

**TOWN PLANNING BOARD**

**Minutes of 497<sup>th</sup> Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 11.10.2013**

**Present**

Director of Planning  
Mr K.K. Ling

Chairman

Mr Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Ms Anita W.T. Ma

Dr. W.K. Yau

Professor K.C. Chau

Dr. Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

Chief Traffic Engineer/New Territories West,  
Transport Department  
Mr W.C. Luk

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

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

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

Secretary

**Absent with Apologies**

Mr Rock C.N. Chen

Dr. C.P. Lau

Chief Engineer (Works), Home Affairs Department  
Mr Frankie W.P. Chou

**In Attendance**

Chief Town Planner/Town Planning Board  
Ms Donna Y.P. Tam

Town Planner/Town Planning Board  
Ms Karen K.W. Chan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 496<sup>th</sup> RNTPC Meeting held on 27.9.2013

[Open Meeting]

1. The draft minutes of the 496<sup>th</sup> RNTPC meeting held on 27.9.2013 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

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

**Agenda Item 3**

Section 12A Application

[Open Meeting]

Y/TP/18

Application for Amendment to the Draft Tai Po

Outline Zoning Plan No. S/TP/23 from “Village Type Development” to “Government, Institution or Community (2)”,

Lots 738 S.C and 738 S.C ss.1 in D.D. 6,74-75 Kam Shan Road, Tai Po  
(RNTPC Paper No. Y/TP/18B)

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3. The Secretary reported that Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with MVA Hong Kong Ltd., one of the consultants of the applicant. As the applicant had requested for deferment of consideration of the application, Members agreed that Mr Fu could stay in the meeting.

4. The Secretary said that on 27.9.2013, the applicant submitted further information

(FI) to address the comments from the government departments on technical issues on traffic, drainage and land administration. On 30.9.2013, the FI was circulated to relevant government departments for comments. As the FI was technical in nature and did not involve any major change in the development scheme or submission of a new or revised technical assessment, it was exempted from publication and recounting requirements. However, as the FI involved technical issue on traffic, drainage and land administration and was received only seven days before the meeting, there was insufficient time for the relevant government departments to provide comments on the FI and for the Planning Department (PlanD) to consolidate the comments into the Paper. Since the departmental comments would be significant to the consideration of the application, PlanD requested the subject application be deferred to the next meeting (i.e. 25.10.2013) upon receipt of the government departmental comments.

5. After deliberation, the Committee decided to defer a decision on the application to the next meeting as requested by PlanD. The Committee agreed that the application should be submitted for its consideration at the next meeting, i.e. on 25.10.2013.

[Mr Anthony K.O. Luk, Mr Wallace W.K. Tang, Ms Maggie M.Y. Chin and Mr C.T. Lau, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/95	Minor Relaxation of Domestic Gross Floor Area Restriction from 168,650m <sup>2</sup> to 168,988.35 m <sup>2</sup> for Erection of Canopies or Covers of Pedestrian Walkway on the Flat Roofs in “Other Specified Uses” annotated “Railway Station and Public Transport Interchange with Commercial/Residential Development” Zone, Lake Silver, 599 Sai Sha Road, Ma On Shan (RNTPC Paper No. A/MOS/95)
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Presentation and Question Sessions

6. With the aid of a visualizer, Mr Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed minor relaxation of domestic gross floor area (GFA) restriction from 168,650m<sup>2</sup> to 168,988.35m<sup>2</sup> (an increase of 338.35m<sup>2</sup>) for erection of glass canopies or covers of pedestrian walkway on the flat roof outside 22 units on the flat roofs on 5/F of a residential development i.e. Lake Silver;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Building Surveyor/New Territories 2 & Railway, Buildings Department (BD) advised that the proposed canopies/covers of pedestrian walkway should be accountable in domestic GFA. The District Lands Officer/Shau Tin, Lands Department (LandsD) advised that the proposed erection of the canopies/covers above the flat roofs on 5/F would cause the total GFA of the subject development to exceed the GFA restriction under lease and was therefore not permitted under lease. The lot owners were required to apply for a lease modification and amendment of Master Layout Plan (MLP) and building plans to implement the proposal. As the subject lot fell into multi-ownership, the lease modification and amendment of MLP had to be signed by all owners of the development and their mortgagees;
- (d) during the first three weeks of the statutory public inspection period, 379 public comments were received. Among them, 369 objected to the application and ten had no comment on the application. The major grounds for objecting the application were summarized below:
  - (i) the flat owners on 5/F should be well aware that there should not be erection on their flat roof. The approval of the application was unfair to other owners;

- (ii) the terms “cover of pedestrian walkway” and “pedestrian walkway” were misleading, as it might be assumed that the proposed canopies were for public purpose, not for private use of individual owners;
  - (iii) the applicants had not taken reasonable steps to notify the affected owners and the consent of owners’ committee should be sought before the submission of the application; the erection of canopies on the flat roof on 5/F was in breach of the Deed of Mutual Covenant (DMC);
  - (iv) the proposed canopies/covers were illegal structure and it was not appropriate to regularize them;
  - (v) the installation of the canopies would incur additional construction, management, maintenance and insurance cost and it was unfair to the other flat owners to share the additional cost;
  - (vi) the proposed canopies/covers would cause nuisance and problems on security, safety, hygiene and health to the occupants of upper floor units; the proposed canopies/covers would cause visual impacts and affect the outlook of the property;
  - (vii) the approval of the application would set a bad precedent for similar applications for erection of canopies on every floor; and
  - (viii) there were other alternatives to provide protection from falling objects e.g. installation of CCTV or retractable canvas awnings;
- (e) the District Officer (Sha Tin), Home Affairs Department advised that some owners of flats on 5/F of Lake Silver had been seeking to erect canopies or covered walkway as safety precautions against fallen objects. They expressed their views to Financial Secretary and Secretary for Transport and Housing during a town hall meeting in July 2012 and submitted email

message to the Transport and Housing Bureau subsequently. On the other hand, some owners of flats on 6/F did not support the proposal because of potential hygiene problem caused by rubbish accumulating on top of the proposed canopies or covered walkway. Meanwhile, the Owners' Committee of Lake Silver had not yet taken a stance on this matter. According to the property manager of Lake Silver, building works at the estate also required agreement of the DMC Manager apart from approval by the Board on the application for minor relaxation of GFA;

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 10 of the Paper and summarized below:
  - (i) the proposal would not result in adverse visual impact from the urban design and visual perspective. While PlanD was sympathetic to the situation of the occupants of the subject units, the approval of minor relaxation of the domestic GFA restriction for canopies/covers for the private use of only some owners of a housing estate would have read across implications. In general, the Board had only given sympathetic consideration to minor relaxation of GFA restrictions for installation of canopies/covers for public/common use within a housing estate. As the canopies would provide covers to the private garden and for the exclusive use of the owners/occupiers of the concerned units, there were no particular planning merits for the proposed minor relaxation of the domestic GFA restriction. The approval of the application might set undesirable precedent and the cumulative effect of approving such applications might undermine the original intention of the GFA restriction imposed on the development. It was noted that the applicants for the subject application had yet to obtain the unanimous support of the other owners and the Owners' Committee of Lake Silver had not yet taken a stance on the matter. The proposal would also require lease modification, amendment of MLP under the Lease and DMC;

- (ii) according to PlanD's record, BD had previously replied some of the applicants in that for the purpose of enhancing the quality of life for occupants, obviating the desire for unauthorized building works and providing protection against inclement weather, BD was prepared to consider accepting the provision of certain retractable canvas awnings with retractable frame and excluding them from the GFA calculation under the Buildings Ordinance (BO). BD further advised in the current application that application for exemption of retractable canvas awnings from GFA calculation under the BO would be considered, subject to certain criteria, on a case-by-case basis. In this regard, the applicants should be advised to consider other alternative means of protection against inclement weather and falling objects as appropriate; and
  
- (iii) a previous application for erection of canopies/covers at 12 other units on the 5/F in the same residential development had been rejected by the Committee on 6.9.2013. There was no strong justification in the current application to justify deviation from the Committee's decision regarding the similar application.

7. Mr Anthony K.O. Luk drew Members' attention to a typing error in paragraph 10.3 of the Paper, which should read as 'the areas of coverage range from 3.4m<sup>2</sup> to 56m<sup>2</sup>'.

8. Members had no question on the application.

#### Deliberation Session

9. A Member said that there was no strong justification to support the application. Another Member concurred and said that the applicant could explore other alternative means of protection against fallen objects as appropriate.

10. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11 of the Paper



and considered that they were appropriate. The reasons were :

- “(a) there are no planning merits for the proposed minor relaxation of domestic gross floor area restriction as the proposed canopies/covers will be for the exclusive use of some of the owners; and
- (b) the approval of the application would set an undesirable precedent for other similar applications and the cumulative effect of approving such applications would jeopardize the intention of imposing the development restrictions for the application site.”

[The Chairman thanked Mr Anthony K.O. Luk, STP/STN, for his attendance to answer Members' enquires. Mr Luk left the meeting at this point.]

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting]

A/MOS/96                      Proposed Residential Institution (Off-campus Student Hostel) with Minor Relaxation of Non-domestic Gross Floor Area Restriction for Ancillary Facilities Serving the Student Hostel in “Comprehensive Development Area (1)” Zone, STTL 502, STTL574 and Adjoining Government Land near Lok Wo Sha, Ma On Shan  
(RNTPC Paper No. A/MOS/96)

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11.            The Secretary reported that the following Members had declared interests in this item:

Mr Timothy K.W. Ma            -    Executive Director of Project Flame, City University of Hong Kong

Mr H.F. Leung                    -    a part-time lecturer of the City University of Hong Kong

Mr Rock C.N. Chen - a member of Court of the City University of Hong Kong

12. The Secretary said that Mr Rock C.N. Chen had tendered an apology for being unable to attend the meeting. As the applicant had requested for deferment of consideration of the application, Members agreed that Messrs Ma and Leung could stay in the meeting.

13. The Secretary said that on 24.9.2013, the applicant requested for deferment on the consideration of the application for two months to allow sufficient time for the applicant to address the departmental comments.

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

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting]

A/NE-HLH/21 Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” Zone, Lots 534, 535 and 536 (Part) in D.D. 84, Lots 460 RP and 463 RP (Part) in D.D. 87, Hung Lung Hang  
(RNTPC Paper No. A/NE-HLH/21)

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15. The Secretary said that on 18.9.2013, the applicant’s representative requested for deferment of the consideration of the application for two months to allow additional time for the applicant to prepare further information to address the comments of the Transport Department.

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

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/517 Proposed Two Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” Zones, Lots 691 S.D and 691 S.E in D.D. 83, Kwan Tei, Fanling  
(RNTPC Paper No. A/NE-LYT/517)

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

17. With the aid of a visualizer, Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active agricultural activities were noted in the immediate vicinity of the application site and the site was of high potential for agricultural rehabilitation. Concerned government departments had no objection to or

no adverse comments on the application;

- (d) during the first three weeks of statutory publication period, three public comments were received. One of which was received from a member of North District Council supporting the Small House application on the ground that it would bring convenience to villager(s). The other two comments was received from Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited expressing concern/ objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; the approval of the application would set an undesirable precedent for similar developments; the agricultural land should be retained to safeguard the food supply of Hong Kong; there was no environmental, traffic, drainage and sewage assessment provided by the applicant; a plan for a sustainable village layout to ensure the health and well being of current and future residents was lacking; and most villagers building houses was for financial gain, but not for domestic purpose; and
  
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. While DAFC did not support the application as there were active agricultural activities in the area, it was noted that the application site was located to the immediate south of the “Village Type Development” zone and the proposed Small Houses fell entirely within the village ‘environs’. The proposed Small houses were not incompatible with the surrounding rural landscape character dominated by farmland and village houses. Regarding the public comments, it was considered that the proposed development would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Relevant government departments had no adverse comments on or no objection to the application. Besides, the possible drainage and landscape impacts could be addressed by imposition of approval conditions should the application be approved.

18. Members had no question on the application.

### Deliberation Session

19. 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 11.10.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
  - (i) for provision of water supply to the development, the applicants may need to extend their inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and
  - (ii) the application site is located within the flood pumping gathering ground;
- (b) to note the comments of the Director of Fire Services that the applicants are reminded to observe the ‘New Territories Exempted Houses – A Guide to



Presentation and Question Sessions

21. With the aid of a visualizer, Ms Maggie M.Y. Chin, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House - Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the application sites were of high potential for agricultural rehabilitation. Concerned government departments had no objection to or no adverse comments on the applications;
- (d) during the first three weeks of the statutory publication period, three public comments on each of the applications were received. One of which was received from a member of the general public supporting the applications. The other two public comments were received from the Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited objecting to the applications mainly on the grounds that the application sites were zoned “Agriculture” (“AGR”) and the proposed developments were incompatible with rural environment; supply of farmland should be safeguard and area of agricultural land in Hong Kong should not be further reduced; no assessments on environment, traffic, drainage, sewage were provided; sufficient infrastructure such as drainage, waterworks, street lighting, public spaces, footpaths, access and parking spaces was required to ensure health and well-being of current and future residents; concerned government departments such as the Lands Department, Transport Department and Home Affairs Department should review the current practice in relation to Small House Policy; issue of emergency vehicular access for village houses, as well as infrastructure and funding of roads and

parking for meeting demand of villagers; setting an undesirable precedent for similar applications; and the potential cumulative impact on the “AGR” zone; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 12 of the Paper. While DAFC did not support the application as the sites were of high potential for agricultural rehabilitation, the application sites were currently vacant and covered by weeds and the proposed Small Houses were not incompatible with the surrounding rural environment with Small houses, domestic structures and unused land. As regards the public comments objecting to the applications, since the applications were in compliance with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that there was a shortage of land within the “V” zone to meet the Small House demand, sympathetic consideration could be given to the applications. The proposed developments would not have significant adverse impacts on environment, drainage and traffic aspects to the surrounding area. Concerned government departments had no adverse comment on or no objection to the applications.

22. Members had no question on the application.

#### Deliberation Session

23. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 11.10.2017, 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 of each of the applications was subject to the following conditions :

- “(a) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and



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

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

- (a) “to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment / disposal facilities for the proposed development;
- (b) to note the comments of the Director of Fire Services as follows:
  - (i) the applicant should observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department (LandsD); and
  - (ii) that detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (c) 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 may need to extend his inside services to the nearest suitable government water mains for connection;
  - (ii) the applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and

- (iii) the application site is within the flood pumping gathering ground;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should be reminded to take precautionary measures to avoid causing any adverse impacts on the Ho Sheung Heung Priority Site including the adjacent fish pond, particularly during the construction phase; and
- (e) to note that the permission is only given to the developments under application. If provision of an access road is required for the proposed developments, the applicants should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

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

### **Agenda Items 10 to 14**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/478            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lots 158 S.B, 159 S.A and 161 S.A ss.2 in  
D.D. 19, Tong Min Tsuen, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/478 to 482)

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A/NE-LT/479            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lots 158 RP, 159 RP, 161 S.A ss.3 and  
162 S.A ss.3 in D.D. 19, Tong Min Tsuen, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/478 to 482)

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A/NE-LT/480 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 161S.A ss.4 and 162S.A ss.1 in D.D. 19, Tong Min Tsuen, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/478 to 482)

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A/NE-LT/481 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 161 S.A ss.5 and 162 S.A ss.2 in D.D. 19, Tong Min Tsuen, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/478 to 482)

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A/NE-LT/482 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 161 S.A ss.7 and 162 S.A ss.4 in D.D. 19, Tong Min Tsuen, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/478 to 482)

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#### Presentation and Question Sessions

25. Mr C.T. Lau, STP/STN, said that replacement pages for Plan A-1 and Plan A-2 of the Paper were tabled at the meeting for Members’ reference. With the aid of a visualizer, Mr Lau presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH)- Small Houses) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural point of view as the sites were of high potential for rehabilitation of agricultural activities. Concerned government departments had no objection to or no adverse comments on the applications;
- (d) during the first three weeks of the statutory publication period, two public

comments were received. Two public comments were received from three residents of Tong Sheung Tsuen and Designing Hong Kong Limited. The public commenters objected to the applications mainly on the grounds that the proposed developments would cause adverse impacts on environment, drainage facilities, traffic and ‘fung-shui’; there were other planning applications in the same village that were rejected by the Board; the proposed developments were not in line with the planning intention of “Agriculture” (“AGR”) zone; a proper village layout, sewerage system and parking spaces in the area was lacking; and approval of the applications would set an undesirable precedent for similar developments in the vicinity; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Paper. While DAFC did not support the applications as the sites were of high potential of rehabilitation for agricultural activities, the proposed Small Houses were not incompatible with the surrounding rural environment. As regards the public comments objecting to the applications, since the applications were in compliance with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories (the Interim Criteria) in that there was a shortage of land within “Village Type Development” zone to meet the Small House demand, sympathetic consideration could be given to the applications. Similar applications for Small House developments in the vicinity and within the same “AGR” zone were approved by the Committee. Relevant government departments had no adverse comments on the applications. Regarding the ‘fung-shui’ issue, it was not a planning consideration within the purview of the Committee.

26. In response to a Member’s enquiry, Mr Lau said that the applications were submitted by five private individuals who indicated that they were indigenous villagers. There was no information to indicate that the proposed developments were private residential developments. Ms Anita K.T. Lam, Assistant Director/New Territories, Lands Department, supplemented that according to the comments provided by the District Lands Officer/Tai Po,

Lands Department (LandsD) in Appendix V of the Paper, the applicants were indigenous villagers of recognized villages. LandsD would only process NTEH/Small House applications which were submitted by the indigenous villagers of recognized villages.

27. A Member referred to Plan A-2 of the Paper and pointed out that more than 90% of the footprints of the proposed NTEHs/Small Houses fell within the village ‘environs’ (‘VE’) of Tong Min Tsuen. This Member enquired whether the proposed NTEHs/Small Houses could be adjusted eastward so that the footprints of the NTEHs/Small Houses would be entirely confined within the ‘VE’ boundary. Mr C.T. Lau said that the dispositions of the NTEHs/Small Houses within the lots were proposed by the applicants. It was noted that there was an existing footpath to the east of the application sites. If the proposed Small Houses were to be shifted eastward, they would encroach onto the existing footpath.

#### Deliberation Session

28. A Member had no in-principle objection to the applications as the proposed NTEHs/Small Houses met the Interim Criteria in that more than 50% of the footprints of the NTEH/Small Houses fell within the ‘VE’. However, this Member considered that the proposed Small Houses could be shifted further to the east so that they would be wholly confined within the ‘VE’ boundary.

29. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 11.10.2017, and after the said date, the permissions should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission of each of the applications was subject to the following conditions :

- “(a) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;

- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the Director of Environmental Protection that:
  - (i) the actual construction of the proposed Small House shall only commence after the completion of the public sewerage network; and
  - (ii) the applicant shall take up full ownership and construction and maintenance responsibility of the sewerage connection systems; the applicant shall connect the Small House to the future public sewer at his own costs; the sewerage connection point shall be within the site; and adequate land is reserved for the future sewer connection work;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
  - (i) the applicant shall each submit an executed Deed of Grant of Easement to demonstrate that it is both technically and legally for them to install sewerage pipes from his lots to the planned sewerage system via relevant parties lots; and
  - (ii) for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and

maintenance of the inside services within the private lots to WSD's standards;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) and the Chief Engineer/Project Management, DSD that:
  - (i) public stormwater drain is not available for connection in the vicinity of the site. Any proposed drainage works, whether within or outside the lot boundaries, should be constructed and maintained by applicant at his own expense. The applicant /owner is required to rectify the drainage systems if they are found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the systems; and
  - (ii) the village sewerage works in Tong Min Tsuen is now being carried out under DSD's project 4332DS "Lam Tsuen Valley Sewerage" and will be completed in early 2016 tentatively. The proposed New Territories Exempted House is located outside the extended "Village Type Development" zone and there is no existing public sewerage system connection available now. Public sewers will be laid to the locations near the site under DSD's current project scheme. It is technically feasible for the applicant to extend his sewers to the public sewers by himself via other private/government land if he would like to discharge his sewerage into the public sewerage system. However, the above information is preliminary and will be subject to revision due to actual site situation;
- (d) to note the comments of the Director of Fire Services that that the applicant should observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (e) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant is reminded to make necessary submissions to LandsD to verify if the application site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
  
- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant shall carry out the following measures:
  - (i) prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structures; and
  
  - (ii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
  
- (g) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Lam Kam Road adjoining the application site is not maintained by HyD; and
  
- (h) to note that the permission is only given to the development under the



application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/483            Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” and “Village Type Development” Zones, Lot 307 in  
D.D. 16, Hang Ha Po, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/483)

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

31.            With the aid of a visualizer, Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that the application site located partly within the “Agriculture” zone and there was a lack of a proper

village layout, sewerage system and parking spaces in the area; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. As regards the public comment objecting to the application, concerned government departments had no objection to or no adverse comments on the application.

32. Members had no question on the application.

### Deliberation Session

33. 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 11.10.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- (a) “to note the comments of the Director of Environmental Protection that the

construction of Small House shall not be commenced before the completion of the planned sewerage system; the sewerage connection point shall be within the site; adequate land should be reserved for the future sewer connection work; and the applicant shall connect the house to the future public sewer at his own cost;

- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that there is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access thereto;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
  - (i) excavation would permanently damage the root zone of existing trees, which might lead to decline in health of trees. The applicant should allocate undisturbed space along the northern edge under the cover of the tree crowns to preserve the root zone of the existing trees. The applicant should clarify in a tree preservation proposal how the existing trees located to the north of the application site would be protected from disturbance during the Small House construction. Also, in view of the space available, new tree planting along the western boundary should be provided to mitigate adverse impact of the small house construction to the adjacent “Green Belt” area; and
  - (ii) to ensure undisturbed area would be reserved for the root zone under the tree crowns of the existing trees, the submission under the approval condition on landscape and tree preservation should be complied with before any site formation or construction works begin;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:

- (i) the foul water drainage system of the proposed New Territories Exempted House/Small House shall be connected to the planned public sewerage system in the area and the applicant shall connect the whole of the foul water drainage system to the planned public sewerage system upon its completion; and
  - (ii) for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of the Chief Engineer/Mainland North, and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:
- (i) public stormwater drain is not available for connection in the vicinity of the Site. Any proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicant at his own expense. The applicant/owner is required to rectify the drainage system if it is found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system; and
  - (ii) public sewerage system is not currently available for connection in the vicinity of the site. The village sewerage works in Hang Ha Po is now being carried out under DSD's project 4332DS "Lam Tsuen Valley Sewerage" and will be completed in end 2015 tentatively. The proposed Small House is partly within the extended "Village Type Development" zone and there is no existing public sewerage system connection available now. Public sewers will be laid to the

locations near the proposed development under DSD's current project scheme. It is technically feasible for the applicant to extend his sewer via other private/government land to the proposed public sewers by himself if he would like to discharge his sewage into the public sewerage system. However, the above information is preliminary and will be subject to revision due to actual site situation;

- (f) to note the comments of the Director of Fire Services that that the applicant is reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (g) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant is reminded to make necessary submissions to LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit a site formation plan to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the Site, the applicant shall carry out the following measures:
  - (i) prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structures; and

- (ii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (i) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Lam Kam Road adjoining the site is not maintained by HyD; and
- (j) to note that the permission is only given to the development under the application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

## **Agenda Item 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/470      Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” Zone, Government Land in D.D. 15, Shan Liu, Tai Po  
(RNTPC Paper No. A/NE-TK/470)

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### **Presentation and Question Sessions**

35.            With the aid of a visualizer, Mr C.T. Lau, 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 – departmental comments were set out in paragraph 11 and Appendix IV of the Paper and summarized below:
  - (i) the District Lands Officer/Tai Po, Lands Department (LandsD) did not support the application as the application site fell wholly outside the village ‘environs’ (‘VE’) and “Village Type Development” (“V”) zone;
  - (ii) the Chief Engineer/Development (2), Water Supplies Department objected to the application as the application site was located within the lower indirect water gathering grounds (WGG) and was less than 30m away from the nearest stream;
  - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had some reservation on the application from the landscape planning point of view. The application site was entirely within the “Green Belt” (“GB”) zone at Shan Liu. According to the site photograph, there was a row of existing trees located within the application site boundary and at least five trees would need to be felled without compensatory planting;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of “GB” zone and approval of the application would cause cumulative adverse impacts on the access road, public sewerage and parking facilities in the area; and
- (e) PlanD’s views – PlanD did not support the application for reasons as detailed in paragraph 13 of the Paper. The proposed development was not

in line with the planning intention of the “GB” zone. There was a general presumption against development within this zone. The CTP/UD&L, PlanD had some reservation on the application as at least five trees within the site would need to be felled and there was no space within the site for compensatory planting. 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’. Approval of the application would set an undesirable precedent for other similar applications in the area, thus resulting in degradation of the existing landscape quality. Although there was a general shortage of land in meeting the future Small House demand in Shan Liu Village, the proposed development did not comply with the Interim Criteria for Consideration of Applications for New Territories Exempted Houses in the New Territories as the application site fell entirely outside the “V” zone and the ‘VE’ of any recognized villages. LandsD did not support the application. Approval of the application would set an undesirable precedent for other similar applications in the area. There was no exceptional circumstances or strong justifications provided by the applicant that merited sympathetic consideration of the application.

36. Members had no question on the application.

#### Deliberation Session

37. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 14 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is 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 is a general presumption against development within this zone. The applicant fails to provide information in the submission to justify a departure from this planning



intention;

- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories as the site is entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognized villages; and
- (c) the application does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within GB Zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the natural landscape of the area.”

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/471            Proposed Two Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” Zone, Lots 644 S.N, 646 S.G ss.3, 646 S.H ss.2, 646 S.M ss.1, 644 S.O, 646 S.H RP, 646 S.L, 646 S.M ss.2, 654 S.AA and Adjoining Government Land in D.D. 15, Shan Liu, Tai Po  
(RNTPC Paper No. A/NE-TK/471)

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

38.            With the aid of a visualizer, Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses – Small Houses);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the application site were of high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objecting to the planning application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” zone and approval of the application would cause cumulative adverse impacts on the access road, public sewerage and parking facilities in the area and adverse implication on food production; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. While DAFC did not support the application as the site was of high potential for agricultural rehabilitation, it was a piece of abandoned agricultural land sparsely covered with weeds. As regards the public comments objected to the application on environmental grounds, concerned government departments had no objection to or no adverse comments on the application.

39. Members had no question on the application.

#### Deliberation Session

40. 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 11.10.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the Director of Environmental Protection that the construction of the proposed Small Houses shall not be commenced before the completion of the public sewerage system. Upon completion of the sewer, the applicants should connect the proposed Small Houses to the public sewerage system at their own costs;
- (b) the applicants are required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicants should maintain a clear distance of 3.5m from the top of the embankment of existing/original natural stream course running across the site and set back the proposed houses accordingly;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicants may need to extend their inside services to the nearest suitable government water mains for connection. The applicants

shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

- (e) to note the comments of the Director of Fire Services that the applicants should observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by Lands Department (LandsD). Detailed fire safety requirements will be formulated during land grant stage;
- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants are reminded to make necessary submission to the LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicants shall submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (g) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

## **Agenda Item 18**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/538                      Proposed Public Utility Installation (Electricity Package Substation) in  
   “Green Belt” Zone, Government Land in D.D. 32, Ha Wong Yi Au  
   Village, Tai Po  
   (RNTPC Paper No. A/TP/538)

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### **Presentation and Question Sessions**

42.                      With the aid of a visualizer, Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed public utility installation (electricity package substation);
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d)    no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po), Home Affairs Department; and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as set out in paragraph 11 of the Paper.

43.                      In response to a Member’s question, Mr C.T. Lau said that the proposed electricity package substation was located at a passing bay abutting an access road within the “Green Belt” zone.

Deliberation Session

44. 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 11.10.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that the applicant should apply to DLO/TP, LandsD for necessary approval for construction of the installation of the package substation under the mechanism of Block Licence that covers site within 12m<sup>2</sup>;
- (b) to note the comments of Chief Engineer/Development(2), Water Supplies Department that existing water mains will be affected by the works of the proposed package substation. The affected water mains should be diverted away prior to commencement of works. The applicant is required to allow sufficient time in the works programme and to bear the cost of water mains diversion. Besides, the applicant should sort out the land matter associated with the laying and the subsequent maintenance of water mains, if any, in private lots;
- (c) to note the comments of the Director of Health that the project proponent must ensure that the installation complies with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other

established international standards. 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 are also encouraged;

- (d) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the subject site should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (e) to note the comments of Director of Fire Services that emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by the Buildings Department (BD). Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (f) to note the comments of Chief Building Surveyor/New Territories West, BD that in case of change of land status to leased land, the applicant should note the following:
  - (i) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage;
  - (ii) the site shall be provided with means of obtaining access thereto from a street under B(P)R 5;
  - (iii) emergency vehicular access for every building of the proposed development should be provided in accordance with B(P)R 41D; and

- (iv) detailed consideration will be made at the building plan submission stage.”

[The Chairman thanked Mr C.T. Lau, STP/STN, for his attendance to answer Members’ enquires. Mr Lau left the meeting at this point.]

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

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

#### **Agenda Item 19**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/38                      Temporary Open Storage of Machineries for a Period of 3 Years in  
“Agriculture” and “Green Belt” Zones, Lot 60 S.B in D.D. 135 and  
Adjoining Government Land, Pak Nai, Yuen Long  
(RNTPC Paper No. A/YL-PN/38)

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

46.            With the aid of a visualizer, Mr Vincent T.K. Lai, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of machineries for period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper and summarized below:



- (i) the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and the access road and environmental nuisance was expected;
- (ii) the Commissioner for Transport (C for T) did not support the application as Nim Wai Road was a single lane two-way feeder road. It was not desirable for use by long vehicles generated from the open storage use. The approval of the application might set an undesirable precedent for other similar applications as it might induce cumulative adverse traffic impact on Nim Wai Road;
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning perspective. With reference to the aerial photograph, the site was situated in an area of rural landscape character dominated by wooded green belt, fish ponds, tree groups, farmland and village houses but disturbed by open storage use. The site was located adjoining to the “Coastal Protection Area” (“CPA”) zone. The subject open storage use was considered incompatible with the surrounding rural landscape character. Moreover, at a recent site visit, it was observed that some existing trees and vegetation within the application site had been removed. Disturbances to the existing landscape character and resources had taken place. Approval of the application would likely encourage the introduction of more open storage uses in the area leading to further deterioration of the rural landscape resources;
- (iv) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view. Agricultural life in the vicinity was fairly active and the application site was considered having high potential for agricultural rehabilitation in terms of greenhouse cultivation, nursery and open

field hydroponic cultivation. Moreover, a “CPA” zone and the Pak Nai Site of Special Scientific Interest, some fishponds and watercourses were also found in the close vicinity. There was concern that operation of the subject open storage use might result in water pollution to the nearby environment;

- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application mainly on the land use compatibility, traffic and environmental grounds; and
- (e) PlanD’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper and summarized below:
  - (i) the development was not in line with the planning intention of “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good agricultural land/farm fish ponds for agricultural purposes. DAFC did not support the application from the agricultural point of view as the agricultural life in the vicinity was fairly active and the site was of high potential for agricultural rehabilitation. There was no strong planning justification in the submission for a departure from the planning intention of the “AGR” zone, even on a temporary basis;
  - (ii) the site also encroached onto the “Green Belt” (“GB”) zone where there was a general presumption against development. No strong planning justification had been given in the submission for a departure for the planning intention of the “GB” zone;
  - (iii) the development was incompatible with the landscape character of the surrounding area. CTP/UD&L, PlanD objected to the application from the landscape planning point of view as the application site was situated in an area of rural landscape character but disturbed by open storage uses. Approval of the application

would likely encourage the introduction of more open storage use in the area leading to further deterioration of the rural landscape resources;

- (iv) DEP did not support the application as there were sensitive use in the vicinity of the site and environmental nuisance was expected. C for T did not support the application as Nim Wai Road was a single lane two-way feeder road. It was not desirable for use by long vehicles generated from the open storage use. The approval of the application might set an undesirable precedent for other similar applications as it might induce cumulative adverse traffic impact on Nim Wai Road; and
  
- (v) according to the Town Planning Board Guidelines No.13E for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E), majority of the application site fell within Category 3 area. The application did not comply with TPB PG-No. 13E in that the site was not subject to any previous approval for similar open storage uses, the development was incompatible with the surrounding land uses which were predominantly rural character in nature; there were adverse departmental comments; and the applicant had not provided sufficient information in the submission to demonstrate that the development would not have adverse environmental and landscape impacts on the surrounding areas.

47. In response to the Chairman's question, Mr Lai referred to Plan A-2 of the Paper and said that there were three open storage yards located to the immediate northeast of the application site. Among them, two were unauthorized developments and one was an 'existing' use. Enforcement actions were being undertaken against the two unauthorized developments.

48. In response to a Member's question, Mr Lai said that the application site fell largely within Category 3 area and slightly within Category 4 area under the TPB PG-No. 13E. Part of the site falling within Category 3 area and was zoned "AGR", while the small

remaining part within the Category 4 area was zoned “Green Belt” on the Outline Zoning Plan. The Secretary added that according to the TPB PG-No. 13E, the open storage and port back-up uses found in the rural area could generally be categorized into four categories. Category 1 were areas considered suitable for open storage and port back-up uses and generally covered by open storage/industrial zones. Category 2 were areas close to the clusters of open storage or port-back up sites. Category 3 were areas where no new open storage and port-back up areas were allowed. Category 4 were areas close to extensive vegetation, environmentally or ecologically sensitive areas or areas which were mostly used for residential purposes. The Committee would consider each application for open storage and port-back up uses in accordance with the TPB PG-No. 13E.

49. In response to the same Member’s another question, the Secretary said that there was no Town Planning Board guidelines for application for open storage uses within “AGR” zones.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intentions of the “Agriculture” zone and the “Green Belt” (“GB”) zone, which are primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and 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 respectively. Approval of the application, even on a temporary basis, would frustrating the planning intentions of the zones;
- (b) the development is not in line with the Town Planning Board (TPB) Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ and TPB Guidelines No. 10 for ‘Development within the “GB” zone’ in that no strong planning justification has been provided in the submission

and no previous approval has been granted for the site; there are adverse departmental comments on the environmental, traffic, landscape and slope safety aspects. No technical assessment has been included in the submission to address such adverse impacts;

- (c) the development is incompatible with the rural environment and landscape character of the surrounding area which is predominated by orchards, ponds, farmlands and residential dwellings; and
- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate in the area. The cumulative effect of approving such applications would result in a general degradation of the environment of the area as well as adverse traffic impact on Nim Wan Road.”

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/418            Proposed Temporary Shop and Services (Real Estate Agency) for a  
Period of 3 Years in “Village Type Development” Zone,  
Lot 455 in D.D. 123, Ng Uk Tsuen, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/418)

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### **Presentation and Question Sessions**

51.            With the aid of a visualizer, Mr Vincent T.K. Lai, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received from three members of the general public and one member of Yuen Long District Council (YLDC). The three members of the general public objected to the application mainly on the environmental, safety, drainage, traffic and ‘fung-shui’ grounds; and that the application site had been illegally paved and converted into an illegal vehicle park. The member of YLDC expressed his concern on how the Board could ensure that the proposed real estate agency would not be converted into residential development; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. As regards the public comments that the application site had been converted into a car park, according to the recent site inspection, the application site was found vacant but unauthorized parking of vehicles was found in the adjoining land. Planning enforcement action was being undertaken against the unauthorized development at this adjoining land. Regarding the other concerns, concerned government departments had no objection to or no adverse comments on the application.

52. In response to a Member’s question, Mr Vincent T.K. Lai said that the applicant provide information in the application what type of construction materials would be used to build the temporary structures on the site.

53. In response to the same Member’s question, Mr Lai said that should the Committee decided to grant a temporary permission for three years to the proposed use, the applicant had to apply for a renewal of the planning permission upon its expiry. The temporary permission would be subject to an approval condition that upon expiry of the planning permission, the applicant should reinstate the site to the satisfaction of the Director

of Planning or of the Board. Any unauthorized development on the site would be subject to enforcement action undertaken by the Planning Authority.

### Deliberation Session

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.10.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the provision of drainage facilities, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.4.2014;
- (c) the drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (d) 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 11.4.2014;
- (e) in relation to (d) 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 11.7.2014;
- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.4.2014;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.7.2014;

- (h) if any of the above planning conditions (a) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall 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.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land involved are Old Schedule Agricultural Lots under Block Government Lease which no structures are allowed to be erected without prior approval from the Government. No approval has been given for the specified structure as real estate agency, meeting room, site office and toilet indicated in the application form. The site falls within the village ‘environs’ of Ng Uk Tsuen/Tai Tseng Wai/Shing Uk Tsuen. The site is accessible to Fuk Shun Street through an informal track on both private land and government land. His office does not provide maintenance works on this track nor guarantees right-of-way. No application for Short Term Waiver was received as far as the subject planning application is concerned. Should planning approval be given to the application, the concerned lot owners need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such applications will be considered by LandsD



acting in the capacity as landlord at its sole discretion. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any possible environmental nuisances;
- (d) to note the comments of the Commissioner of Transport that sufficient manoeuvring spaces shall be provided within the site. No vehicle is allowed to queue back to public road or reverse onto/from public road. The local track leading to the site falls outside the Transport Department’s (TD) purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Fuk Shun Street should be commented and approved by TD. Adequate drainage measures should be provided at the site to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Fuk Shun Street;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside the private lot under application before commencement of the drainage works;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. The applicant's attention is drawn to the following points:
- (i) before any new building works are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
  - (ii) for UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing building works or UBW on the site under BO;
  - (iii) in connection with (i) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
  - (iv) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (h) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs for D of FS' approval. The layout plan 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 plan. If the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority. Should the applicant apply for exemption from the provision of FSI as prescribed by D of FS, the applicant is required to provide justifications to D of FS for consideration;

- (i) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the proposed works should be submitted to BD for approval as required under the provision of the BO; and
  
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
  - (i) prior to establishing any structure within the application site, the applicant and/or his contractor(s) shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  
  - (ii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicants and their contractor(s) when carrying out works in the vicinity of the electricity supply lines.”

[The Chairman thanked Mr Vincent T.K. Lai, STP/TMYL, for his attendance to answer Members' enquires. Mr Lai left the meeting at this point.]

**Agenda Item 21**

Section 16 Application

[Open Meeting]

A/YL-PS/419                      Temporary Rural Communal Public Vehicle Park for Private Cars,  
5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles  
for a Period of 3 Years in "Village Type Development" Zone,  
Lots 429, 431(Part), 436(Part), 437(Part), 438 S.A, 446(Part),  
447(Part) and 449 R.P.(Part) in D.D. 122, Hang Mei Tsuen,  
Ping Shan, Yuen Long  

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(RNTPC Paper No. A/YL-PS/419)

56.            The Secretary said that on 24.9.2013, the applicant requested for deferment of the consideration of the application for one month to allow time for the applicant to prepare further information to address the public 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 further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/252          Temporary Warehouse (Storage of Household Materials and Canned Food) for a Period of 3 Years in “Green Belt” Zone,  
Lot 1564 RP in D.D. 129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/252)

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**Presentation and Question Sessions**

58.           With the aid of a visualizer, Mr Ernest C.M. Fung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse (storage of household materials and canned food) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper and summarized below:
  - (i) the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected;
  - (ii) the Commissioner for Transport commented that relevant traffic surveys data for the estimated usage with breakdown of the vehicle type(s) and estimates of the anticipated average and peak trip generation and attraction hourly rate should be provided before the application was proceed further;
  - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from

the landscape planning perspective. According to the aerial photograph, a section of the vegetated area within the southern part of the application site had been cleared. A residential development adjacent to the northwest of the application site was approved previously by the Committee. The proposed temporary development was considered incompatible with surrounding environment. The site was formed and currently used as a warehouse. There were some mature trees located on the southwest and southeast of the application site, which might be affected by the proposed development. However, no information such as tree survey or landscape proposal was provided. The impacts on the landscape resources could not be fully ascertained. There was a general presumption against development within the “Green Belt” (“GB”) zone and the “GB” zone served as a buffer at the west of the “Conservation Area” zone. Approval of the temporary warehouse would encourage similar piecemeal temporary developments in the vicinity which would jeopardize the integrity of the existing “GB” zone;

- (d) during the first three weeks of the statutory publication period, three public comments were received from a member of Yuen Long District Council (YLDC), Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited. The member of YLDC objecting to the application as the applied use with massive structure would ruin the “GB” zone. Kadoorie Farm & Botanic Garden Corporation expressed that the applied use should adhere to the planning intention of “GB” zone and be kept within the “Village Type Development” zone. The site was also within the Wetland Buffer Area and the proposed development would affect the water-birds utilizing the ponds, and the ecology of the Deep Bay area. Designing Hong Kong Limited objecting to the application as the land was zoned “GB”; no traffic and environmental impact assessment had been conducted; and the proposed use was unsightly and degradation of the land and the environment; and

- (e) PlanD's views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper and were summarized below:
- (i) the applied use was not in line with the planning intention of “GB” zones. No approval for warehouse use had ever been granted by the Board/Committee within the subject “GB” zone. The applied use was not compatible with the surrounding rural environments, the residential dwellings nearby and the residential development to the northwest of the application site. CTP/UD&L, PlanD objected to the application on the grounds that the mature trees located on the southwest and southeast of the site would be affected by the proposed development and approval of temporary warehouse would encourage similar piecemeal development and jeopardize the integrity of the “GB” zone;
  - (ii) the application 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 there was no strong planning justification in the submission to justify a departure of the planning intention of the “GB” zone. Moreover, the applicant did not submit drainage proposal and traffic data to demonstrate that the proposed development would not have adverse drainage and traffic impacts on the surrounding areas;
  - (iii) according to the Town Planning Board Guidelines No. 12B for ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12B), the application site fell within the wetland buffer area (WBA). Although the proposed temporary use within the WBA was exempted from the requirement of ecological impact assessment as part of the submission, warehouse use could not be considered as complementary to the ecological functions of the wetlands and fishponds around the Deep Bay area;

- (iv) DEP did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected; and
- (v) there had not been any similar applications approved for temporary warehouse and open storage uses within “GB” zone. Approval of application, even on a temporary basis, would set an undesirable precedent for similar applications in the vicinity. The cumulative effect would result in a general degradation of the environment of the area.

59. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is 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 is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development is not in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within the Green Belt zone’ in that the development would affect the existing natural landscape in the area and the applicant has not demonstrated that the proposed development would not have any adverse drainage and traffic impacts; and
- (c) approval of the application would set an undesirable precedent for similar open storage and warehouse use in the “GB” zone, the cumulative effect of



which would result in a general degradation of the environment of the area.”

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

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting]

A/YL-HT/829

Proposed Temporary Precast Building Fabrication Workshop with Ancillary Open Storage, Warehouse and Office for a Period of 3 Years in “Undetermined” Zone, Lots 1808 RP (Part), 1809, 1816-1818, 1819 (Part), 1820-1823, 1824 S. A RP, 1824 S. B RP, 1824 S. C and 1825 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/829B)

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61. The Secretary said that Mr Ivan C.F. Fu had declared an interest in this item as he had current business dealings with Environs Hong Kong Ltd., one of the consultants of the applicant. As the applicant had requested for deferment of consideration of the application, Members agreed that Mr Fu could stay in the meeting.

62. The Secretary said that on 25.9.2013, 30.9.2013 and 3.10.2013, the applicant submitted Further Information (FI) involving two sets of responses to comments of the Environmental Protection Department (EPD) on the environmental assessment and a letter providing clarification on the height of the boundary wall respectively. However, there was insufficient time for DEP and the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) to comment on the FI. Since the departmental comments would be relevant to the consideration of the application, PlanD requested the Committee to defer consideration on the application by one meeting to allow more time for PlanD to consult relevant departments including EPD and CTP/UD&L, PlanD.

63. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration at the next meeting, i.e. on 25.10.2013.

**Agenda Item 24**

**Section 16 Application**

[Open Meeting]

A/TM-LTY Y/261 Eating Place (Restaurant including Ancillary Storerooms and Staff Toilet) and Minor Relaxation of Building Height Restriction from 8.23m to 12.93m (for Vertical Air Ventilating Duct only) in “Village Type Development” Zone, G/F, 1/F and Part of Roof above 1/F, 57 Lam Tei Main Street, Lan Ti Lot No. 4 in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/261A)

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64. The Secretary said that on 18.9.2013, the applicant requested for deferment of the consideration of the application for two months to allow time for the applicant’s environmental consultant to continue liaising with the Environmental Protection Department on the vertical ventilating duct and the sewerage arrangement.

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

**Agenda Item 25**

**Section 16 Application**

[Open Meeting]

A/TM-LTY Y/263 Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” Zone, Lot 581 (Part) in D.D. 130, To Yuen Wai, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/263)

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66. The Secretary said that on 27.9.2013, the applicant requested for deferment of the consideration of the application for two months to allow time for the applicant to prepare further information to address the comments of the Chief Engineer/Mainland North, Drainage Services Department and Chief Town Planner/Urban Design and Landscape, Planning Department.

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

**Agenda Item 26**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/438            Temporary Vehicle Park (including Container Vehicles), Container Storage Area, Tyre Repair, Shop and Services (Sale of Container Vehicles and the Related Parts/Accessories), Vehicle Repair and Services and Ancillary Offices for a Period of 3 Years in “Other Specified Uses” annotated “Service Stations” Zone, Lots 372 S.D RP (Part), 743 RP (Part) and 744 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/438)

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68.            The Secretary reported that Ms Anita K.F. Lam, Assistant Director of Lands, had declared an interest in this item as she had private business dealings with Lanbase Surveyors Ltd., one of the consultants of the applicant. As Ms Lam had no direct involvement in the subject application, Members agreed that she could stay in the meeting.

**Presentation and Question Sessions**

69.            With the aid of a visualizer, Mr K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vehicle park (including container vehicles), container storage area, tyre repair, shop and services (sale of container vehicles and the related parts/accessories), vehicle repair and services and ancillary offices for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper.

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 three years until 11.10.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 5:00 p.m. and 10:00 a.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) the containers stacked within 5m of the periphery of the site shall not exceed the height of the boundary fence at any time during the planning approval period;
- (e) the stacking height of containers stored at any other location within the site shall not exceed 8 units at any time during the planning approval period;

- (f) the paving on the site shall be maintained at all times during the planning approval period;
- (g) a vehicular access/run-in between the site and Tun Yu Road shall be maintained at all times during the planning approval period;
- (h) no reversing in or out from the site is allowed at any time during the planning approval period;
- (i) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.4.2014.
- (j) in relation to (i) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.7.2014;
- (k) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.4.2014;
- (l) in relation to (k) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.7.2014;
- (m) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.4.2014;
- (n) in relation to (m) 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 11.7.2014;
- (o) the provision of boundary fencing on the site within 6 months from the date

of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.4.2014;

- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (i), (j), (k), (l), (m), (n) or (o) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (r) 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 development/use at the application site;
- (b) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site;
- (c) the permission is given to the development/uses under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land under application comprises Old

Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Government Land Licences (GLL No. M14497 and Y15827) were granted on Lot No. 744 RP permitting the erection of agricultural structures on site. No approval has been given for the 13 structures proposed on the site, which covers a total gross floor area of about 11,649.31m<sup>2</sup> subject to verification. No permission has been given for the applied use and/or occupation of the government land (GL) (about 723m<sup>2</sup> subject to verification) in the application site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Castle Peak Road – San Tin section via Tun Yu Road. His Office provides no maintenance work for the GL involved and does not guarantee right-of-way. The lot owner should apply to his Office for a Short Term Waiver and Short Term Tenancy to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has either to exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such applications will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (f) to note the detailed comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix IV of the Paper;
- (g) to note the detailed comments of the Chief Building Surveyor/New Territories West, Buildings Department at Appendix IV of the Paper;



- (h) to note the detailed comments of the Director of Electrical and Mechanical Services at Appendix IV of the Paper;
- (i) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that the applicant should vacate the area within the railway protection boundary of the proposed Northern Link as when required by the Government; and
- (j) to note the comments of the Director of Fire Services that fire service installations (FSIs) are required in consideration of the design/nature of the proposed structures. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. In addition, the site is proposed to be used as vehicle repair workshop in which activities involving storage/use of Dangerous Goods are likely. As such, the applicant/operator of the site should be advised to approach his Dangerous Goods Division for advice on licensing of the premises. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.”

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/439            Eating Place in “Village Type Development” Zone,  
Part of Ground Floor of an Existing Village Type House,  
Lot 3360 (Part) in D.D. 102, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/439)

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**Presentation and Question Sessions**

73.            With the aid of a visualizer, Mr K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the eating place on the ground floor of an existing village type house;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from two members of the general public. One public commenter objected to the application on the grounds of nuisance of cooking fume, sewerage discharge, food waste, noise, risk of fire and fire escape, environmental hygiene and traffic congestion to the nearby residents and home for the elderly. The other commenter raised concerns that the applied use was close to the residential area and there was no submission of sewerage impact assessment and treatment on the discharge of smoking fume. Moreover, the eating place use was not covered by a license issued by Food and Environmental Hygiene Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments as detailed in paragraph 12 of the Paper. As regards the two public comments, concerned government departments had no objection to or no adverse comments on the application. The environmental nuisances could be controlled through the relevant environmental and hygiene control ordinances and licensing requirements.

74. Members had no question on the application.

#### Deliberation Session

75. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

“the submission and implementation of proposals for water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that proposed works appears to be associated with an existing building that he has no record of approval by the Building Authority and BD is not in a position to offer comments on its suitability for the use related to the application. If the subject application associated with the existing building is a New Territories Exempted House under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121 or the previous Cap 322), the District Lands Officer/Yuen Long, Lands Department should be in a better position to comment on the application. If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the site of the

application premises intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;

- (c) to note the comments of the Director of Environmental Protection that all waste water from the application premises shall comply with the requirements stipulated in the Water Pollution Control Ordinance (WPCO) and a proper discharge license shall be applied under the WPCO. The applicant should also comply with other pollution control ordinances, for example, the Air Pollution Control Ordinance and Noise Control Ordinance to address different environmental concerns;
- (d) to note the comments of the Director of Food and Environmental Hygiene that a proper food licence issued by his Department is necessary if any class of food business is open for public. The applicant should meet all the licensing requirements and conditions for a food business licence as well as approval from other concerned departments before such food business licence being issued by his Department;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site under application is in an area where there is no drainage facility being constructed and/or maintained by Drainage Services Department. The area is being served by existing local village drains maintained by the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD). The applicant should approach DO(YL), HAD on drainage matters;
- (f) to note the comments of the Director of Fire Services that any structures on the site shall be approved for its structural stability by appropriate authority. The emergency vehicular access provision in the site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by BD;

- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application premises. Prior to establishing any structure within the site of the application premises, the applicant and/or the applicant's contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines; and
- (h) to liaise with the public commenters to address their concerns."

### **Agenda Item 28**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/221            School (Tutorial School) in "Residential (Group C)" Zone,  
Shop No. G26 and G27, G/F, Palm Springs Commercial Centre,  
Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/221)

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

77.            With the aid of a visualizer, Mr K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the school (tutorial school) on the ground floor of Palm Springs

Commercial Centre;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, eight public comments were received. A member of Yuen Long District Council enquired the number of planning applications for school (tutorial school) within the same commercial centre. He also commented that too many shops of the same kind would limit the choices of residents. The other seven public commenters objecting to the application mainly on the grounds that there were sufficient tutorial schools; a more variety of shops was needed; the applicant was operating a non-registered tutorial school at the premises; the layout of the premises did not comply with relevant fire safety and buildings regulations, and there was liquor selling at the premises; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. As regards the public comments objected to the application, the provision of private tutorial school at the subject commercial centre was a market decision. According to the Secretary for Education, the applicant had to apply for registration for the applied tutorial school. Such approval would be subject to compliance with the requirements including safety certificate/notice issued by the Fire Services Department and Buildings Department. Regarding the comment on liquor selling at the premises, it should be noted that the current application was only seeking planning permission for a tutorial school.

78. Members had no question on the application.

Deliberation Session

79. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

“the submission and implementation of a fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the development/use at the premises;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the application is subject to comments/requirements to be stipulated by his Licensing Unit upon the applicant’s application of relevant certificates under the Education Ordinance;
- (c) to note the comments of the Secretary for Education that approval will be granted to the application for registration of a proposed school subject to the following documents : (i) approval from the TPB and the Lands Department (LandsD) in respect of the proposed premises; (ii) safety certificates/notice in respect of the premises issued by the Fire Services Department and BD; and (iii) documentary proof of the right to use the relevant premises, such as tenancy agreement and rental receipts, etc.;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult District Lands Office/Yuen Long, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside the applicant’s lot boundary before commencement of the drainage works.”

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

## **Agenda Item 29**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/417      Proposed Temporary Shop and Services (Pet Grooming and Retail Shop) for a Period of 3 Years in "Village Type Development" Zone, Lot 283 S.A RP (Part) in D.D. 109, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/417)

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### **Presentation and Question Sessions**

81.            With the aid of a visualizer, Ms Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary shop and services (pet grooming and retail shop) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one comment was received from an indigenous villagers of Kat Hing Wai objecting to the application on the grounds that the application site was currently used for religious/worshipping purpose and the retail shop would affect the 'feng-shui' of the village. In addition, the applicant did not obtain the owner's consent for change of land use; and



- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. As regards the public comment objecting to the application, the proposed development was considered not incompatible with the surrounding land uses and would not frustrate the planning intention of the “Village Type Development” zone. The applicant was advised to resolve any land issue relating to the development with the concerned owners of the application site.

82. Members had no question on the application.

### Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 11.10.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 1:00 p.m. and 6:00 p.m. on Saturdays and no night-time operation between 6:00 p.m. and 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.4.2014;

- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.4.2014;
- (f) in relation to (e) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.7.2014;
- (g) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.4.2014;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.7.2014;
- (i) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

84. 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 note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lot within the site is Old Scheduled Agricultural Lot held under the Block Government Lease which no structure is allowed to be erected without prior approval of LandsD. No approval is given for the specified single-storey structure as retail shop. Access to the site is open onto Kam Tin Road. LandsD does not provide maintenance work on this access nor guarantee right-of-way. The lot owner will still need to apply to LandsD to permit structures to be erected or regularize any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (c) 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 minimize any potential environmental nuisances;
- (d) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of the existing vehicular access connecting the site and Kam Tin Road;
- (f) to note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department that before any new building works (including converted containers and open sheds) are to be carried out on the site, the prior approval and consent of the Buildings Authority (BA) should be obtained. Otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on-site under BO. The proposed structures may be considered as temporary buildings and are subject to control under the B(P)R Pt. VII;

- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature for the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is 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. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans/overhead line alignment drawings to find out whether there is any underground cable and/or overhead electricity line within or in the

vicinity of the site. Based on the cable plans obtained, if there is underground cable and/or overhead electricity line within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the site, the applicant and/or his contractors shall also liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead electricity line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supplier Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/608      Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Agriculture” and “Residential (Group C) 1” Zones, Lot 1638 RP (Part) in D.D. 106 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/608)

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

85.            With the aid of a visualizer, Ms Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;

- (b) the proposed temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application.
- (d) no public comment was received during the first three weeks of the statutory publication period. A local objection from four villagers of Yuen Kong Tsuen was received by the District Officer (Yuen Long), Home Affairs Department objecting to the application as the development would cause flooding on the surrounding area and blockage of the channels; and the development would affect ‘feng-shui’ of the village; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. As regards the public comments objecting to the application, the development was considered not incompatible with the surrounding land uses and concerned government departments had no adverse comment on the application. Regarding the comment that the development would cause flooding on the surrounding area and blockage of the channels, an approval condition requiring the applicant to properly maintain the existing drainage facilities on site were recommended.

86. In response to a Member’s question on the preservation of the mature tree outside the application site, Ms Bonita K.K. Ho drew Members’ attention to the comments of the Chief Town Planner/Urban Design and Landscape, PlanD in paragraph 9.1.5 of the Paper that while the mature tree located outside the application site was not likely to be affected by the proposed development, an approval condition requiring the applicant to submit and implement a tree preservation proposal was recommended should the Committee decided to approve the application.

Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.10.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 10:00 a.m. daily, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (d) the existing drainage facilities on the application site shall be maintained at all times during the planning approval period;
- (e) the submission of a record of existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.4.2014;
- (f) the submission of landscaping and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.4.2014;
- (g) in relation to (f) above, the implementation of the landscaping and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.7.2014;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services

or of the TPB by 11.4.2014;

- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.7.2014;
- (j) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

88. 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 (LandsD) that no permission has been given for the occupation of the government land (GL) within the site. The act of occupation of GL without government’s approval should not be encouraged. The lot owner concerned will need to apply to LandsD to permit any additional/excessive structures to be erected or regularized any irregularities on the site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL



portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. The site is accessible through a short stretch of GL and opens onto Kam Sheung Road. LandsD does not provide maintenance works on the access nor guarantees right-of-way;

- (c) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of a local access road which may not be managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (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 Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit the relevant layout plans incorporating the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The locations of where the proposed FSIs are to be installed should be clearly marked on the layout

plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant is required to provide justifications to his department for consideration. If any structure is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under application. Before any new building works (including store rooms, kitchens, offices, toilets and open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. In this connection, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (h) to note the comments of the Director of Food and Environmental Hygiene that the daily operation of the nearby refuse collection point would not be affected;
- (i) to note the comments of the Director of Electrical and Mechanical Services

that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground electricity cable and/or overhead electricity line within or in the vicinity of the site. Based on the cable plans and/or overhead line alignment drawings obtained, if there is underground electricity cable and/or overhead electricity line within or in the vicinity of the site, the applicant should carry out the following measures:

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

**Agenda Item 31**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/610      Temporary Open Storage of Construction Materials with Ancillary Workshop for a Period of 3 Years in “Agriculture” and “Village Type Development” Zones, Lot 1082 RP (Part) in D.D. 113 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/610)

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**Presentation and Question Sessions**

89.            With the aid of a visualizer, Ms Bonita K.K. Ho, 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 with ancillary workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper and highlighted below:
  - (i) the Commissioner for Transport (C for T) had reservation on the proposed ingress/egress at Kam Ho Road as it was located at the lay-by of Kam Ho Road;
  - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had some reservation on the application from the landscape planning point of view. According to the aerial photograph, the surrounding area within the subject “Village Type Development” (“V”) and “Agriculture” (“AGR”) zones had been disturbed by suspected unauthorized open storage practices operating without planning approval. The site was paved and there

was no significant vegetation within the application site. Although no immediate adverse impact on landscape resources within the site was expected, if the subject application was approved, it was likely that similar applications would be encouraged and further degradation of the landscape quality in the area was highly anticipated;

- (iii) the Director of Environmental Protection (DEP) did not support the application as sensitive uses were found to the north and northwest of the application site and along the access road and environmental nuisance was expected; and
  - (iv) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as active agricultural lives were found in the vicinity of the application site and the site was of a high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, two public comments were received from the village representatives of Ho Pui and Designing Hong Kong Limited objecting to the application mainly on the grounds that the development was not compatible with the surrounding area; the development would cause nuisance and adverse environmental and traffic impacts on the surrounding area; there was already sufficient land for storage use to meet the demand; the temporary development would likely be renewed upon the expiry of the planning permission, it would affect the agricultural land in long term; the supply of farmland should be safeguarded and urban development on agricultural land should be avoided; and the applicant did not consult the village representatives about the application; and
- (e) PlanD's views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper and were summarized below:

- (i) majority of the application site (79.5%) fell within “V” zone with a smaller portion (20.5%) within “AGR” zone. The development was not in line with the planning intention of “V” and “AGR” zones. Although no Small House application was received at the application site, it was located near the village settlement and there were approved Small House developments in the vicinity. DAFC did not support the application from the agricultural point of view as active agricultural lives were found in the vicinity and the site was of a high potential for agricultural rehabilitation. There was no strong planning justification in the submission to justify for a departure from the planning intentions of “V” and “AGR” zones, even on a temporary basis;
- (ii) the development was not compatible with the surrounding land uses which were predominantly rural in character. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” and “AGR” zones. The cumulative effect of approving such application would result in general degradation of the rural environment of the area;
- (iii) the development was not in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) on that there was no previous approval granted at the site for open storage use and there were adverse comments on the application from the government departments including DAFC, DEP and C for T; and the applicant had not provided information to demonstrate that the development would not cause adverse drainage impact on the surrounding areas; and
- (iv) the application site was located near the village settlement, DEP did not support the application as the applied use were located close to sensitive uses and environmental nuisance was expected.

90. Members had no question on the application.

### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Village Type Development” (“V”) zone which is to reflect the existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. It is also not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes. The “AGR” zone is intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis;
- (b) the development for temporary open storage of construction materials with ancillary workshop is not compatible with the surrounding land uses which are predominantly rural in character with a mixture of cultivated and fallow agricultural land and residential dwellings/structures or developments;
- (c) the application does not comply with the Town Planning Board PG-No. 13E in that there is no exceptional circumstance that warrants sympathetic consideration, and that there is no previous approval granted at the site and there are adverse departmental comments and public objections against the application;
- (d) the applicant fails to demonstrate that the development would not generate adverse environmental, traffic, landscape and drainage impacts on the surrounding areas; and

- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” and “AGR” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

**Agenda Item 32**

**Section 16 Application**

[Open Meeting]

A/YL-KTS/612 Proposed Government Refuse Collection Point in “Agriculture” Zone and an area shown as ‘Road’, Government Land in D.D. 106, Tin Sum Tsuen, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/612)

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92. The Secretary said that on 25.9.2013, the applicant requested for deferment of the consideration of the application for two months to allow time for the applicant to prepare further information on landscape planting to address the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department.

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



**Agenda Item 33**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/613      Proposed Temporary Vehicle Repair Workshop for a Period of 3 Years  
in “Agriculture” Zone, Lots 503 RP and 956 RP in D.D. 103,  
Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/613)

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**Presentation and Question Sessions**

94.            With the aid of a visualizer, Ms Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary vehicle repair workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings within 40m to the west and in the vicinity of the application site and environmental nuisance was expected. Besides, the applicant did not propose any mitigation measures to mitigate the potential contamination to the soil. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site were of high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period of the application, three public comments were received from a member of the general public, Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objecting to or expressing concerns on the application as the proposed development was incompatible with the zoning intention and the surroundings; the development would spoil the

agricultural land which should be preserved to safeguard the food supply for Hong Kong; the development would cause adverse environmental impact and obstruct the local road and no assessment on traffic and environmental impacts was conducted by the applicant; fencing, land excavation and site formation works had been commenced before obtaining planning approval from the Board and portion of the application site was not owned by the applicant; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper and were summarized below:
  - (i) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. DAFC did not support the application from the agricultural point of view as the application site was of a high potential for agricultural rehabilitation. There was no strong planning justification in the submission to justify for a departure from the planning intention, even on a temporary basis;
  - (ii) the proposed development was not compatible with the surroundings which were rural in character. Approval of the current application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in general degradation of the rural environment of the area; and
  - (iii) the applicant indicated that the proposed development was for repairing spare parts of private vehicles only and no paint-spraying activity or works which would cause adverse environmental impacts would be carried out. However, the proposed workshop was an open shed which could not effectively shield off the possible noise nuisance arising from the workshop activities. DEP did not support the application as there were sensitive uses and environmental nuisance was expected. Besides, no drainage proposal was

submitted by the applicant to demonstrate that the proposed development would not generate adverse drainage impact. The applicant failed to demonstrate that the proposed development would not cause environmental and drainage impacts on the surrounding area.

95. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good quality agricultural land for agricultural purpose and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The proposed development involving temporary vehicle repair workshop is incompatible with the rural character of the area. No strong planning justification has been given in the submission to justify for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not cause adverse environmental and drainage impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

[ Mr H.F. Leung left the meeting temporarily at this point.]

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

**Agenda Item 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/674            Renewal of Planning Approval for Temporary Horse Riding School for a Period of 3 Years in “Residential (Group D)” Zone, Lots 64 RP, 72 S.B ss.2 and 73 S.B RP in D.D. 108, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/674)

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**Presentation and Question Sessions**

97.            With the aid of a visualizer, Ms Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary horse riding school (under Application No. A/YL-PH/609) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments as detailed in paragraph 12 of the Paper.

98. Members had no question on the application.

Deliberation Session

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, from 16.10.2013 to 15.10.2016, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (c) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (d) the submission of records of the existing drainage facilities on the site with an updated drainage plan within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.4.2014;
- (e) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.4.2014;
- (f) in relation to (e) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.7.2014;
- (g) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease

to have effect and shall be revoked immediately without further notice;

- (h) if any of the above planning conditions (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (i) 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.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval from LandsD. The site is accessible directly to Fan Kam Road. LandsD does not provide maintenance works on this access nor guarantees right-of-way. The lot owner concerned will still need to apply to LandsD to permit structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (b) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road 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 his department shall not be responsible for the maintenance of any access connecting the site and Fan Kam Road;

- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances. All wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance and a proper discharge license shall be applied under the Ordinance;
- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature for the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is 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. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the Temporary Building Permit and Temporary Occupation Permit for the subject horse riding school have expired since 15.10.2002 and the school was closed in 2002. The applicant has to apply for renewal of the permits. Besides, the school should not be re-opened/re-occupied until the renewal application for the foresaid permits have been submitted and accepted by the Building Authority; and
- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition

of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

[Mr H.F. Leung returned to join the meeting at this point.]

### **Agenda Item 35**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/193            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 1068 RP in  
D.D. 106, Kam Tsin Wai, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-SK/193)

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

101.            With the aid of a visualizer, Ms Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

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



- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
  
- (d) during the first three weeks of the statutory publication period of the application, six public comments were received. The Village Representative of Kam Tsin Wai Tsuen supported the application for the reasons that the proposed development would not generate adverse environmental, traffic and visual impacts; the application site had no potential to be reverted for agricultural purposes; about 50% of the application site fell within the “Village Type Development” (“V”) zone; and there was limited land available for villagers to build their Small Houses. Designing Hong Kong Limited objected to the application on the grounds that the application site was partly zoned “Agriculture” (“AGR”) and approval of the application would set an undesirable precedent for similar applications; the proposed development would undermine the farming potential of the area; there was no environmental, traffic, drainage and sewerage assessment provided; NTEHs/Small Houses should be approved subject to confirmation of adequate access and parking space available and relevant departments should look into the matters relating to emergency vehicular access/safety, Small House policy and community facilities/infrastructure provision. One public commenter raised objection to the application mainly on the grounds that the proposed development would generate adverse environmental, traffic and infrastructural impacts and affect the structural stability of nearby residential dwellings was filed out of time; and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper and were summarized below:
  - (i) the site straddled “V” (about 48.8%) and “AGR” zones (about

51.2%). About half of the application site fell within “AGR” zone and the proposed development was not in line with the planning intention of the “AGR” zone. There was no strong planning intention in the submission for a departure from the planning intention of the “AGR” zone. Approval of the application would set an undesirable precedent for similar applications proliferating into the “AGR” zone, causing degradation to the surrounding rural environment; and

- (ii) the application site fell entirely outside the village ‘environs’ (‘VE’) of Kam Tsin Wai. According to the District Lands Office/Yuen Long, Lands Department (DLO/YL, LandsD), the total number of outstanding Small House applications and the 10-year forecast for Small House demand for Kam Tsin Wai were estimated to be 7 and 44 respectively. Based on the latest estimate, there was still about 4.7ha of land (equivalent to about 188 Small House sites) available within the “V” zone of Kam Tsin Wai for Small House development. In this regard, the application did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (the Interim Criteria) in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Kam Tsin Wai although about 56.2% of the footprint of the proposed Small House fell within the “V” zone. Besides, the applicant had not demonstrated in the submission why suitable sites in the areas zoned “V” within Pat Heung (including “V” zone for Chuk Hang) could not be made available for the proposed development.

102. In response to a Member’s enquiry, Ms Bonita K.K. Ho said that the site fell entirely outside the ‘VE’ of Kam Tsin Wai although 48% of the footprints of the proposed development fell within “V” zone. According to the Interim Criteria, favourable consideration to the application should not be given.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone on the Outline Zoning Plan, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification given in the submission for a departure from the planning intention of the “AGR” zone;
- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone covering Kam Tsin Wai. The applicant also failed to demonstrate in the submission why suitable sites within the areas zoned “V” could not be made available for the proposed development; and
- (c) the approval of the application would set an undesirable precedent for other similar developments to proliferate into the “AGR” zone. The cumulative effect of approving such application would result in a degradation of the surrounding rural environment.”

**Agenda Item 36**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/194            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 R.P (Part), 671 R.P (Part) and 685 R.P (Part) in D.D. 112 and Adjoining Government Land, Lin Fa Tei, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/194)

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**Presentation and Question Sessions**

104.            With the aid of a visualizer, Ms Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary animal boarding establishment (kennel) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of two years based on the assessments as detailed in paragraph 11 of the Paper.

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 two years, instead of three years sought, until 11.10.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the maintenance of existing drainage facilities on the application site at all times during the planning approval period;
- (b) the submission of a record of existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.4.2014;
- (c) the implementation of the accepted 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 11.4.2014;
- (d) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.4.2014;
- (e) in relation to (d) 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 11.7.2014;
- (f) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning conditions (b), (c), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have

effect and shall 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.”

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

- “(a) a shorter approval period is granted to monitor the situation on the application site given there are planned Small House developments in the vicinity of the site;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lots within the application site are Old Schedule Agricultural Lots held under Block Government lease under which no structure is allowed to be erected without prior approval from his office. No approval is given for the specified single-storey structures as dog kennel, site office, reception and dog play area. No permission has been given for the occupation of the government land (GL) within the site. The act of occupation of GL without Government’s prior approval should not be encouraged. Application for Short Term Waiver for regularization of structures on private lots and Short Term Tenancy for regularization of occupation of GL at the application site have been received. Such applications will be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application is approved, it will be subject to such terms and conditions including among others the payment of premium or fees, as imposed by LandsD. Besides, the application site is accessible via an informal village track on GL extended from Kam

Sheung Road. His office does not provide maintenance works on this government land nor guarantee right-of-way;

- (e) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. The management and maintenance responsibilities of the same local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (g) to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection (DEP) to minimize any potential environmental nuisances;
- (h) to note the comments of the Director of Environmental Protection that all waste water from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance and a proper discharge license shall be applied under the Ordinance;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that updated photograph record for the existing trees within the application site planted during the previous application should be provided;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is 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, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant shall provide justification to his Department for consideration. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including kennels, offices, reception and open shed as temporary buildings) are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on lease land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (l) to note the comments of the Director of Electrical and Mechanical Services



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

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

**Agenda Item 37**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/646 Temporary Warehouse for Storage of Exhibition Materials, Furniture, Wooden Products, Construction Tools and Vehicle Parts for a Period of 3 Years in “Undetermined” Zone, Lots 980 (Part), 981, 993 (Part) and 999 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/646)

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**Presentation and Question Sessions**

108. With the aid of a visualizer, Ms Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of exhibition materials, furniture, wooden products, construction tools and vehicle parts for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years until 11.10.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the application site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities, as proposed by the applicant, shall be carried out on the application site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the application site at any time during the planning approval period;
- (e) no queuing and no reverse movement of vehicles on public road are allowed at any time during the planning approval period;
- (f) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.1.2014;
- (g) in relation to (f) above, the implementation of the 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 11.4.2014;

- (h) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.1.2014;
- (i) in relation to (h) above, the implementation of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.4.2014;
- (j) the submission of a 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 11.1.2014;
- (k) in relation to (k) 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 11.4.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) shorter compliance periods are allowed to monitor the progress on compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the application site comprises Old Scheduled Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval of the Government. The lot owners concerned will still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the application site is accessible through an informal village track on government land and private land extended from Kung Um Road. His office does not provide maintenance works for such track nor guarantees right-of-way;
- (e) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the application site should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Also, sufficient space should be provided within the application site for manoeuvring of vehicles;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (g) to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the proposed drainage plan that the proposed surface u-channel with covers should be provided outside the site boundary if the routing of the surface u-channels falls within the access road for villagers, and DLO/YL, LandsD and the relevant lot owners should be consulted as regard all proposed drainage works outside site boundary or outside the applicant’s jurisdiction;
- (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 may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’ standards. Besides, water mains in the vicinity of the site cannot provide standard pedestal hydrant;
- (j) to note the comments of the Director of Fire Services on the submitted fire service installations proposal that clarification should be made on whether there is any proper fire resistance separation between structures 1 – 4 and structures 5 – 8 respectively. Should there be no proper fire resistance

separation in between, automatic sprinkler system in accordance with BS EN 12845:2003 and FSD Circular Letter No. 3/2006 should be provided accordingly. Should the applicant wish to apply for exemption from the provision of fire service installations as prescribed, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority;

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including converted containers and open sheds) are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the application site under BO. The application site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the application site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition

of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site. For application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplies is necessary. Prior to establishing any structure within the application site, the applicant and/or her contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and her contractors when carrying out works in the vicinity of the electricity supply lines.”

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/649      Renewal of Planning Approval for Temporary Open Storage of Construction Equipment and Materials (Metal Scaffolding) and Container Site Office Units with Ancillary Maintenance Workshop for a Period of 3 Years in “Undetermined” Zone, Lots 333 (Part), 342 RP (Part), 343, 344, 345, 346 S.A, 346 S.B, 347 RP, 348 RP (Part), 350 RP (Part) , 351 (Part), 352 (Part), 354 RP (Part) , 355 (Part) and 357 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/649)

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

112.            With the aid of a visualizer, Ms Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :



- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of construction equipment and materials (metal scaffolding) and container site office units with ancillary maintenance workshop (under Application No. A/YL-TYST/493) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper.

113. Members had no question on the application.

#### Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of three years from 16.10.2013 to 15.10.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the application site during the planning approval period;

- (c) no ancillary maintenance work shall be carried out in open area, as proposed by the applicant, at any time during the planning approval period;
- (d) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (e) the existing drainage facilities on the application site shall be maintained at all times during the planning approval period;
- (f) the existing trees on the application site shall be maintained at all times during the planning approval period;
- (g) the submission of a record of existing drainage facilities on the application site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.4.2014;
- (h) the submission of record photographs of existing trees on the application site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 15.4.2014;
- (i) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.11.2013;
- (j) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.4.2014;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval

to the satisfaction of the Director of Fire Services or of the TPB by 15.7.2014;

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

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

- “(a) to resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the application site comprises Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval of the Government. No approval has been given to allow the specific structures including office, staff rest area, water tanks, fire service installations (FSIs), storage and maintenance works on the site. Application for Short Term Waiver on Lots 342 RP, 345, 346 S.A and 348 RP in D.D. 119 have been received. Owners of the remaining lots concerned will still need to apply to his office to regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved.

If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the application site is accessible through an informal village track on government land and other private land extended from Shan Ha Road. His office does not provide maintenance works for such track nor guarantees right-of-way;

- (c) to note the comments of the Commissioner of Transport that sufficient space should be provided within the application site for manoeuvring of vehicles. The land status of the access road/path/track leading to the application site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the application site and Shan Ha Road;
- (e) to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs to be installed should also be clearly marked on the layout plans. The good practice guidelines for

open storage attached in Appendix VI of the Paper should be adhered to. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including containers and open shed as temporary building) are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the application site under BO. The application site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the application site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage."

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

**Agenda Item 39**

**Any Other Business**

116. There being no other business, the meeting closed at 4:15 p.m..