

TOWN PLANNING BOARD

Minutes of 498th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 25.10.2013

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

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 (Environmental Assessment),
Environmental Protection Department
Mr K.F. Tang

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

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

Secretary

Absent with Apologies

Professor K.C. Chau

Mr Rock C.N. Chen

Mr Lincoln L.H. Huang

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

In Attendance

Assistant Director of Planning/Board
Ms Brenda K. Y. Au

Chief Town Planner/Town Planning Board
Mr Edward W.M. Lo

Town Planner/Town Planning Board
Mr Terence Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 497th RNTPC Meeting held on 11.10.2013

[Open Meeting]

1. The draft minutes of the 497th RNTPC meeting held on 11.10.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/SK-CWBN/25 Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” Zone, Lots 416 S.A ss.1, 416 S.B, 416 S.C ss.1, 416 S.C RP, 416 RP, 417 S.A RP, 417 S.A ss.1, 417 S.A ss. 2 S.A, 417 S.A ss.2 RP and 417 S.B and Adjoining Government Land in D.D. 238, Ng Fai Tin, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/25B)

3. The Committee noted that the applicants requested on 11.10.2013 for deferment of the consideration of the application for two months to prepare supplementary information to address comments from the Drainage Services Department and the Architectural Services Department. This was the third time that the applicants had requested for deferment of the application. Since the Committee agreed to the last deferment application, the applicants had made efforts to address departmental/public comments by submitting a revised

Landscape Master Plan.

4. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants 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 applicants. The Committee also agreed to advise the applicants that the Committee had allowed a period of two months for preparation of further information. Since this was the third deferment requested by the applicants, the Committee had allowed a total of six months of deferment. No further deferment would be granted unless under very special circumstances.

Sha Tin, Tai Po and North District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/NE-KTN/6 Application for Amendment to the Approved Kwu Tung North Outline Zoning Plan No. S/NE-KTN/8, To rezone the application site from “Open Space” to “Village Type Development”, Lots 750 (Part), 751 (Part), 752 and 753 (Part) in D.D. 92 and Adjoining Government Land, Kwu Tung North, Sheung Shui
(RNTPC Paper No. Y/NE-KTN/6)

5. The Committee noted that the applicant requested on 18.10.2013 for deferment of the consideration of the application for two months to prepare further information to address comments from the Chief Town Planner/Urban Design and Landscape, Planning Department and the Director of Environmental Protection. This was the first time that the applicant requested for deferment of the application.

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

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

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/NE-PK/2

Application for Amendment to the Approved Ping Kong Outline Zoning Plan No. S/NE-PK/11 from “Agriculture” to “Comprehensive Development Area”, Various Lots in D.D. 91 and Adjoining Government Land, Ping Kong, Sheung Shui
(RNTPC Paper No. Y/NE-PK/2C)

7. The Secretary reported that the application was submitted by Join Crown Development Limited, with ACLA Limited and Environ Hong Kong Limited as consultants. Mr Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Limited. Ms Janice Lai had also declared an interest in this item as she had current business dealings with ACLA Limited. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr Fu and Ms Lai could stay at the meeting.

8. The Secretary further said that the applicant requested on 8.10.2013 for deferment of the consideration of the application for two months as additional time was required to resolve land ownership issue of Tso Tong land and to review/evaluate information recently received from the Hong Kong Bird Watching Society so as to respond to the relevant comments of Lands Department and Agriculture, Fisheries and Conservation Department on the application. This was the fourth time that the applicant had requested for deferment of the application. It was noted that since the last deferment request considered by the Committee on 8.2.2013, the applicant had submitted further information for five times to respond to departmental and public comments. The applicant had demonstrated genuine

effort to resolve the technical issues/concerns of departments on the application.

9. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that the Committee had allowed a further period of two months, resulting in a total period of eight months for preparation of submission of further information. This would be the last deferment and no further deferment would be granted.

Agenda Item 6

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/18C)

10. The Secretary reported that the application was submitted by Fancy Lotus Limited, with MVA Hong Kong Limited as one of the consultants. Mr Ivan Fu had declared an interest in this item as he had current business dealings with MVA Hong Kong Limited. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr Fu could stay at the meeting.

11. The Secretary said that the applicant requested on 17.10.2013 for deferment of the consideration of the application for two months in order to allow time for them to seek legal advice to address Lands Department’s concern on the implementation of the proposed closure arrangement on Ching Ming and Chung Yeung festival days. This was the fourth time that the applicant had requested for deferment of the application.

12. The Secretary further said that PlanD did not support the request for deferment. The applicant had submitted further information for four times since the submission of the application in November 2012 to address the departmental comments, and accordingly, the consideration of the application by the Committee was deferred for three times. It was considered that sufficient time (9 months) had been given to the applicant to address various technical issues and concerns raised by the government departments. Besides, the columbarium was already in operation and the application was a great public concern. Third parties' interests would be affected by the proposed deferment. The deferment requested by the applicant was therefore not in line with the deferment criteria as set out in TPB PG-No. 33.

13. After deliberation, the Committee decided not to agree to defer a decision on the application as requested by the applicant. The Committee agreed that the application should be submitted for its consideration at the next meeting.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/828 Shop and Services (Construction Materials Store) in “Industrial” Zone,
Workshop 5A (Part) on G/F Veristrong Industrial Centre, 34-36 Au Pui
Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/828)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (construction materials store);
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (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 (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. However, a temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

15. Members had no question on the application.

Deliberation Session

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.10.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of fire service installations and water supplies for firefighting proposals within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 25.1.2014;
- (b) the implementation of the fire service installations and water supplies for firefighting within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 25.4.2014; and

- (c) if the above planning condition (a) or (b) 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years is given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardised;
- (c) shorter compliance periods are allowed in order to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (d) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) note the comments of the Director of Fire Services that a formal application for Dangerous Goods License shall be made to the Dangerous Goods Division of Fire Services Department should the applicant require the storage of dangerous goods in excess of the exempted quantity;
- (f) note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from adjoining workshops by compartment walls, lobbies and floors having a fire resisting period of not less than two hours,

and the means of escape of the existing premises shall not be adversely affected; and

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/349 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 546 S.C in
D.D. 100, Tsiu Keng Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/349)

Presentation and Question Sessions

18. Ms Maggie M.Y. Chin, 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 – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site fell largely within an area zoned “Agriculture” (“AGR”). Active agricultural activities were noted in the vicinity of the application site and the application site was of high potential for agricultural rehabilitation;

- (d) during the first three weeks of the statutory publication period, three public comments were received. A North District Council member supported the application as he considered that it would bring convenience to the villagers. However, Designing Hong Kong Limited and Kadoorie Farm and Botanical Garden Corporation objected to the application for the reasons that the application site was mostly zoned as “AGR” and the proposed development was incompatible with rural environment. There were active farming activities in the vicinity of the application site. The application site and its surroundings had high potential for agricultural rehabilitation; supply of farmland should be safeguarded and the area of agricultural land in Hong Kong should not be further reduced; there was no submission of environmental, traffic, drainage and sewerage assessments in the application; sufficient infrastructure such as drainage, waterworks, street lighting, public spaces, footpaths, access and parking spaces was required; concerned government departments 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 the demand of existing houses; and approval of the application would set an undesirable precedent for similar applications. The proposed development should be constructed within the “Village Type Development” (“V”) zone instead; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Although DAFC did not support the application and there were adverse public comments on the application, about 25% of the application site fell within the “V” zone and the application site fell entirely within the village ‘environs’. Similar applications for Small House development within/partly within the same “AGR” zone in the vicinity of the application site had been approved with conditions by the Committee. It was not anticipated that the proposed development would have significant adverse traffic, drainage, landscape and environmental impacts on the surrounding area.

[Ms Christina Lee arrived to join the meeting at this point.]

19. Members had no question on the application.

Deliberation Session

20. 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 25.10.2017, 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.”

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

- “(a) 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. Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of septic tank;
- (b) 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/her 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 his department's standards; and

- (ii) the application site is located within the flood pumping gathering ground;
- (c) note the comments of the Director of Fire Services to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD) and detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (d) 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 applicant should ensure that such access road (including any necessary filling/excavation of land) will comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/484 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 699 S.E in D.D. 19, She Shan Tsuen, Lam
Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/484)

Presentation and Question Sessions

22. 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 – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site had high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, three public comments were received. A group of indigenous villagers of She Shan Tsuen objected to the application mainly because the proposed development would cause adverse ‘fung-shui’ impact. A member of the public and Designing Hong Kong also objected to the application mainly because the application site was located within the “Agriculture” (“AGR”) zone. There was a lack of a proper sewerage system, parking spaces and other public facilities in the area and the proposed development would cause adverse environmental, drainage and traffic impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Although DAFC did not support the application and there were public comments objecting to the application, the application site was a piece of vacant land covered with overgrown weeds. The proposed Small House was not incompatible with the surrounding environment which was predominately rural in character with village houses and abandoned agricultural land. Regarding the other concerns of the public commenters, Water Supplies Department and Environmental Protection Department considered that the proposed Small House would be able to be connected to the planned sewerage system. The relevant government departments also had no adverse comment on the other aspects of the application. It should be noted that ‘fung shui’ was not a planning consideration.

23. Members had no question on the application.

Deliberation Session

24. 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 25.10.2017, 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) submission and implementation of a landscape proposal 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) 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) provision of protective measures to ensure no pollution or siltation will occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) note the Director of Environmental Protection’s comments that construction of house shall not be commenced before the completion of the planned sewerage system; 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 points shall be within the Site; and adequate land is reserved for the future sewer connection works;
- (b) note the Chief Engineer/Development (2), Water Supplies Department’s

(WSD) comments that:

- (i) an existing DN80 water mains is found in the vicinity of the Site and it may be affected by the works of the proposed Small House. The applicant should avoid any construction work near the existing DN 80 water mains; and
 - (ii) for provision of water supply to the development, the applicant may need to extend his/her 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) note the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department's (DSD) comments 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) the village sewerage works in She Shan Tsuen started in October 2012 for completion in mid-2016 tentatively, subject to the land acquisition progress. The proposed development is located outside the original and extended "Village Type Development" zone where no existing public sewerage system connection is available now. Public sewers will be laid to the locations near to the proposed development under DSD's current project scheme. Theoretically,

the applicant could extend his sewer via other private/government lands 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;

- (d) note the Director of Fire Services' comments that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) note the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department's comment that the applicant should inform AMO at least two weeks prior to the commencement of construction so as to facilitate AMO's staff to conduct site monitoring;
- (f) note the Chief Highway Engineer/New Territories East, Highways Department's (HyD) comments that the access road from Lam Kam Road adjoining the Site is not maintained by HyD;
- (g) note the Director of Electrical and Mechanical Services' comments 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) 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, 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 cable (and/or overhead line) away from the vicinity of the proposed structures; and
 - (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;
- (h) note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department’s comments that the applicant is reminded to make necessary submissions 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 applicant shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (i) 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) will comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/473 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” and “Village Type Development” Zones, Lot 391 S.B and
 392 RP in D.D. 28, Lung Mei, Tai Po
 (RNTPC Paper No. A/NE-TK/473)

Presentation and Question Sessions

26. 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 – concerned departments had no objection to or no comment on the application as detailed in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication, three public comments from Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and Lung Mei Tsuen Rural Committee were received. They objected to the application for the reasons that the proposed development was not in line with the planning intention of “Green Belt” zone and did not comply with the TPB PG-No. 10; approval of the application would set an undesirable precedent for similar applications and the potential cumulative impacts of these development would affect the nearby wildlife and the natural habitats ecologically linked to the Pat Sin Leng Country Park and would cause cumulative adverse impacts on the access road, public sewerage and parking facilities in the area; and approving the applications individually would result in chaotic Small House development, damage the natural

environment and affect the maximum land utilisation for Small House developments in the area; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. Regarding the adverse public comments, the concerned government departments had no adverse comments on the application. The concerns of the commenters could be addressed through imposition of relevant approval conditions and advisory clauses to minimise the potential adverse impacts on the surrounding area.

27. Members had no question on the application.

Deliberation Session

28. 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 25.10.2017, 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) submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) the applicant is required to register, before execution of Small House grant documents, 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);

- (b) note the comments of the Director of Environmental Protection to connect the proposed Small House to the public sewer at the applicant's own cost;
- (c) note the comments of the Director of Drainage Services that there is no public drain in the vicinity of the Site. The applicant/owner is required to maintain the drainage systems properly and rectify the drainage system if it is found to be inadequate or ineffective during operation. The applicant/owner shall be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the system;
- (d) note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection for provision of water supply to the proposed development and 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) note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Ting Kok Road to the Site is not maintained by HyD;
- (f) note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department. Detailed fire safety requirements will be formulated during land grant stage;
- (g) note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should be advised to avoid impacts to the mature Camphor Tree located to the east of the application site; and

- (h) 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 applicant should ensure that such access road (including any necessary filling/excavation of land) will comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 11

Section 16 Application

[Open Meeting]

A/NE-FTA/123 Proposed Asphalt Plant in “Open Storage” Zone, Lots 20 RP, 21 and 23 RP (Part) in D.D. 88 and Adjoining Government Land, East of Man Kam To Road, Sheung Shui
(RNTPC Paper No. A/NE-FTA/123B)

30. The Secretary said that the application had been deferred twice. The applicant requested on 10.10.2013 for deferment of the consideration of the application for one more month in order to allow sufficient time to respond to various government departments’ comments on the application. Since the last deferment request, the applicant had submitted further information providing responses to departmental comments, revised environmental assessment, revised traffic impact assessment and plans to address the concerns of the relevant departments.

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

[Dr Wilton Fok arrived to join the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-PK/44 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1512 S.B in D.D. 91, Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/44)

32. The Secretary reported that the applicant sought planning permission to build a Small House at the application site. However, when comparing the aerial photos taken in February 2013 and September 2013, it was noted that the application site had been cleared, and the land had been filled and fenced off. The application site might have been involved in unauthorised vegetation clearance/tree felling, land filling works and possibly excavation works prior to the submission of the planning application. PlanD therefore requested that the application be deferred for a period of two months pending an investigation of suspected unauthorised vegetation clearance, land filling and excavation works on the application site.

33. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD pending an investigation of the suspected unauthorised vegetation clearance, land filling and excavation works on the application site. The Committee agreed that the application should be submitted for its consideration after the investigation in two months’ time. No further deferment would be granted unless under very special circumstances.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/427 Industrial Use (Laundry Workshop) in “Open Storage” Zone, Lots 825, 834 and 836 in D.D. 77 and Adjoining Government Land, Ping Che
(RNTPC Paper No. A/NE-TKL/427B)

Presentation and Question Sessions

34. 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 industrial use (laundry workshop);
- (c) departmental comments – concerned departments had no objection to or no comment on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment from a North District Council member was received. He supported the application and considered that the residents nearby should be consulted. In addition, the District Officer (North) reported that the incumbent North District Council member had indicated that the applicant should pay attention to the maintenance responsibility of the vehicular access leading to the application site; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper.

35. Members had no question on the application.

Deliberation Session

36. 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 25.10.2017, 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 design and provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that the owners of the lots should be advised to apply to his office for Short Term Waivers (STWs) and Short Term Tenancy (STT) for the regularisation of the existing structures erected. There is no guarantee that STWs/STT will be granted to the applicants. If the STWs/STT are granted, the grant will be made subject to such terms and conditions to be imposed as the Government shall deem fit to do so including the payment of STWs/STT fees/rent;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) if the existing structures are erected on leased land without approval of the BD, they are unauthorised under Buildings Ordinance (BO) and should not be designated for any approved use under the

application; and

- (ii) for unauthorised building works (UBW) erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that:
- (i) there is an existing channel running along the southern site boundary and it lies partly on Government land and partly on the application site. This existing channel is essential to the drainage of areas around the application site. The applicants shall not erect any structure including support, or place any object or obstruction of any kind in the channel or suffer the same to be erected or placed in the channel;
 - (ii) the applicants shall maintain those parts of the channel falling within the application site structurally intact and clear of any refuse, deposits or likely obstructions to the unimpeded flow in the channel; and
 - (iii) the applicants shall allow the personnel of DSD or its agents to enter upon or access through the application site for purposes of inspection of the channel within a notice of, say, 14 days issued by DSD in writing;
- (d) to note the comments of the 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 administered by BD; and detailed fire safety requirements would be formulated upon receipt of

formal submission of general building plans;

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the application site falls within flood pumping gathering ground and the following conditions should be complied with:
 - (i) all spoils arising from site formation works and building works shall be contained and protected to prevent all nearby water courses from being polluted or silting up;
 - (ii) no discharge of effluent within the flood pumping gathering grounds shall be allowed without WSD's prior approval. Any effluent discharge must comply fully at all times with standards for effluents stipulated in Table 3 and paragraph 8.4 of the "technical Memorandum on Effluent Standards" issued under Section 21 of the Water Pollution Control Ordinance;
 - (iii) all wastes, sludge and pollutants arising from any activity or work on the site shall be properly disposed of outside flood pumping gathering grounds; and
 - (iv) storage and discharge of toxicant, flammable or toxic solvents, petroleum oil or tar or any other toxic substances are prohibited; and
- (f) to note the comments of the Commissioner of Transport that the land status of the access road leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities."

[The Chairman thanked Mr Anthony K.O. Luk, Ms Maggie M.Y. Chin, Mr C.T. Lau and Mr Wallace W.K. Tang, STPs/STN, for their attendance to answer Members' enquires. They left the meeting at this point.]

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

Tuen Mun and Yuen Long District

Agenda Item 14

[Open Meeting]

Draft Planning Brief for the Home Ownership Scheme Development

at Kiu Cheong Road-East, Yuen Long

(RNTPC Paper No. 10/13)

38. The Secretary reported that the draft planning brief concerned a proposed residential development under the Home Ownership Scheme (HOS) to be developed by the Hong Kong Housing Authority (HKHA). The following Members had declared interests on this item:

- | | |
|---|--|
| Mr K.K. Ling
(the Chairman)
as the Director of Planning | - being a member of the Strategic Planning Committee and Building Committee of HKHA |
| Ms Anita Lam
as Assistant Director (NT),
Lands Department | - being an alternate member for the Director of Lands who was a member of the HKHA |
| Mr Frankie W.P. Chou | - being an alternate member for the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA |
| Professor Edwin H.W. Chan | - being a member of HKHA and the Building Committee of HKHA |
| Ms Janice W.M. Lai | - had current business dealings with HKHA |
| Mr H.F. Leung | - had current business dealings with Housing Department |

39. The Committee noted that Professor Edwin Chan had not arrived at the meeting yet and Mr Frankie Chou had tendered apologies for being unable to attend the meeting. The Committee considered that the interests of the Chairman, Ms Janice Lai and Mr H.F. Leung were direct and they should leave the meeting temporarily for the item. The Vice-chairman took over the chairmanship of the meeting at this point.

[Mr K.K. Ling, Ms Anita Lam, Ms Janice Lai and Mr H.F. Leung left the meeting temporarily at this point.]

40. With the aid of a Powerpoint presentation, Mrs Deborah Chan, STP/TMYL, presented the draft Planning Brief for the “CDA” site in Yuen Long as detailed in the Paper:

Background

- (a) the subject site (the Site) was originally planned to be granted to MTR Corporation Limited (MTRCL) for property development purpose. In response to the aspirations of low and middle-income families to buy their own homes, the Government announced a new policy for resumption of the HOS in the 2011-12 Policy Address. In order to meet the relevant housing target, the Site was identified for residential development under the HOS;

The Site

- (b) the Site, about 3.2 hectares in size, was bounded by Ping Ha Road, Kiu Fat Street and Kiu Cheong Road. It was a piece of Government land with the northern and western parts of the Site being occupied by two existing public transport interchanges (PTIs);
- (c) the land uses surrounding the Site included Tin Shui Wai New Town to its north, industrial uses and village clusters to its south, village settlements to its east and open storage yards to its west;

Planning Intention and Major Development Parameters

- (d) the Site was zoned “Comprehensive Development Area” (“CDA”) on the approved Ping Shan Outline Zoning Plan (OZP). The “CDA” zone was intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. It was subject to a maximum plot ratio of 5/9.5 (domestic/non-domestic);
- (e) the proposed HOS development would be located at the southern part of the Site. It would be developed at a maximum plot ratio of 5/9.5 and a maximum building height of 110mPD, and would provide about 2,500 flats with a design population of approximately 7,700 persons. A PTI and the relevant footbridge connections would be located at the northern part of the Site;

Planning Requirements

- (f) a total area of 7,700m² of local open space and various recreation facilities including a basket ball court, a badminton court, a table tennis table and a children’s play area (616m²) should be provided to serve the future residents of the proposed development;
- (g) a gross floor area of about 3,000m² for retail facilities (which included wet market facilities) should be provided in response to a request of the Yuen Long District Council (YLDC);
- (h) no social welfare/community facility was required under Hong Kong Planning Standards and Guidelines (HKPSG). The Secretary for Education also advised that no local educational facility was required within the proposed development;

Parking Requirements and Public Transport Facilities

- (i) ancillary car parking spaces, loading/unloading bays and lay-bys for the

retail developments should be provided in accordance with Circular No. 2/2012 on Interim Parking Standards for the New HOS Projects issued by the Transport Department. Based on the relevant standards, there should be 135 car parking spaces, 23 motorcycle parking spaces, 333 bicycle parking spaces and 6 loading/unloading bays. In addition, a new PTI should be re-provisioned within the “CDA” site and should be excised from the HOS development after its completion;

Urban Design, Visual and Landscape Requirements

- (j) a 30m-wide view corridor should be incorporated into the layout design to provide visual access to Tang Ancestral Hall;
- (k) a minimum greening ratio of 30% of the net site area of the HOS development was required. At least half of the greening area had to be on ground level or levels easily accessible to pedestrians. In addition, no trees should be unnecessarily felled or removed;
- (l) a landscape and urban design proposal and a visual impact assessment should be submitted to the Town Planning Board for consideration;
- (m) the Sustainable Building Design Guidelines should be taken into account in the detailed design stage;

Assessment studies

- (n) relevant assessment studies and proposals, including environmental assessment study, air ventilation assessment, sewerage impact assessment, traffic impact assessment, and drainage and foundation/geotechnical works proposals, should form part of a Master Layout Plan (MLP) submission under a section 16 application to be submitted to the Committee for consideration;

Consultation

- (o) the Town Planning and Development Committee and the Traffic and Transport Committee of YLDC were consulted on the proposed development and the proposed PTI and related road works on 17.7.2013 and 25.7.2013 respectively. Members of the Committees generally supported the proposed HOS development and requested the Housing Department to include wet market facilities in the proposal; and

Way forward

- (p) subject to Members' endorsement of the draft planning brief, a MLP would be prepared by the Housing Department based on the endorsed planning brief. An MLP would be submitted to the Committee under a section 16 application for Members' consideration.

41. In response to a question from a Member, Mrs Deborah Chan said that the building height of the proposed development was comparable to those of the nearby residential developments in Tin Shui Wai.

42. In response to a question from another Member, Mrs Deborah Chan said that the open storage yards to the west of the Site were "existing uses" which were tolerated under the OZP.

43. Members generally supported the planning brief for the proposed HOS development which would provide about 2,500 flats to meet the Government's housing target. The Vice-Chairman said that the planning brief would provide guidance for the Housing Department to prepare a section 16 application for the Committee's consideration.

44. After deliberation, the Committee decided to endorse the draft planning brief for the HOS development at Kiu Cheong Road – East, Yuen Long, at Appendix I of the Paper.

[Mr K.K. Ling, Ms Anita Lam and Mr H. F. Leung returned to join the meeting at this point.]

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

Agenda Item 15

Section 16 Application

[Open Meeting]

A/TM-SKW/83 Temporary Vegetable Collection and Transfer Station for a Period of 3 Years in “Village Type Development” zone, Government Land in D.D. 375, So Kwun Wat Road, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM-SKW/83)

45. The Secretary said that the applicant requested on 8.10.2013 for deferment of the consideration of the application for two months so as to allow time for preparation of submission of further information to address comments of the Environmental Protection Department and the Lands Department. This was the first time that the applicant requested for deferment of the application.

46. 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 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/611 Temporary Open Storage of Vehicle Parts for a Period of 3 Years in
“Residential (Group D)” Zone, Lots 698 S.A, 701 S.C & S.B RP (Part)
and 702 S.C (Part) in D.D. 106 and Adjoining Government Land, Pat
Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/611)

Presentation and Question Sessions

47. 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 vehicle parts for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) noted that there was no environmental complaint received in the past three years. However, she did not support the application as there were sensitive receivers, i.e. residential dwellings, located to the immediate south and west (the nearest one about 2m away) and in the vicinity of the application site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, there was no environmental complaint in the

past three years and no local objection was received during the statutory publication period. To address DEP's concerns, relevant approval conditions had been recommended for Members' consideration.

[Ms Janice Lai returned to join the meeting at this point.]

48. In response to a question from a Member, Ms Bonita Ho said that although there were residential dwellings in the vicinity of the application site, no environmental complaints had been received in the past three years and no adverse public comments on the application had been received. Relevant approval conditions had also been recommended to monitor the operation of the temporary open storage and to reduce its environmental impacts on the nearby residential dwellings.

Deliberation Session

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.10.2016, 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 6:00 p.m. and 9:00 a.m. from 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) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;

- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.1.2014;
- (i) the provision of fire extinguisher(s) together with a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.12.2013;
- (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 25.1.2014;
- (k) in relation to (j) above, the provision of the 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 25.4.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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 (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 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.”

50. 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) resolve any land issues relating to the development with the concerned owners of the application site;
- (c) shorter compliance periods are imposed to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) note the District Lands Officer/Yuen Long’s comments that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from Lands Department (LandsD). No approval is given for the specified single-storey structures as shelter and office. No permission has been given for the occupation of the Government land (GL) within the site. The site is accessible to Shek Kong Airfield Road via a short distance of GL. LandsD does not provide maintenance works for this access nor guarantees right-of-way. The lot owner concerned will still need to apply to his office to permit any additional/excessive structures to be erected or regularise any irregularities on the site. Moreover, 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;

- (f) 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;
- (g) note the Commissioner of Transport’s comments that the site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the application site and Shek Kong Airfield Road;
- (i) note the Chief Engineer/Development (2), Water Supplies Department’s comments that water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (j) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that all building works are subject to compliance with the Buildings Ordinance (BO). Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorised works in the future;

- (k) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, 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 plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should also be clearly marked on the layout plans. The applicant should observe the "Good Practice Guidelines for Open Storage Sites" in Appendix V of the Paper. To address the condition on the provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of the general building plans; and
- (l) note the Director of Electrical and Mechanical Services' comments 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, prior consultation and arrangement with the electricity supplier is necessary or 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 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 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 his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/614 Temporary Open Storage of Machinery (Including Excavators) and Vehicles for Sale for a Period of 3 Years in “Agriculture” Zone, Lots 454 RP (Part), 456 RP (Part) and 461 RP (Part) in D.D. 103 and Adjoining Government Land, Ko Po Tsuen, Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTS/614)

Presentation and Question Sessions

51. 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 machinery (including excavators) and vehicles for sale for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) noted that there was no environmental complaint received in the past three years. However, she did not support the application as there were sensitive receivers, i.e. residential dwellings, located to the northeast of the application site (the nearest one about 55m away), and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the

statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, the nearest residential dwellings were separated from the application site by Kam Tin Road. There was no environmental complaint received by DEP in the past three years and no local objection was received during the statutory publication period. To address DEP's concerns, relevant approval conditions had been recommended for Members' consideration.

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

52. Members had no question on the application.

Deliberation Session

53. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.10.2016, 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 10:00 a.m., as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (c) the existing drainage facilities 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 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.1.2014;
- (e) the submission of landscaping 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 25.1.2014;
- (f) in relation to (e) above, the implementation of the 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 25.4.2014;
- (g) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.12.2013;
- (h) 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 25.1.2014;
- (i) in relation to (h) above, the provision of the 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 25.4.2014;
- (j) 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;
- (k) if any of the above planning conditions (d), (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.”

54. 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) resolve any land issues relating to the development with the concerned owners of the application site;
- (c) shorter compliance periods are imposed to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (d) note the District Lands Officer/Yuen Long’s comments 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 Lands Department (LandsD). No approval is given for the specified single-storey structures as shelter, office, showroom and staff restroom. No permission has been given for the occupation of the Government land (GL) within the site. The site is accessible to Kam Tin Road via GL. LandsD does not provide maintenance works for this access nor guarantees right-of-way. The landowner(s) concerned will still need to apply to LandsD to permit any additional/excessive structures to be erected or regularise any irregularity 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 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) 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 possible environmental nuisances;
- (f) note the Commissioner of Transport’s comments that the Transport Department (TD) and Highways Department will not maintain the vehicular access connecting the site and the footpath of Kam Tin Road. The site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that all unauthorised building works/structures should be removed. All building works are subject to compliance with the Buildings Ordinance (BO). Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorised works in the future;
- (i) note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, 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 plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should also be clearly marked on the layout plans. The applicant should observe the “Good Practice Guidelines for Open Storage Sites” in Appendix V of the Paper. To address the condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of the general building plans; and

- (j) note the Director of Electrical and Mechanical Services’ comments 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, prior consultation and arrangement with the electricity supplier is necessary or 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 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 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 his contractors when carrying out works in the vicinity of the electricity supply lines.”

Presentation and Question Sessions

57. 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 “open storage of metal goods with transfer warehouse” for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) noted that there was no environmental complaint received in the past three years. However, she did not support the application as there were sensitive receivers, i.e. residential dwellings, about 20m away to the northwest of the application site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment from a member of the public was received. The commenter objected to the application on the ground that there was pollution discharge from the site. The commenter also suggested that the site and the surrounding areas should not be used for warehouse/storage uses; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application and there was a public comment objecting to the application, no environmental complaint had been received by DEP in the past three years. To address the environmental concerns, relevant approval conditions had been recommended for Members’ consideration.

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

58. Members had no question on the application.

Deliberation Session

59. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 11.12.2013 to 10.12.2016, 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 6:00 p.m. and 9:00 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 used electrical appliances, televisions, computer monitors, computer/ electronic parts or any other types of electronic waste are allowed to be stored on the application site at any time during the planning approval period;
- (d) no dismantling, repairing, cleaning or other workshop activities shall be carried out on the application site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (f) no queuing and reverse movements of vehicles are allowed on public road at any time during the planning approval period;
- (g) the existing drainage facilities on the application site shall be maintained at all times during the planning approval period;

- (h) 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 10.6.2014;
- (i) the submission of tree preservation and landscape proposals 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 10.6.2014;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 10.9.2014;
- (k) 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 21.1.2014;
- (l) 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 10.6.2014;
- (m) in relation to (l) above, the implementation of the fire service installations proposal 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 10.9.2014;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) 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

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

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

- “(a) resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments 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 specified structures for office, common room and storage of metal goods uses. No permission has been given for the occupation of the Government land (GL) within the application site. The act of occupation of GL without Government’s prior approval should not be encouraged. Application for Short Term Waiver on Lot 1944 in D.D. 117 has been received. Owners of the remaining lots concerned will still need to apply to his office to regularise 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. Furthermore, the applicant has to either exclude the GL portion from the application site or apply for a formal approval prior to the actual occupation of the GL portion. Besides, the application site is accessible through an informal village track on GL and private land extended from Kung Um Road. His office does not provide maintenance works for such track nor

guarantees right-of-way;

- (c) note the Commissioner of Transport's comments 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 Kung Um 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) note the Chief Highway Engineer/New Territories West, Highways Department's comments 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;
- (e) 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 minimise any potential environmental nuisances;
- (f) note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that further landscape planting should be proposed along the western side of the application site for enhancing the greening and screening effects. It is observed that there is a *Ficus microcarpa* located adjacent to the entrance gate is topped with cracks on the trunk. The tree should be replaced with a healthy tree of a well balanced form with straight and upright leader and branches. All the stored materials at the base of tree trunk should be removed and kept at least 1m away from the tree trunk in order to avoid affecting the tree growth;
- (g) note the Chief Engineer/Development (2), Water Supplies Department's

(WSD) comments that for provision of water supply to the development, the applicant may need to extend his/her 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. Besides, the water mains in the vicinity of the application site cannot provide standard pedestal hydrant;

- (h) note the Director of Fire Services' comments 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 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 are 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;

- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structures are erected on leased land without approval of the BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including converted containers and open shed) 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 unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action 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 works or UBW on the application site under the 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

- (j) note the Director of Electrical and Mechanical Services' comments 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 PlanD, prior consultation and arrangement with the electricity supplies is necessary. 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. 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 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/648 Temporary Warehouse for Storage of Vehicles and Spare Parts with Ancillary Site Office for a Period of 3 Years in "Undetermined" Zone, Lots 1149 S.A (Part) and 1149 RP (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/648)

Presentation and Question Sessions

61. 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 vehicles and spare parts with ancillary site office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) noted that there was no environmental complaint received in the past three years. However, she did not support the application as there were sensitive receivers, i.e. residential dwellings, to the immediate north of the application site and in the vicinity, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. Although DEP did not support the application, no environmental complaint had been received by DEP in the past three years and the proposed development was mainly for storage purpose within an enclosed structure. To address the environmental concerns, relevant approval conditions had been recommended for Members' consideration.

62. In response to a question from a Member, Ms Bonita Ho said that although there was a home for the elderly along the access road leading to the application site, an approval condition had been recommended to prohibit medium or heavy goods vehicles from entering

or leaving the application site. The planning permission would be revoked if the applicant failed to comply with the approval condition.

Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.10.2016, 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 9:00 p.m. and 9:00 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, repairing, cleansing, maintenance 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 tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store 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 maintenance of existing drainage facilities on application site at all times during the planning approval period;
- (g) the submission of a record of existing drainage facilities on application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.1.2014;

- (h) 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 25.1.2014;
- (i) in relation to (h) above, the implementation of the 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 25.4.2014;
- (j) 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;
- (k) if any of the above planning conditions (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 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods are allowed to monitor the situation of the application site ;
- (c) sympathetic consideration may not be given to any further application if the planning permission is revoked due to non-compliance of approval conditions;

- (d) resolve any land issues relating to the development within the concerned owner(s) of the application site;
- (e) the application site should be kept in a clean and tidy condition at all times;
- (f) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the private lots within the application site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the specified structures as site office, warehouse, storage of vehicles and spare parts. The lot owners concerned will still need to apply to his office to permit structures to be erected or regularise 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 extended from Kung Um Road. His office does not provide maintenance works for this track land nor guarantees right-of-way;
- (g) note the Commissioner of Transport's comments that the land status of the access road/path/track leading to the application site from Kung Um 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 management and maintenance authorities accordingly. Also, sufficient space should be provided within the application site for manoeuvring of vehicles;
- (h) note the Chief Highway Engineer/New Territories West, Highways Department's comments 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;

- (i) 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 minimise any potential environmental nuisances;
- (j) note the Chief Engineer/Development (2), Water Supplies Department’s comments that water mains in the vicinity of the application site cannot provide the standard pedestal hydrant;
- (k) note the Director of Fire Services’ comments 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 to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. 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. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant shall provide justifications to his Department for consideration;
- (l) note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments that if the existing structures are erected on leased land without approval of the BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any 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 unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed

building works in accordance with the BO. For UBW erected on leased land, enforcement action 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 works or UBW on the application site under the 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

- (m) note the Director of Electrical and Mechanical Services' comments 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 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. 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 21

Section 16 Application

[Open Meeting]

A/YL-LFS/224

Proposed Comprehensive Residential Development with Wetland Nature Reserve, Filling of Pond and Excavation of Bund Resulting in No Net Loss of Wetland in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” Zone, Lot 1457 RP in D.D. 123 and Adjoining Government Land, Fung Lok Wai, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/224F)

65. The Secretary reported that the application was submitted by Mutual Luck Investment Limited, which was a subsidiary of Cheung Kong (Holdings) Limited, Sun Hung Kai & Co. Limited, and Far East Consortium International Limited. ADI Limited, Environ Hong Kong Limited and MVA Hong Kong Limited were among the consultants. Mr Ivan Fu had declared an interest in this item as he had current business dealings with Cheung Kong (Holdings) Limited, ADI Limited, Environ Hong Kong Limited and MVA Hong Kong Limited. Ms Janice Lai had also declared an interest in this item as she had current business dealings with ADI Limited. As PlanD had requested to defer consideration of the application, the Committee agreed that Mr Fu and Ms Lai should be allowed to stay at the meeting.

66. The Secretary further reported that the application had been deferred for six times, five of which were requested by the applicant, while the remaining one was requested by PlanD. Since the last deferment of the application on 27.9.2013, the applicant had been liaised with the concerned departments to resolve the remaining issues of the application. On 15.10.2013 and 16.10.2013, the applicant submitted further information to respond to the concerns of the Agriculture, Fisheries and Conservation Department, Transport Department, Civil Engineering and Development Department, and the Chief Town Planner/Urban Design and Landscape, Planning Department. As the submitted further information was only received on 15.10.2013 and 16.10.2013, there was insufficient time for the concerned departments to provide comments on the further information. Therefore, PlanD requested, for the second time, that the application be deferred for one month to allow time for

consultation with the concerned departments and to allow the applicant sufficient time to make further responses if necessary.

67. 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 within one month's time. 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-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/829C)

68. The Secretary reported that the application was submitted by Jumbo Max Development Limited with Environ Hong Kong Limited as one of the consultants. Mr Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Limited. As Mr Fu was not involved in the application, Members agreed that he should be allowed to stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary precast building fabrication workshop with ancillary open storage, warehouse and office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) noted that there was no substantiated environmental complaint received in the past three years. The on-site noise impact assessment submitted by the applicant was considered acceptable. The applicant should provide and maintain all noise mitigation measures as proposed in the assessment report. Regarding the off-site impact, according to the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, it would be environmentally undesirable if heavy vehicle traffic travelled along any access road within 50m from the nearest sensitive uses and such nuisances would affect the residents. In this regard, she considered that there were nuisances and the use under application was considered undesirable;
- (d) during the first three weeks of the statutory public inspection periods of the application and the further information, 16 public comments were received. Fourteen public comments were in support of the application for the reasons that the proposed development could reduce environmental impacts on the construction sites, improve the traffic flow on the surrounding areas, provide more job opportunities in the construction industry, and allow more effective site management due to the consolidation of a number of temporary uses into a single temporary use. A Yuen Long District Council member submitted two public comments expressing concerns that the residents of the surrounding housing estates might be subject to noise and environmental nuisances. If the applicant failed to comply with the relevant regulations, the permission should be revoked to safeguard the rights of the nearby residents; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary workshop could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. Although DEP considered that the proposed temporary workshop was undesirable, it

should be noted that there was no substantiated environmental complaint against the application site in the past three years. All major operation processes would be carried out within a workshop which would be enclosed on three sides. With the implementation of proposed mitigation measures already accepted by DEP, the proposed temporary development would not generate significant environmental nuisances to the nearby residents as compared with the various open storage and workshop uses currently at the application site. Relevant approval conditions had been recommended for Members' consideration. With regard to the adverse public comments, it should be noted that the housing estates are located over 150m away from the application site and DEP considered that, with the implementation of the proposed noise mitigation measures, the on-site impact generated by the proposed temporary development was acceptable. Besides, relevant approval conditions had been recommended to mitigate any potential environmental impacts arising from the application site.

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 3 years until 25.10.2016, 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. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (d) the provision of noise mitigation measures within 6 months to the

satisfaction of the Director of Environmental Protection or of the TPB by 25.4.2014;

- (e) the submission of a revised drainage impact assessment (DIA) within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.4.2014;
- (f) in relation to (e) above, the implementation of the drainage mitigation measures identified in the revised DIA within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.7.2014;
- (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 25.4.2014;
- (h) in relation to (g) above, the provision of the 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 25.7.2014;
- (i) the submission of landscape and tree preservation proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 25.4.2014;
- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 25.7.2014;
- (k) the provision of 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 25.4.2014;
- (l) if any of the above planning conditions (a) (b) or (c) is not complied with

during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (m) if any of the above planning conditions (d), (e), (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.”

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

- “(a) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no permission has been given for the specified structures for single-storey buildings, office, laboratory, warehouse, enclosed workshop and lavatory. Meanwhile, no permission has been given for the occupation of Government land (GL) within the site. The site is accessible to Ping Ha Road via GL. He does not guarantee right-of-way. The land owners would still need to apply to him to permit structures to be erected or regularise any irregularities on-site. Regarding the 100m² GL (subject to verification) included in the application boundary, the act of occupation of GL without Government’s prior approval should not be encouraged. 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 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;
- (c) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;

- (d) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (f) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscape treatment should still be required to minimise their potential visual impact, in particular when viewing from the east on Tin Ying Road. Screen planting should also be provided to mitigate the potential visual impact of the 4.5m high corrugated iron sheets along the site boundary when viewing from outside the site. Moreover, the applicant should also address the detailed comments: the total number of the existing trees based on the site visit on 6.12.2012 should be 145 instead of 132. The applicant should review the quantity of the existing trees in the tree survey; the weed trees, *Leucaena leucocephala*, should be felled instead of transplanted; it is noted that 41 trees would be transplanted. Hence, the statement that "all the affected trees will be preserved" is not correct; and tree planting should be provided along the southern boundary, in the forthcoming landscape and tree preservation proposal;
- (g) note the comments of the Director of Fire Services in Appendix III of the Paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location 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 certain FSIs, the applicant is required to provide justifications to him for consideration; and

- (h) 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 unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action 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 planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access from a street and emergency vehicular access in accordance with Building (Planning) Regulations 5 and 41D respectively."

Agenda Items 23 and 24

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/844 Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop for a Period of 3 Years in "Undetermined" Zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/844)

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/845 Temporary Open Storage of Used Electrical Appliances with Ancillary Workshop and Office for a Period of 3 Years in “Undetermined” Zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/845)

73. Noting that the two applications were similar in nature and were located in close proximity to each other, the Committee agreed that the two applications could be considered together.

Presentation and Question Sessions

74. Mr Ernest C.M. Fung, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the temporary open storage of recyclable materials (plastic, paper and metal) with ancillary workshop for a period of 3 years and the temporary open storage of used electrical appliances with ancillary workshop and office for a period of 3 years;
- (c) departmental comments –

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the Director of Environmental Protection (DEP) noted that there was no environmental complaint received in the past three years. However, she did not support the application as there were sensitive uses along the access road (Ping Ha Road) and environmental nuisance was expected;

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concerned departments had no objection to or no comment on the application as detailed in paragraph 10 of the relevant Paper;

- (d) during the first three weeks of the statutory publication periods of the two applications and the further information, three public comments were received. A Yuen Long District Council (YLDC) member recommended that the local track leading to the application sites from Ping Ha Road had to be paved in order to avoid environmental nuisance. Another YLDC member objected to the application as the sites had a history of repeated revocations which reflected the applicant's insincerity to comply with the approval conditions. A group of Ha Tsuen residents also objected to the applications as they considered that the operations at the sites would have adverse impacts on the environment. The operations would seriously overload the traffic of Ping Ha Road. Moreover, Ha Tsuen district was badly in need of public housing and the Government should develop the government land for public housing. The provision of public housing would help ease the needs in Tin Shui Wai and Hung Shui Kiu districts and enhance the environment of Ha Tsuen; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary developments could be tolerated for a period of one year based on the assessment made in paragraph 12 of the Papers. Although DEP did not support application No. A/YL-HT/844, no environmental complaint against the site had been received in the past three years and the closest residential dwelling was about 170m away from the site. To address DEP's concerns, relevant approval conditions had been recommended for Members' consideration. Regarding the adverse public comments on both applications, it should be noted that the Transport Department had no adverse comment on the applications. Furthermore, to mitigate any potential environmental impacts, relevant approval conditions had been recommended for Members' consideration. As regards the claim that the applicant was insincere, it should be noted that the applicant had submitted all required technical proposals which had been accepted by the relevant departments. Noting that there was an unsatisfactory record of the repeated revocations of the previous planning permissions, a shorter approval period of one year and a shorter compliance period of three months for the implementation of the proposals were recommended. The

applicant should also be advised that sympathetic consideration would not be given by the Board, unless under very strong justifications, to any application for extension of time for compliance with approval conditions. Should she fail to comply with the approval condition(s) resulting in the revocation of the planning permission, the unauthorised developments on the sites should be discontinued prior to the submission of a new application.

75. Members had no question on the applications.

Deliberation Session

76. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 1 year until 25.10.2014, on the terms of the applications as submitted to the Town Planning Board (TPB). The planning permission of Application No. A/YL-HT/844 would be subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading and storage) of electronic and computer wastes, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities

within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.1.2014;

- (g) the implementation of the tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.1.2014;
- (h) the implementation of the 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 25.1.2014;
- (i) 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; and
- (j) if any of the above planning conditions (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.”

77. The planning permission of Application No. A/YL-HT/845 would be subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (d) the existing drainage facilities shall be maintained at all times during the planning approval period;

- (e) no handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment is allowed on the site at any time during the planning approval period;
- (f) handling (including loading, unloading and storage) of electrical/electronic appliances on the site must be carried out within concrete-paved covered structures, as proposed by the applicant, at all times during the planning approval period;
- (g) no dismantling of electrical/electronic appliances is allowed on the site at any time during the planning approval period;
- (h) the construction of covered structure(s) at the site for the handling of electrical/electronic appliances, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.1.2014;
- (i) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.1.2014;
- (j) the implementation of the tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.1.2014;
- (k) the implementation of the 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 25.1.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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; and

- (m) if any of the above planning conditions (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.”

78. The Committee also agreed to advise the applicant of the following in relation to both applications No. A/YL-HT/844 and A/YL-HT/845:

- “(a) planning permissions should have been obtained before continuing the development on site;
- (b) sympathetic consideration will not be given by the Board, unless under very strong justifications, to any application for extension of time for compliance with approval conditions, and should the applicant fail to comply with the approval condition(s) resulting in the revocation of the planning permissions, the unauthorised developments on the site should be discontinued prior to the submission of new application;
- (c) note the comments of the District Lands Officer/Yuen Long that the site is situated on Government Land (GL) and is covered by a valid Short Term Tenancy (STT) No. 1869 commencing from 1.4.2003 for the purpose of “open storage of tenant’s goods (excluding storage of containers, containers on trailers and licensed or unlicensed motor vehicles)” with an area of 17,800m² and permitted built-over area (BOA) not exceeding 7% of the tenancy area at a height not exceeding 4.5m. Irregularities were detected on the STT premises and approval was given to modify the terms of STT with effect from 5.10.2006 allowing a revised BOA 5,509.56m² and height not exceeding 5.5m for “open storage of recycling materials (plastic, paper and metal) with ancillary workshop”. Offer of the modification of STT had been accepted by the tenant. The information provided indicates that structures with a total covered area of 5,780m² are proposed on site. Any specified structures with a height exceeding 5.5m will cause a breach of the terms of the STT. A non-exclusive right-of-way for pedestrian and vehicular access is granted under STT No. 1869. No approval is given for

the use of the alternative access as provided by the applicant. His office provides no maintenance work for the GL involved and does not guarantee right-of-way. Should planning approval be given to the application, the tenant of STT No. 1869 will need apply to his office for modification of the STT to regularise any irregularities on site. Such application will be considered by Lands Department (LandsD) acting in the capacity of the 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/fees, as may be imposed by LandsD;

- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimise the possible environmental impacts on the nearby sensitive receivers;
- (e) note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The applicant should be responsible for his own access arrangement;
- (g) 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 the BD, they are unauthorised under the Building Ordinance (BO) and should not be designated for any approved use under the captioned application. 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 BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action 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 planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access from a street under Building (Planning) Regulation (B(P)R)5 and emergency vehicular access shall be provided under B(P)R 41D. If the site is not abutting on a specified street having a width of not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage; and

- (h) note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site cannot provide the standard fire-fighting flow.”

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/865 Renewal of Planning Approval for Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles, and Container Trailers and Tractors with Ancillary Vehicle Parts Assembly for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 60 (Part), 63 (Part), 65 (Part), 66, 67 (Part), 68, 69 (Part), 70, 71 and 72 RP (Part) in D.D.128, Lots No. 3018 (Part), 3019 (Part), 3021 (Part), 3022, 3024 RP (Part) and 3025 RP (Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/865)

Presentation and Question Sessions

79. 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 renewal of planning approval for the temporary vehicle park for private cars, light and heavy goods vehicles, and container trailers and tractors with ancillary vehicle parts assembly for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) noted that there was no environmental complaint received in the past three years. However, she did not support the application as there were sensitive receivers in the vicinity of the application site (the closest residential dwelling being about 50m away) and along the access roads (Ping Ha Road and Fung Kong Tsuen Road), and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary development could be tolerated for a period of three more years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, there was no environmental complaint in the past three years. To address DEP's concerns, relevant approval conditions had been recommended for Members' consideration.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, from 30.10.2013 to 30.10.2016, 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. to 7:00 a.m., 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 vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (d) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities 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 30.4.2014;
- (f) the submission of tree preservation and landscape proposals 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 30.4.2014;
- (g) in relation to (f) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 30.7.2014;
- (h) 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 30.4.2014;

- (i) in relation to (h) above, the implementation of the fire service installations proposal 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 30.7.2014;
- (j) if the above planning conditions (a), (b), (c) or (d) is not complied with at any time during the 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 above 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.”

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

- “(a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No approval has been given for the structures specified in the application form. No permission has been given to the proposed use and/or occupation of Government land (GL) (about 210m² subject to verification) included in the site. The act of occupation of GL without Government’s prior approval is

not encouraged. The site is accessible to Fung Kong Tsuen Road via a short track of GL. His office provides no maintenance work to the track and does not guarantee right-of-way. No applications for Short Term Waiver and Short Term Tenancy were received. Should the application be approved, the lot owners will need to apply to his office to permit structures to be erected or regularise any irregularities on site. 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 application will be considered by the Lands Department (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;

- (c) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (d) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the road near Fung Kong Tsuen Road;
- (e) note the comments of the Director of Fire Services that to submit relevant layout plans incorporated with the proposed fire service installations 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 fire service installations (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 him for consideration. If the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire

service requirements will be formulated upon receipt of formal submission of general building plans; and

- (f) 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 unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action 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 planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage."

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-HT/866

Proposed Temporary Logistic Centre and Ancillary Parking of Vehicles for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 3150 RP (Part), 3151 RP (Part), 3152 RP (Part), 3162 RP, 3163 RP (Part), 3164 (Part), 3165, 3166, 3167 S.A (Part), 3168 (Part), 3169 (Part), 3177 (Part), 3178 (Part), 3179 (Part), 3180, 3181 S.A (Part), 3181 RP (Part), 3182, 3183 (Part), 3184 (Part), 3187 RP (Part) and 3188 RP in D.D.129 and Adjoining Government Land, Ha Tusen, Yuen Long
(RNTPC Paper No. A/YL-HT/866)

83. The Secretary said that the applicant requested on 11.10.2013 for deferment of the consideration of the application for two months in order to address the concern of the Chief Town Planner/Urban Design and Landscape of the Planning Department on the implementation of the approved landscape proposal under the last planning permission No. A/YL-HT/795. This was the first time that the applicant requested for deferment of the application.

84. 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 27

Section 16 Application

[Open Meeting]

A/YL-NSW/219 Proposed Prefabrication Yard for Steel Rebar in “Open Storage” Zone and an area shown as ‘Road’, Government Land at the Junction of Tsing Long Highway and Castle Peak Road - Tam Mi Section, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/219C)

85. The Secretary reported that the application was submitted by Civil Engineering and Development Department (CEDD). Ms Janice Lai had declared an interest in this item as she had current business dealings with CEDD. As the applicant had requested to defer consideration of the application, the Committee agreed that Ms Lai could stay at the meeting.

86. The Secretary said that the applicant requested on 21.10.2013 for deferment of the consideration of the application for two months as the applicant was still engaged in ongoing discussions with the relevant government departments to resolve comments received on the application. The application had been deferred for three times for a total of three months. Two of the deferments were requested by the applicant while the remaining one was requested by PlanD.

87. 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. Since it was the third deferment of the application requested by the applicant and the Committee had allowed a total of four months for discussion with relevant government departments to resolve the comments received on the application, no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mrs Deborah P.C. Chan, Ms Bonita K.K. Ho and Mr Ernest C.M.

Fung, STPs/TMYL, for their attendance to answer Members' enquires. They left the meeting at this point.]

Agenda Item 28

Any Other Business

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