential (Group D)” (“R(D)”) and the use was not in line with the planning intention for the area; and the area fell within the Category 3 areas under the open storage planning criteria and was not suitable for open storage uses. DHKL considered that should the case be approved by the Town Planning Board, conditions requiring the applicant to implement quality landscaping and well-designed fencing of the perimeter of the site should be considered to mitigate the blight. The District Officer (Yuen Long) had not received any local comment on the application; 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 assessments set out in paragraph 12 of the Paper. The development was not incompatible with the surrounding areas. Given that there was no known permanent development at this part of the “Residential (Group D)” (“R(D)”) zone, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)”

zone. Although there were scattered residential structures to the west of the site in the “Village Type Development” (“V”) zone, the access road leading to the site would not pass by the residential structures which were screened off from the road by the adjoining warehouse structures. There was no major change in planning circumstances since the approvals of the previous applications (A/YL-PH/382, A/YL-PH/440 and A/YL-PH/560). Furthermore, there were recent applications of similar nature in the vicinity of the site approved by the Committee. The development generally complied with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB Guidelines No.13E) in that there were previous approvals for similar uses on the site and departmental concerns could be addressed by imposition of relevant approval conditions. Although the planning permissions for two previous planning applications (No. A/YL-PH/302 and A/YL-PH/560) for the same use were revoked for non-compliance with the associated planning conditions, they were submitted by different applicants and Application No. A/YL-PH/302 was submitted over 10 years ago. The last approval was revoked due to failure to implement the fire service installations (FSIs) proposal. In this regard, the current applicant stated that he would accord high priority to the provision of fire safety equipment to comply with the planning condition and he had provided information on the proposed FSIs and landscape and drainage proposals in the current application. Concerned Government departments had no objection to the application. The technical requirements of the Director of Fire Services could be addressed by imposing approval conditions requiring the submission and provision of the FSIs as recommended in paragraphs 13.2 (h) and (i) of the Paper. It was noted that there was no environmental complaint on the site in the past three years. DEP’s concerns could be addressed by imposing approval conditions restricting the operation hours and prohibiting workshop activities on the site as recommended in paragraphs 13.2 (a) to (c) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority.

As regards the public comment on traffic impact and road obstruction by heavy vehicles, the Commissioner for Transport had no adverse comment on the application. Approval condition prohibiting heavy goods vehicles or container trailers/tractors for operation on the site had been recommended in paragraph 13.2 (e) of the Paper. As regards the public comments from DHKL, the site was already fenced off and partly paved. The development generally complied with the TPB Guidelines No.13E. Since the last two planning approvals were revoked due to non-compliance with approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Sympathetic consideration might not be given to any further application should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission.

[Mr. Alan K.L. Lo left the meeting temporarily at this point.]

101. Members had no question on the application.

#### Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.9.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;

- (d) the stacking height of construction materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence of the site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, as defined in the Road Traffic Ordinance, and container trailers/ tractors, were allowed for the operation of the site during the planning approval period;
- (f) the drainage facilities implemented on the site (under Applications No. A/YL-PH/382, A/YL-PH/440 and A/YL-PH/560) should be maintained at all times during the planning approval period;
- (g) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.12.2010;
- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the

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

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

- (a) shorter compliance periods for the approval conditions were given in order to closely monitor the compliance of approval conditions;
- (b) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issue relating to the development with the concerned owners of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department that no structure was allowed to be erected without prior approval from his Office. Short Term Waiver (STW) No. 2916 was issued in respect of Lot 2902 in D.D. 111 permitting structures of built-over-area not exceeding 90m<sup>2</sup> and of height not exceeding 5.2m above ground and 1.2m below ground for storage of construction materials. Apparently, the structures on-site have been encroaching upon Lot 2905 as well. The site also included some adjacent Government land (GL) and no permission had been given by his Office for its occupation. The site was accessible through an informal village track on GL/other private land from Kam Tin Road. His Office did not provide maintenance works to the track nor guarantee right-of-way. The GL occupier and registered owner of the lots concerned should apply to his Office for Short Term Tenancy (STT)/STW to regularize the above irregularities. Should no STW/STT application be received/approved and the irregularities persist on-site, his Office would consider taking appropriate lease enforcement/control action against the registered owner/occupier;

- (e) to note the comments of the Commissioner for Transport that the land status of the road leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (g) to adopt environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;
- (h) 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 of where the proposed FSIs to be installed should be clearly marked on the layout plans and listed in the form of FS notes. Detailed fire safety requirements would be formulated upon receipt of formal submission of the general building plans. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed by his Department, the applicant was required to provide justifications to his Department for consideration;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The

applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard firefighting flow; and

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on-site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

## **Agenda Item 29**

### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/158      Temporary Car Park (Private Cars and Light Goods Vehicles)  
for a Period of 3 Years in "Village Type Development" zone,  
Lot 782 (Part) in D.D. 114 and Adjoining Government Land,  
Kam Sheung Road, Yuen Long  
(RNTPC Paper No. A/YL-SK/158)

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### Presentation and Question Sessions

104.      Mr. Kepler S.Y. Yuen, STP/TMYL, referred to paragraph 9.1.2 (a) on page 6 of the Paper and informed Members that the sub-paragraph should read "He has no in-principle objection to the application and no comment on the proposed vehicular access arrangement and parking provision.". Mr. Kepler S.Y. Yuen then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary car park (private cars and light goods vehicles) 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 statutory publication period and the District Officer (Yuen Long) had no comment on the application; 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 assessments set out in paragraph 11 of the Paper. Although the site was within a “Village Type Development” (“V”) zone, no application for Small House development at the site had been received. Approving the development on a temporary basis for not more than 3 years would not frustrate the long-term use of the site but could meet some of the local parking demand. There had been no material change in planning circumstances since the granting of the previous temporary approval permitting the same applied use under Application No. A/YL-SK/137 by the Board. The conditions of the previous approval on to the submission and implementation of vehicular access, run-in, landscape and tree preservation and drainage proposals had been complied with by the applicant. The site was located just off Kam Sheung Road and close to the junction of Kam Sheung Road and Kam Tin Road, with a number of major local facilities such as Sheung Tsuen Park and Pat Heung Sheung Tsuen Village Office. The car park at the site was considered not incompatible with the village houses, storage yards, open space and agricultural use in the surrounding areas. There had not been any environmental complaint concerning the site in the past three years. The applicant also proposed not to operate the site during night time between 10:00 p.m. and 8:00 a.m., not to allow the parking of vehicles over 5.5 tonnes and not to carry out workshop activities on the site. It was

expected that the development would not generate significant environmental impact on the surrounding areas if it was implemented accordingly. To address possible environmental concerns, approval conditions restricting the operation hours and the maximum parking capacity, prohibiting the parking of medium or heavy goods vehicles, coaches and container tractors/trailers, and prohibiting the carrying out of workshop activities had been recommended in paragraphs 12.2(a), (c), (d) and (e) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the site would be subject to enforcement action by the Planning Authority. Concerned Government departments, including the Commissioner for Transport and the Director of Environmental Protection, generally had no adverse comment on the application. To address the technical requirements of relevant Government departments, approval conditions had also been recommended in paragraphs 12.2 (f) to (i) of the Paper requiring the maintenance of the existing trees and landscape planting and drainage facilities on the site, and submission and implementation of fire service installations proposal. There was no local objection to the application.

[Mr. Alan K.L. Lo returned to join the meeting at this point.]

105. Members had no question on the application.

#### Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.9.2013, 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 10:00 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 vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the application site at any time during the planning approval period;
- (c) no more than 27 private cars/light goods vehicles were allowed to be parked on the application site, as proposed by the applicant, at any time during the planning approval period;
- (d) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, and coaches, as proposed by the applicant, were allowed to be parked on the application site at any time during the planning approval period;
- (e) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the application site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011;
- (i) in relation to (h) 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 24.6.2011;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby

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

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

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including the parking of vehicles other than private cars and light goods vehicles which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the registered lot owners concerned and the occupier of the Government land should apply to his Office for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the unauthorized structures and occupation of Government land (GL) on the site. Should no STW/STT application be received/approved and the irregularities persist on-site, his Office would consider taking appropriate lease enforcement/control action against the registered owner/occupier. Besides, the

vehicular access on the northern side of the site to Kam Sheung Road would pass through an informal track on the GL. His Office did not provide maintenance works to the GL nor guarantee right-of-way;

- (e) to note the comments of the Commissioner for Transport that the site was not directly connected to Kam Sheung Road. 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 his Department was not responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (g) 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;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practice should be adopted and necessary measure should be implemented to preserve and protect the trees found in the vicinity of the site;
- (i) to note that the materials placed against the tree trunks should be removed and the area surrounding the tree trunks should be kept clear at all times;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the existing drainage facilities on-site should be maintained in good condition without causing adverse drainage impact on the adjacent areas throughout the planning approval period;
- (k) to note the comments of the Director of Fire Services that relevant layout

plans incorporated the proposed fire service installations (FSIs) should be submitted to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of the general building plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration; and

- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on-site which were liable to action under section 24 of the Buildings Ordinance (BO) should be removed. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage.

### **Agenda Item 30**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/159      Temporary Animal Boarding Establishment (Kennel)  
for a Period of 3 Years in “Village Type Development” zone,  
Lots 670 S.A (Part), 670 S.F (Part), 670 RP (Part), 671 RP (Part)  
and 685 RP (Part) in D.D. 112 and Adjoining Government Land,  
Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/159)

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108. The Committee noted that replacement for page 6 of the Paper to amend the typing errors in paragraph 9.1.2 concerning the comments from the Commissioner for Transport was tabled at the meeting.

Presentation and Question Sessions

109. Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

[Dr. W.K. Yau left the meeting temporarily at this point.]

- (b) the temporary animal boarding establishment (kennel) for a period of three years;
- (c) departmental comments – the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that there was no Small House application received for the site; within 30m from the site, there were 12 Small House applications at various lots subdivided from Lots 670 and 685 in D.D. 112, but they were on the waiting list pending processing and could not be completed within two to three years' time; and the Government land and portion of Lot 671 RP in D.D. 112 would be affected by a proposed project, namely “Yuen Long and Kam Tin Sewerage and Sewage Disposal (Part) – Kam Tin Trunk Sewerage Remainder”. While there was no environmental complaint on the site in the past three years, the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the north and northwest and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and the District Officer (Yuen Long) had no comment on the application; and

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

- (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 assessments set out in paragraph 11 of the Paper. The site was within a “Village Type Development” (“V”) zone but no application for Small House development at the site had been received. Approval of the development on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “V” zone. The development was considered not incompatible with the surrounding land uses which were mixed with open storage yards, warehouses, workshops, plant nursery, cultivated and fallow agricultural land, vacant land and scattered residential dwellings. Although DEP did not support the application as there were sensitive receivers located in the vicinity of the site, the nearest residential dwellings were located at a distance of about 50m from the site. Besides, no environmental complaint had been received in the past three years. As advised by DLO/YL, LandsD, the 12 Small House applications on the land to the immediate northeast of the site were on the waiting list pending processing and could not be completed within two to three years' time. It was anticipated that these houses would unlikely be occupied within three years' time. Hence, the development would unlikely bring about significant environmental nuisances to the nearby residents. To alleviate any potential environmental impact, the applicant would be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP. Other Government departments, including the Director of Agriculture, Fisheries and Conservation, generally had no adverse comment on the application. To address the technical concerns of relevant Government departments, approval conditions had been recommended in paragraphs 12.2 (a) to (e) of the Paper to require the maintenance of the existing trees and landscape plantings and submission and implementation of drainage and fire services installations (FSIs) proposals. The last planning approval under Application No. A/YL-SK/144 was revoked due to non-compliance with the approval

condition on the provision of FSIs. However, other approval conditions in relation to the submission and implementation of tree preservation proposal, implementation of drainage facilities and submission of FSIs proposal had been complied with by the applicant. In this regard, shorter compliance periods were proposed to closely monitor the progress on compliance with the approval conditions. Failure to comply with the approval conditions would result in revocation of the planning permission again and unauthorized development on the site would be subject to enforcement action by the Planning Authority. The applicant would be advised that sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions. There was no local objection to the application.

110. Members had no question on the application.

#### Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.9.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing trees and landscape plantings on the application site should be maintained at all times during the planning approval period;
- (b) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.12.2010;
- (c) in relation to (b) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.3.2011;
- (d) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 24.12.2010;

- (e) in relation to (d) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011;
- (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;
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) 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.

112. 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;
- (c) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands

Department that he had no information that Short Term Waiver (STW) had been applied for in May 2006. The occupier of the Government land (GL) and the registered lot owners concerned should apply to his Office for Short Term Tenancy (STT) and STW to regularize the unauthorized structures and occupation of GL on the site as appropriate. Should no STT/STW application be received/approved and the irregularities persist on-site, his Office would consider taking appropriate control/lease enforcement action against the occupier and the registered owners. Besides, the site was accessible to Kam Sheung Road via open GL without maintenance works to be carried out thereon by his Office. His Office did not guarantee right-of-way;

- (f) to note the comments of the Commissioner for Transport that the site was not directly connected to Kam Sheung Road. 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 that his Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (h) to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note the comments of the Director of Food and Environmental Hygiene that the kennel should be maintained in a hygienic manner;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that his recent site inspection revealed that there were

no 600mm u-channels and their catchpits as shown on the submitted drainage plan and the flow direction of the existing 375mm u-channel as shown on the drainage plan did not match with the actual flow direction. These discrepancies should be rectified in the revised drainage plan to be submitted;

- (k) to note the comments of the Chief Engineer/Sewerage Projects, Drainage Services Department that there was a proposed sewerage pumping station under his project, "Yuen Long and Kam Tin Sewerage and Sewage Disposal (Part) – Kam Tin Trunk Sewerage Remainder" at the concerned location, which would require the southern portion of Lot 671 RP in D.D. 112 and the GL within the site. According to his latest estimate, the construction works would start in early 2013 subject to review, public support and availability of funding;
- (l) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration; and
- (m) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the existing structures that apparently had not been obtained approval under the Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including any temporary structures. The proposed kennel and office, reception and guard room were considered as temporary buildings subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining

access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/483      Proposed House (New Territories Exempted House – Small House)  
in “Residential (Group D)” and “Village Type Development” zones,  
Lot 1551 RP in D.D. 121, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/483)

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

113.      Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);

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

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) advised that under the previous application (No. A/YL-TYST/298), the proposed Small House was at the eastern portion of the application site with the existing tree preserved in-situ. Although the applicant claimed in the subject application that no existing tree would be affected by the proposed Small House, its footprint had been shifted to the middle of the site, making the

preservation of the existing mature tree, *Michelia alba*, within the site impossible. Moreover, no landscape proposal/tree preservation plan was submitted and the impact of the proposed Small House development on the existing landscape resources could not be assessed. CTP/UD&L, PlanD therefore had reservation on the application from the landscape planning perspective;

[Dr. W.K. Yau returned to join the meeting at this point.]

- (d) one public comment was received during the statutory publication period from Designing Hong Kong Limited (DHKL) objecting to the application on the grounds that the area lacked a plan for a sustainable village layout for various infrastructure, public facilities and urban design elements; and the failure to ensure a sustainable layout would deteriorate the living environment and affect the well being of current and future residents. The District Officer (Yuen Long) had not received any local comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. Although a previous application (No. A/YL-TYST/298) for the same use at the same site had been approved by the Committee in 2005 and the DLO/YL, LandsD indicated his support to the current application, there was a shift in the footprint of the proposed Small House in the current application when compared with the previous one. As a result, more than 50% of the footprint would fall outside the 'VE' of Shan Ha Tsuen and the "V" zone under the current proposal, and the mature *Michelia alba* in the middle of the application site could not be preserved in-situ. In this regard, the current application no longer met the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories' ('Interim Criteria') for NTEH/Small House development and CTP/UD&L of PlanD had reservation on the application from the landscape perspective. According to the 'Interim Criteria', development of NTEH/Small House with more than 50% of the footprint

outside both the ‘VE’ and the “V” zone would normally not be approved unless under very exceptional circumstances. As the applicant had not explained why there should be a shift in the footprint of the proposed Small House away from the ‘VE’ and the “V” zone under the current application, there was no strong planning justification for a departure from the ‘Interim Criteria’ for this case. Although there was a general shortage of land in meeting the demand of Small House development in the subject “V” zone based on the forecast for the 10-year Small House demand as advised by the Indigenous Inhabitant Representatives of Shan Ha Tsuen and Lam Hau Tsuen, there was still about 18.38 ha of land within the subject “V” zone. This could accommodate about 735 Small Houses to meet the outstanding Small House applications (about 114 numbers) and other Small House developments in the near future. In this regard, there was insufficient information in the submission to demonstrate why suitable sites within the “V” zone could not be made available for the proposed development. Other Government departments generally had no objection to or adverse comments on the application. There was an objection from DHKL for the lack of a sustainable village layout plan for infrastructure, public facilities and urban design elements for the area.

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

114. In response to a Member’s enquiry, Mr. Kepler S.Y. Yuen referred to Plan A-2 of the Paper and informed Members that the two previously approved Small Houses granted by way of Building Licence No. 1708 at Lot 1551 in D.D. 121 in 1972 (when the Lot had not been subdivided) was located at the area now straddled on Lots 1551 S.A and 1551 S.B in D.D. 121. Another Member enquired the value of the mature tree, *Michelia alba*, on the site. In response, Mr. Kepler S.Y. Yuen referred to Plan A-4 of the Paper and said that as advised by CTP/UD&L, PlanD, the *Michelia alba* located in the middle of the site was a mature tree with a sizable canopy. During the site visit by PlanD, it was observed that the tree had occupied about half of the area of the application site. However, information was not in hand regarding the age of the tree.

115. A Member said that *Michelia alba* was considered as a common species and

enquired whether there was any guidelines or assessment criteria in considering applications involving mature trees. Another Member enquired if other relevant authority, such as the Tree Management Office, would be consulted in similar situation. In response, Mr. Kepler S.Y. Yuen informed Members that CTP/UD&L, PlanD considered that under the previous application (No. A/YL-TYST/298), the location of the Small House was proposed to be built at the eastern part of the site and the existing *Michelia alba* could be preserved in-situ. However, the approved Small House development and the accepted landscape and tree preservation and drainage proposals were not implemented, and the planning permission lapsed on 25.11.2009. In the current application, although the applicant claimed that no existing tree would be affected by the proposed Small House, it was noted that the footprint of the proposed house had been shifted to the middle of the site. This would render the preservation of the existing mature *Michelia alba* in-situ impossible. Moreover, the applicant had not submitted any landscape proposal/tree preservation plan in the current application. Hence, the impact of the proposed development on the existing landscape resources could not be assessed. Based on these considerations, CTP/UD&L, PlanD had reservation on the current application from the landscape planning perspective.

116. Another Member opined that the Committee could adopt PlanD's recommendation to reject the application. As such, the applicant would be well aware of the Committee's concerns and the applicant could consider whether to preserve the existing mature *Michelia alba* on the site and whether to submit landscape proposal/tree preservation plan for the Small House proposal for consideration by the Committee in future submission by the applicant. Another Member opined that while the impact on the existing mature tree on the site was a concern to the Committee, the assessment criteria under the 'Interim Criteria' should also be duly considered in considering the subject application.

#### Deliberation Session

117. A Member said that the application could not be supported as the proposed development did not comply with the 'Interim Criteria' in that over 50% of the footprint of the proposed Small House falls outside both the 'VE' and the "V" zone. Moreover, no landscape or tree preservation proposal had been submitted with the application to demonstrate that the proposed development would not create adverse impact on the existing landscape resources. Other Members agreed.

118. In response to a Member's enquiry, the Secretary said that it was not TPB's usual practice to stipulate the preservation of a specific tree in the rejection reason unless the tree had exceptional landscape value for preservation. For the subject application, the application was not in line with the 'Interim Criteria' as more than 50% of the proposed Small House site was outside the "VE" and the "V" zone. Although the applicant claimed in the Application Form that no existing tree would be affected by the proposed Small House, the shifting of the footprint of the proposed house had rendered the preservation of the existing mature *Michelia alba* in-situ impossible. Moreover, the applicant had not submitted any landscape proposal/tree preservation plan in the current application to enable the Committee to assess the landscape impact on the existing landscape resources. Nevertheless, as it was not TPB's usual practice to stipulate the preservation of a specific tree in the rejection reason, Members could consider to delete the first sentence in paragraph 13.1 (b). After some discussion, Members agreed that it was not appropriate to include the first sentence in the rejection reason (b).

119. A Member enquired if there was any classification / grading of trees which could serve as a reference for the Committee in considering similar planning applications in future. Another Member, however, considered that such a classification / grading of trees might not be applicable in assessing planning applications which should take into account the landscape impact of the development and based on the submitted landscape proposal, if any, by the applicant. In response to the enquiry and comment of these two Members, the Chairman informed Members that in general, for mature trees having significant landscape and preservation value, reference would be made to the Register of Old and Valuable Trees kept by the Leisure and Cultural Services Department, in which details concerning the registration number/date, species name, maintenance department, location, special characteristics, details of the tree and progress of assessment by the relevant department would be provided. The Secretary supplemented that apart from the Register of Old and Valuable Trees, expert opinion would generally be provided by the qualified landscape architects in the Urban Design and Landscape (UD&L) Unit, PlanD and the Agriculture, Fisheries and Conservation Department (AFCD) for assessment of the mature trees. Whilst it was generally held that tree in groups would accord higher landscape value than an individual tree, the landscape value of any tree should be considered in its own context and assessed on individual basis. As in the case for the subject application which had involved a mature *Michelia alba*, the

expert opinion from the UD&L Unit, PlanD and AFCD had been sought.

120. After deliberation, Members considered that the application could not be supported. Members then went through the reasons for rejecting the application as stated in paragraph 13.1 of the Paper and agreed that they should be suitably amended to reflect Members' views as expressed at the meeting. After further deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development did not comply with the 'Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories' in that over 50% of the footprint of the proposed Small House falls outside both the village 'environs' and "Village Type Development" zone. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern; and
- (b) no landscape or tree preservation proposal had been submitted with the application to demonstrate that the proposed development would not create adverse impact on the existing landscape resources.

### **Agenda Item 32**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/491      Temporary Warehouse and Open Storage of Stage Equipment  
for a Period of 3 Years in "Undetermined" zone,  
Lots 1229 (Part), 1236 (Part), 1237 (Part), 1238 (Part) and  
1252 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/491)

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

121. Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse and open storage of stage equipment for a period of three years;
- (c) departmental comments – while there was no environmental complaint on the site in the past three years, the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate west and in the vicinity of the site, and environmental nuisance was expected;
- (d) one public comment was received during the statutory publication period from a Yuen Long District Council (YLDC) member who considered that the repeated revocation of the previous planning approvals reflected the applicant's insincerity to comply with the approval conditions and the current application should be rejected. The District Officer (Yuen Long) had not received any local comment on the application; 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 assessments set out in paragraph 12 of the Paper. The applied use was in line with the planning intention of the "Undetermined" ("U") zone, which was to cater for the continuing demand for open storage, which could not be accommodated in conventional godown premises. The "U" zoning was designated 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. It was considered that approval of the application on a temporary basis would not frustrate the long-term use of the area. According to the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' (TPB Guidelines No.13E), the application site fell within the Category 1 areas which were considered suitable for open storage and port back-up uses. The applied use 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 as recommended in paragraph 13.2 of the Paper. There were also similar approved applications in this part of the “U” zone. The applied use was not incompatible with the surrounding areas which were mixed with warehouses, storage yards and workshops. Although DEP did not support the application as there were sensitive receivers to the immediate west and in the vicinity of the site, there had not been any environmental complaint in the past three years. The applicant also proposed no operation would be carried out within the site during night time between 7:00 p.m. and 9:00 a.m. and on Sundays and public holidays; not to carry out workshop activities on the site; and not to use vehicles over 5.5 tonnes for the operation of the site. As most of the stage equipment would be stored within the enclosed warehouse structure which covered a major portion of the site, it was expected that the development would not generate significant environmental impact on the surrounding areas if it was implemented accordingly. To address DEP’s concerns, approval conditions restricting operation hours, prohibiting workshop activities and restricting the type of vehicles used were recommended in paragraphs 13.2 (a) to (d) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the site would be subject to enforcement action by the Planning Authority. Other Government departments consulted generally had no adverse comment on the application. To address the technical concerns of relevant Government departments, approval conditions were also recommended in paragraphs 13.2 (e) to (j) of the Paper to require the submission and implementation of landscape, drainage and fire service installations proposals. As regards the public comment objecting to the application on the grounds of the applicant’s insincerity to comply with the approval conditions and the repeated revocation of the previous planning approvals, the comments might not be relevant to this application as no planning approval had been granted for the site before.

122. Members had no question on the application.

### Deliberation Session

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.9.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleaning or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers as proposed by the applicant, as defined in the Road Traffic Ordinance, were allowed for the operation of the application site at any time during the planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.3.2011;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.6.2011;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.3.2011;

- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.6.2011;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.3.2011;
- (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 24.6.2011;
- (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.

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

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

- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department that his Office reserved the right to take enforcement/control action against the unauthorized structures on the site. The registered lot owners should apply to his Office for Short Term Waiver (STW) to regularize the irregularities on the site. Should no STW application be received/approved and the irregularities persist on-site, his Office would consider taking appropriate lease enforcement action against registered owners. Besides, the site was accessible through an informal village track on Government land/other private land extended from Kung Um Road. His Office did not provide maintenance works for this track nor guarantee right-of-way;
- (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 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 that those “Existing *Ficus microcarpa*” as indicated in the Plant List on the Proposed Landscape Plan should be revised as “Proposed *Ficus microcarpa*”;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the drainage proposal should indicate the dimension of the proposed catchpit/manhole and the size of the existing surface drain; demonstrate that the proposed hoarding would not obstruct the surface runoff from the adjacent areas; provide details of the proposed hoarding; and provide details of the drainage system from the proposed catchpit/manhole to the existing surface drain at the downstream;
- (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 firefighting flow;
- (k) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of the general building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration; and
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the existing structures that apparently had not been obtained approval under the Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including any temporary structures. The open shed, open storage of stage equipment and warehouse were temporary buildings subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The

site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

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

125. The Chairman said that Agenda Items 33 to 35 were confidential items and would be conducted under closed meeting.

**Agenda Item 33**

[Closed Meeting]

126. This item was recorded under separate confidential cover.

**Agenda Item 34**

[Closed Meeting]

127. This item was recorded under separate confidential cover.

**Agenda Item 35**

[Closed Meeting]

128. This item was recorded under separate confidential cover.

**Agenda Item 36**

Any Other Business

129. There being no other business, the meeting was closed at 5:20 p.m..