

TOWN PLANNING BOARD

Minutes of 504th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 7.2.2014

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

Dr W.K. Yau

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr H.F. Leung

Mr F.C. Chan

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

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
Ms Brenda K.Y. Au

Secretary

Absent with Apologies

Mr Rock C.N. Chen

Ms Anita W.T. Ma

Ms Christina M. Lee

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

In Attendance

Chief Town Planner/Town Planning Board
Ms Lily Y.M. Yam

Town Planner/Town Planning Board
Miss Hannah H.N. Yick

Agenda Item 1

Confirmation of the Draft Minutes of the 503rd RNTPC Meeting held on 17.1.2014

[Open Meeting]

1. The Secretary reported that proposed amendments to paragraph 82 of the draft minutes of the 503rd RNTPC meeting held on 17.1.2014 were received from Ms Anita K.F. Lam, Assistant Director/New Territories, Lands Department as follows:

“There were established procedures in LandsD to ~~would~~ verify the applicant’s indigenous villager status. ~~Consultation~~ Generally, a declaration from ~~with~~ the Rural Committee’s chairman/vice-chairman/~~and~~—indigenous inhabitant’s²-representative would ~~suffice~~ ~~be conducted~~ and a site notice would be posted to invite public comments.”

Members agreed to the proposed amendments and that the minutes should be revised accordingly.

Agenda Item 2

Matters Arising

[Open Meeting]

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

[Ms Anita K.F. Lam arrived to join the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-TK/14 Application for Amendment to the Approved Ting Kok Outline Zoning Plan No. S/NE-TK/17, To rezone the application site from “Agriculture” to “Village Type Development”, Lots 672 S.H, 673 RP and 674 S.A in D.D. 15, Shan Liu, Tai Po
(RNTPC Paper No. Y/NE-TK/14)

3. The Committee noted that replacement pages for page 4 and page 8 of the Paper rectifying the percentage of the area of the application site falling within and outside the village ‘environs’ (‘VE’) were table at the meeting.

4. The Chairman said that as reasonable notice had been given to the applicant to invite him to attend the meeting, Members agreed to proceed with the hearing in the absence of the applicant who had indicated that he would not attend the hearing.

Presentation and Question Sessions

5. The following representatives from Planning Department (PlanD) were invited to the meeting at this point:

- | | | |
|-------------|---|--|
| Mr C.K. Soh | - | District Planning Officer/Shan Tin, Tai Po and North (DPO/STN) |
| Mr C.T. Lau | - | Senior Town Planner/Shan Tin, Tai Po and North (STP/STN) |

6. Upon the invitation of the Chairman, Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) the proposed rezoning of the application site (the Site), with a site area of 112.9m², from “Agriculture” (“AGR”) to “Village Type Development” (“V”) was to facilitate a Small House development. The Site was a piece of abandoned agricultural land covered with weeds. It was situated in an area on the upper foothills between Pat Sin Leng Country Park and Ting Kok Village. The Site was located within the lower indirect Water Gathering Ground (WGG) with part of the Site (25%) falling within the ‘VE’ of Shan Liu Village;

- (b) the Site formed part of a previous section 16 application (No. A/NE-TK/474) which was approved by the RNTPC on 8.11.2013. The rezoning proposal under the current application was to facilitate a change in disposition of the Small House approved under Application A/NE-TK/474 such that its balcony could align with that of the adjoining Small House. This change in disposition would result in the proposed Small House not being able to comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories (Interim Criteria) in that more than 50% of the footprint (i.e. 72%) of the proposed Small House fell outside the ‘VEs’;

Justifications from the Applicant

- (c) the proposed Small House was not incompatible with the surrounding environment as a number of Small Houses had been approved in the vicinity of the Site. No adverse visual impact was anticipated. The Site could easily be connected to the Government trunk sewer and the applicant had already obtained consent from the adjoining lot owners to allow the sewerage connection to pass through their private lots to the nearest trunk sewer;

- (d) another proposed Small House adjoining the Site had been granted planning permission. In order to align the balcony of the proposed Small House with that of the adjoining one (without the need to occupy Government land), it was not possible to comply with the Interim Criteria in that 50% of the Small House footprint should be within the VE.

Therefore, the applicant needed to apply for s.12A application instead of s.16 application for the proposed Small House;

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

Departmental Comments

- (e) the District Lands Officer/Tai Po did not support the application as less than 50% of the Site fell within the 'VE' of Shan Liu;
- (f) the Director of Environmental Protection did not support the application as the Site fell within the lower indirect Water Gathering Ground (WGG) and any discharge from the proposed development would cause water quality impact on the WGG. Proper planning control on Small House development within the WGG through s.16 planning application was required;
- (g) the Chief Engineer/Development(2), Water Supplies Department CE/Dev(2) of WSD objected to the application as the Site was located within lower indirect WGG and with about 60% of its area falling outside the 'VE' of Shan Liu. Hence, relevant criteria in the Interim Criteria were not satisfied;
- (h) the Director of Agriculture, Fisheries and Conservation also did not support the application as the Site had high potential for rehabilitation of agricultural activities;
- (i) the Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from landscape planning point of view. Approval of the application would set an undesirable precedent to similar applications, leading to more piecemeal patches of land rezoned for Small House development. If the site was rezoned, there would be no measure to enforce the applicant to provide landscape treatment on the application site;

- (j) other concerned Government departments had no objection to or adverse comments on the application;

Public Comments

- (k) during the first three weeks of the public inspection period, one public comment which objected to the application mainly on the grounds of the proposed Small House being not in line with the planning intention of “AGR” zone; no justification for rezoning; cumulative impact on potential farmland degradation; no impact assessment on traffic and environment and pre-empting the Committee’s control over the proposed development, was received. No local objection/view was received by the District Officer (Tai Po);

Planning Department (PlanD)’s Views

- (l) PlanD did not support the application based on the assessments made in paragraph 11 of the Paper which were summarised as follows:
 - (i) in late 2012, the Committee considered a land use review of Shan Liu (the Review) undertaken by PlanD. The Committee agreed that the proposed “V” zone extension should be confined to an area that would not jeopardize the existing natural landscape and rural setting nor cause the water resources to be contaminated by wastes and pollutants. The Site was more than 70m away from the existing “V” zone and 30m from the proposed “V” zone extension agreed by the Committee when considering the Review. The approval of the subject application would result in piecemeal development and set an undesirable precedent;
 - (ii) according to the Lands Department’s record, the total number of outstanding Small House applications for Shan Liu Village was 45 while the 10-year Small House demand forecast for the same village was 250. Based on the latest estimate by the PlanD, about 0.41 ha (or equivalent to about 16 Small House sites) of land was available within the “V” zone of Shan Liu. It would be increased to 1.45 ha

of land (equivalent to about 58 Small Houses) under the proposed “V” zone. Although the land available within the proposed “V” zone could not fully meet the 10-year Small House demand forecast, it was sufficient to accommodate the demand arising from the current outstanding Small House applications. Land available within the proposed “V” zone should be developed first;

- (iii) about 72% of the Small House footprint fell outside the ‘VE’ and the application could not meet the Interim Criteria. The applicant failed to provide strong planning justifications to support the rezoning proposal. As no similar rezoning application had been approved before in the vicinity, the approval of the application would set an undesirable precedent for other similar applications resulting in cumulative impacts on traffic, environment and infrastructural facilities in the area;
- (iv) the Site fell within the lower indirect WGG. Rezoning the Site to “V” was considered not appropriate in that proper planning control on Small House development through s.16 planning application was required to ensure that there would not be adverse water quality impact on the WGG; and
- (v) similar s.12A applications (No. Z/NE-TK/7 and Y/NE-TK/12) were not agreed by the Committee in 2004 and 2013 respectively mainly for reasons that the sites falling within the WGG and the proposed Small House developments would have adverse impact on water quality of the area. Since then, there had been no significant change in planning circumstances in the area. There was no strong justification in the submission to warrant a departure from the previous decisions of the Committee.

7. As there was no question from Members, the Chairman informed the PlanD’s representatives that the Committee would deliberate the application in their absence. The Chairman thanked PlanD’s representatives for attending the hearing. They left the meeting at

this point.

Deliberation Session

8. After deliberation, the Committee decided not to agree to the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the Site is located in the middle portion of the “Agriculture” (“AGR”) zone far away from the existing “Village Type Development” (“V”) zone to its west. The proposal would result in piecemeal and isolated extension of the “V” zone and set an undesirable precedent for other similar applications in the area. The applicant fails to provide strong planning justifications in the submission to support the rezoning of the Site from “AGR” to “V”; and
- (b) the Site falls within the lower indirect Water Gathering Ground (WGG). Rezoning the Site from “AGR” to “V” for Small House development is considered not appropriate in that proper planning control on Small House development through s.16 planning application is required to ensure that there would not be adverse water quality impact on the WGG.”

Sai Kung and Islands District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/I-SKC/1

Application for Amendment to the Approved Wo Keng Shan Outline Zoning Plan No. S/NE-WKS/10, Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/20, Approved North-East Lantau Outline Zoning Plan No. S/I-NEL/12 and Approved Shek Kwu Chau Outline Zoning Plan No. S/I-SKC/2,

Site 1: To rezone the application site from “Other Specified Uses” annotated “Landfill” to “Other Specified Uses” annotated “Landfill/Integrated Waste Management Facilities”, NENT Landfill, Lot Nos. 1651, 1652 R.P., 1653, 1654 R.P., 1696, 1699, 1700, 1701, 1702 , 1703 and Adjoining Government Land in D.D. 79, Ta Kwu Ling;

Site 2: To rezone the application site from “Other Specified Uses” annotated “Deep Waterfront Industry” to “Other Specified Uses” annotated “Integrated Waste Management Facilities”, Government Land in Area 137, Tseung Kwan O;

Site 3: To rezone the application site from “Government, Institution or Community”, “Other Specified Uses” annotated “Amenity Area”, “Undetermined”, “Green Belt” and area shown as ‘Road’ to “Other Specified Uses” annotated “Integrated Waste Management Facilities” and “Green Belt(1)”, Government Land in Pa Tau Kwu, Northeast Lantau;

Site 4: WENT Landfill in Tuen Mun (not forming part of the application);

Site 5: To rezone the application site from “Other Specified Uses” annotated “Integrated Waste Management Facilities”, “Other Specified Uses” annotated “Breakwater” and water shown as ‘Vessel Anchorage’ and ‘Sea Channel’ to “Other Specified Uses” annotated “Marine Park”, Water off Southwest of Shek Kwu Chau

(RNTPC Paper No. Y/I-SKC/1)

9. The Secretary reported that Masterplan Ltd. was the consultant of the applicant. Mr. Ivan C.S. Fu, who had current business dealings with Masterplan Ltd., had declared an interest in this item. The Committee noted that Mr Fu had not yet arrived.

10. The Committee noted that the applicant requested on 16.1.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments.

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

[Mr T.C. Cheng and Mrs Alice K.F. Mak, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWF/22 Proposed House (New Territories Exempted House - Small House) in
“Recreation” zone, Lot No. 308 s.A in D.D. 4 MW, Luk Tei Tong
Village, Mui Wo
(RNTPC Paper No. A/I-MWF/22)

Presentation and Question Sessions

12. Mr T.C. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, five public comments were received. All of them raised opposition to the application on grounds of, inter alia, the proposed development was not in line with the planning intention of the “Recreation” (“REC”) zone; it was outside the “Village Type Development” zone for Small House developments agreed in 1995; it would have adverse sewerage, drainage, environmental and landscape impacts; and approval of the application would create an undesirable precedent for similar applications in the “REC” zone. One commenter considered that the land should be used for development of recreational facilities for children use as there was a shortage of such facilities in Mui Wo. Another commenter considered that there were already too many houses in Luk Tei Tong and the proposed development would create adverse traffic impact on the area. No local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. As regards the adverse public comments, the Site was a private lot and was located at the southwestern fringe of the “REC” zone. It was adjacent to village type houses to its northwest. The proposed Small House development would not jeopardise the integrity and frustrate the overall planning intention of the “REC” zone. The proposed Small House had no adverse water supply, environmental, ecological, landscape and visual impacts on the surrounding areas. Concerned Government departments had

no objection to or no adverse comments on the application. For the public concerns on the provision of recreational facilities, there was no shortfall in the provision of open space and Government, Institution or Community facilities in Mui Wo. The proposed Small House development was not incompatible with the surrounding village houses. It would not have adverse impacts on the surrounding areas and sympathetic consideration could be given under the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories. It would not create an undesirable precedent for similar applications.

[Dr Wilton W.T. Fok left the meeting temporarily at this point.]

13. Members had no question on the application.

Deliberation Session

14. 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 7.2.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a storm-water drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the construction, provision, operation, maintenance and repair of sewerage treatment and disposal facilities within the Site to the satisfaction of the Director of Environmental Protection or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Islands that Small House grant can only be made to an ‘Indigenous Villager’, who is a male person of at least 18 years old and descended through the male line from a resident in 1898 of a recognised village;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
- (i) for provision of water supply to the proposed development, the applicants may need to extend the inside services to the nearest suitable Government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standard; and
 - (ii) water mains in the vicinity of the application site cannot provide the standard pedestal hydrant;
- (c) to note the comments of the Chief Engineer/Consultants Management, Drainage Services Department that:
- (i) sewerage connection point might be reserved in the vicinity of the proposed septic tank of the proposed Small House under the project “Agreement No. CE 14/2007 (DS) Upgrading of Mui Wo Village Sewerage Phase 2 and Mui Wo Sewage Treatment Works – Investigation, Design and Construction” subject to the availability of land and resolution of technical constraints. However, as the project is still under design stage, the applicants may wish to consult the Environmental Protection Department (EPD) in respect of proper handling of sewage (e.g. by provision of septic tank) to be generated from the proposed development prior to availability of public sewer if possible; and

- (ii) any sewer connection required by EPD under the Water Pollution Control Ordinance should be made at the own cost of the applicants;
- (d) to note the comments of the Director of Environmental Protection that the applicant should be acknowledged that there is no existing Government sewer available in the vicinity of the Site for connection to the proposed development. The applicant shall at his own expense and in all respects construct, provide, operate, maintain and repair within the Site the sewerage treatment and disposal facilities to serve the Site;
- (e) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department that the applicants should ensure the proposed Small House development would not impose flooding risk to the nearby region; and
- (f) to note the comments of the Commissioner of Transport that there is a proposed local access road leading to the application site which is not under Transport Department's managed public road system. The land status of the access road should be checked with the lands authority. The management and maintenance responsibilities of the access road should be clarified with the relevant lands and maintenance authorities accordingly."

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/205 Proposed Temporary Shop and Services and Eating Place (Restaurant) for a Period of 3 Years in an area shown as 'Road', Lot 1617A RP (Part) in D.D. 121 and Adjoining Government Land, No. 19H Po Tung Road, Sai Kung
(RNTPC Paper No. A/SK-PK/205)

16. The Secretary reported that Landes Ltd. was the consultant of the applicant. Ms

Janice Lai who had current business dealings with Landes Ltd. had declared an interest in this item. As Ms Lai had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

17. Mrs Alice K.F. Mak, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary shop and services and eating place (restaurant) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two comments were received. One from a member of the Sai Kung District Council (SKDC) and another from a member of the public. The SKDC member supported the application as the proposed development could improve the surrounding environment. The member of the public objected to the application and suggested that the Site should be considered for other development. However, no detailed proposal or objection reason had been suggested/given by him. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper.

[Professor Edwin H.W. Chan and Dr C.P. Lau left the meeting temporarily at this point. Dr Wilton W.T. Fok returned to join the meeting at this point.]

18. Members had no question on the application.

Deliberation Session

19. Ms Anita K F Lam clarified that the lot number of the application site should be 1617A RP and not 1617 S.ARP as mentioned in the Paper.

20. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of landscape proposal including tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2014;
- (b) in relation to (a) above, the implementation of the landscape proposal including tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.11.2014;
- (c) the submission of geotechnical assessment within 6 months from the date of planning approval to the satisfaction of the Director of Civil Engineering and Development or of the TPB by 7.8.2014;
- (d) in relation to (c) above, the implementation of the mitigation measures as recommended in the geotechnical assessment, if any, within 9 months from the date of planning approval to the satisfaction of the Director of Civil Engineering and Development or of the TPB by 7.11.2014 ;
- (e) the submission of proposals for water supplies for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2014;

- (f) in relation to (e) above, the implementation of proposals for water supplies for fire fighting and fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2014;
- (g) the submission of drainage and sewerage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2014;
- (h) in relation to (g) above, the implementation of drainage and sewerage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.11.2014 ;
- (i) the provision of a waterworks reserve within 1.5 metres from the centreline of the water main to the satisfaction of the Director of Water Supplies or of the TPB; and
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) and (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.”

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

- “(a) to apply to the District Lands Officer/Sai Kung for temporary waiver and short term tenancy for the proposed development. To note the District Lands Officer/Sai Kung’s advice that the existing trees identified on the western side of the application site falls within another private lot i.e. Lot No. 1762 in D.D. 221;
- (b) to note the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department’s comments that facilities for persons with a disability should be provided if the building is not a temporary building.

Building (Planning) Regulation (B(P)R) 72(4)(b) refers. The applicant's attention should be drawn to PNAP APP-42 as trellis should be gross floor area (GFA) accountable unless exempted by the Building Authority. All plant rooms should be justified for GFA exemption under B(P)R 23(3)(a) and B(P)R23(3)(b). The applicant's attention should be drawn to the requirements and acceptance criteria for GFA concessions under PNAP APP-151 in particular the 10% overall cap on GFA concessions and, where appropriate, the sustainable building design requirements under PNAP APP-152;

- (c) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed GFA concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department (BD) and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (d) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's advice that the applicant should endeavour to reduce the height and extent of the proposed roof-top utility structures to a practical minimum;
- (e) to note the Chief Engineer/Mainland South, Drainage Services Department's (DSD) advice that adequate stormwater drainage works to be provided in association with the proposed works shall not cause adverse drainage impact on the areas in the vicinity. All the proposed connection works should be carried out by the developer in accordance with DSD Standard Drawings at the developer's costs and audited by DSD upon completion. The connection pipe shall then be handed over to DSD for maintenance. The Authorized Person shall submit a Form HBP1 with a

cross cheque to the mainland South Division to apply for technical audit for completed drainage connection works;

- (f) to note that Chief Engineer/Development(2), Water Supplies Department's (WSD) advice that the applicant may need to extend the inside services to the nearest suitable government water mains for connection for provision of water supply to the development. 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. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the waterworks reserve are required to seek authorization from the Water Authority. If diversion is necessary, the applicant shall bear the cost of any necessary diversion works affected by the proposed development; and

- (g) to note the comments of Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the Site, fire service installations (FSIs) will need to be installed. In such circumstances, except where building plan is circulated to the Centralized Processing System of BD, the applicant is required to send the relevant layout plans to the Fire Services Department (Address: Planning Group, 9/F, 1 Hong Chong Road, Fire Services Headquarters Building, Kowloon) incorporating the proposed FSIs for approval. In doing so, the applicant should note that:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

 - (ii) the locations of the proposed FSIs and the access for emergency

vehicles should be clearly marked on the layout plans.”

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/206 Temporary Eating Place (Outside Seating Accommodation of Restaurant Only) for a Period of 3 Years in an area shown as 'Road', Government land adjoining No. 183D Hiram's Highway, Lot 780RP in D.D. 215, Sai Kung
(RNTPC Paper No. A/SK-PK/206)

Presentation and Question Sessions

22. Mrs Alice K.F. Mak, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary eating place (outside seating accommodation of restaurant only) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper.

23. Members had no question on the application.

Deliberation Session

24. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2014;
- (b) in relation to (a) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2014; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before continuing the applied use at the Site;
- (b) to note the District Lands Officer/Sai Kung’s (DLO/SK) comments and to apply for a short term tenancy to effect the outside seating accommodation;
- (c) to return the Government land within the Site upon demand by the DLO/SK without delay when the road project involving the Site is implemented in future;
- (d) to note the Commissioner for Transport’s requirements that the restaurant

furniture and temporary structures in the outside seating accommodation shall not obstruct traffic aids and sightlines of vehicles and pedestrians. The applicant shall modify the layout of the furniture and temporary structures when required by the Government;

- (e) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) advice that the applicant may need to extend the inside services to the nearest suitable Government water mains for connection for provision of water supply to the applied use. The applicant should resolve any land matter such as private lots associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (f) to submit an application for a restaurant licence to the Director of Food and Environmental Hygiene for approval."

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-SKT/8 Proposed Comprehensive Residential Development in "Comprehensive Development Area (2)" zone, Lot No. 1949 and Adjoining Government Land in D.D. 221, Sai Kung
(RNTPC Paper No. A/SK-SKT/8)

26. The Secretary reported that Environ Hong Kong Ltd. (Environ), Meinhardt (Hong Kong) Ltd. (Meinhardt) and Urbis Ltd. (Urbis) were the consultants of the applicant. Mr Ivan C.S. Fu who had current business dealings with Environ, Meinhardt and Urbis, had declared an interest in this item. Ms Janice W.M. Lai who had current business dealings with Urbis had also declared an interest in this item. As Mr Fu and Ms Lai had no direct involvement in the subject application, the Committee agreed that they could stay in the meeting. The Committee noted that Mr Fu had not yet arrived to join the meeting.

Presentation and Question Sessions

27. Mrs Alice K.F. Mak, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) the application site (the Site) was located at the northern gateway into Sai Kung Town. Majority of the Site (96.3%) was sold to the applicant by public tender in 2013. The remainder of the Site was government land (GL) which was mostly part of the existing Tai Mong Tsai Road. No development was proposed on the GL. Development at the Site was guided by a planning brief (PB) endorsed by the Committee on 18.4.2008;
- (b) the proposed comprehensive residential development had a maximum plot ratio (PR) of 1.5 and a site area of 16,013m² and would accommodate 4 residential blocks (4 to 8 storeys over 1 storey of basement) which would provide 270 flats for a population of about 726;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication periods of the application and the further information, a total of 12 public comments were received. Amongst these comments, Towngas considered that a risk assessment should be conducted as the Site was in close proximity to an existing high pressure pipeline. A Sai Kung District Council (SKDC) member considered that a bus layby should be added at the northern boundary of the Site. Another SKDC Member requested the Board to note that part of Tai Mong Tsai Road included within the Site might be affected by the proposed development. This same SKDC member raised similar concerns on the further information submitted by the applicant. Amongst the 8 members of the public who had submitted comments, 1 supported the application while the remaining 7 objected to the application mainly on the grounds of incompatibility with the nearby village houses;

impacts on wildlife, water supply, sewerage and other infrastructures; insufficient car parking provision; traffic congestion; wall effect; lack of public open space provision within the proposed development; setting an undesirable precedent for high-rise development in this part of Sai Kung; and the lack of technical assessments. No local objection/view was received by the District Officer (Sai Kung); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The proposed comprehensive residential development at a PR of 1.5 and a building height (BH) of 8 storeys over 1 storey of basement was generally in line with the planning intention and the development restrictions of the “CDA(2)” zone under the Outline Zoning Plan (OZP). The Master Layout Plan submitted had also generally followed the OZP requirements. The current proposal had generally followed the design requirements of the endorsed PB by incorporating a 15m wide breezeway along the east-west direction, a 10-14m wide view corridor towards the future town square to the southeast and a gradual stepped height profile from 8 storeys inland to 4 storeys towards the southeast. The Landscape Master Plan, landscape design and tree preservation proposal and the proposed woodland/amenity planting areas in the scheme were in accordance with the requirements of the PB. The proposed development would have no adverse environmental, infrastructural, traffic and visual impact as confirmed by concerned Government departments. Regarding the comments from Towngas, the Electrical and Mechanical Services Department had advised the applicant to maintain close liaison/coordination with Towngas in respect of the exact location of existing and planned gas pipelines/installations in the vicinity of the proposed development and setback away from the gas pipelines/installations if any excavation works was required. Regarding the SKDC member's comment that a bus layby should be added at the northern boundary, Highways Department (HyD) advised that a bus lay-by and pedestrian footpath would be constructed by HyD at Tai Mong Tsai Road outside Lot No. 1949 in D.D. 221. Regarding another SKDC member's comment that Tai Mong Tsai Road might be affected by the

proposed development, the concerned section of Tai Mong Tsai Road would be re-aligned by HyD under the Hiram's Highway Improvement Project Stage 2. For other adverse public comments, concerned departments had no adverse comment on the application, and technical assessments had been submitted by the applicant.

[Mr Ivan C.S. Fu arrived to join and Professor Edwin H.W. Chan and Dr C.P. Lau returned to join the meeting at this point.]

28. A Member asked whether the traffic impact from the proposed development had been assessed. Mrs Alice Mak replied that the applicant had submitted a traffic impact assessment (TIA) in support of the application as attached in Appendices Ia and Id of the Paper. With reference to paragraph 9.1.4 of the Paper, the Chairman said that the Transport Department considered the TIA acceptable.

Deliberation Session

29. 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 7.2.2018, 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 revised Master Layout Plan to take into account conditions (b) to (e) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan, including a tree preservation proposal, to the satisfaction of the Director of Planning or of the TPB;
- (c) the setting back of private gardens away from the Non-building Area to the satisfaction of the Director of Planning or of the TPB;

- (d) the implementation of the mitigation measures identified in the Visual Impact Assessment to the satisfaction of the Director of Planning or of the TPB;
- (e) the design and construction of the proposed vehicular access/internal driveway/pedestrian access to Tai Mong Tsai Road, and the provision of car parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB; and
- (f) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;
- (b) to note the comments of the District Lands Officer/Sai Kung (DLO/SK), LandsD that details of the proposed development of the lot will be examined under the lease conditions at the building plan stage;
- (c) to note the comments of the Commissioner for Transport (C for T) that the design and construction of the proposed pedestrian access to Tai Mong Tsai Road should be subject to the agreement of the Transport Department (TD) and the Highways Department (HyD), and to provide details on the layout

of the proposed vehicular access/internal driveway, and the parking and loading/unloading facilities to TD for comment;

- (d) to note the comments of the Chief Highway Engineer/New Territories East, HyD to ensure that the setting out points of the lot boundary match with those of the Hiram's Highway Improvement Project Stage 2 (HH2) as per the lease conditions. HH2 is still in preliminary design stage and its scope of works and implementation programme are not certain at this stage. The proposed pedestrian ingress/egress point fronting Tai Mong Tsai Road is connected to the Yellow Area under the Lease. Since the Yellow Area will later be site of HH2, such pedestrian ingress/egress point might not match with the future road layout and level. The applicant should review and provide details of the proposed pedestrian footway for all relevant department's comments. A section of the proposed pedestrian footway within the Yellow Area might not have sufficient illumination. The applicant should check whether it is responsible for the design, installation, operation and maintenance of the illumination system and responsible for all the costs incurred in association with such illumination system. The applicant should also check with DLO/SK as to whether he is allowed to do so under the Lease. The applicant should also seek the comments and agreement of HyD's Lighting Division direct on such public lighting requirement. The proposed vehicular run-in/out at Mei Fuk Street should be constructed to Highways Standard;

- (e) to note the comments of the Chief Engineer/Lighting, HyD that a bus lay-by and pedestrian footpath will be constructed by HyD at Tai Mong Tsai Road adjoining the Yellow and Yellow Hatched Black Areas of Lot No. 1949 in D.D. 221. Two additional lamps are required (Plan A-2). The applicant should submit the works request to his Office for installation of the additional lamps. The associated excavation and reinstatement works related to the requested lighting works shall be constructed by the applicant's contractor, and the applicant shall bear the associated costs. The applicant should submit a drawing showing the proposed development and indicate whether any additional footpath and carriageway will be

constructed or modified other than the aforesaid footpath. The applicant should indicate whether such footpath and carriageway will be managed and maintained by HyD, if any;

- (f) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that:
 - (i) all proposed connection works should be carried out by the applicant in accordance with DSD Standard Drawings at the applicant's costs, audited by DSD upon completion and handed over to DSD for maintenance (except those works within the private lot boundaries, which shall be maintained by the lot owner). The applicant shall submit a Form HBP1 with a crossed cheque to his Office to apply for technical audit for completed drainage connection works;
 - (ii) the applicant is required to ensure that no construction debris, silt and sediments, or cementitious materials is discharged to or deposited inside the public drains or sewers from the Site. The applicant shall monitor the internal conditions of the existing public drains/sewers running adjacent to the captioned site with CCTV surveys prior to commencement and upon completion of the works to DSD's satisfaction. The applicant shall also make necessary arrangement/agreement with his Office for the scope of CCTV works. Nevertheless, such CCTV monitoring surveys serve no intention to relieve the applicant's liabilities on other drains/sewers that are not included in these surveys. Any pipe blockage or damage arising by the construction works shall be made good at the cost of the applicant and to DSD's satisfaction; and
 - (iii) extreme care should be taken when working in the vicinity of any existing drainage works in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the said works due to their activities in the area shall be made good to DSD's satisfaction at the resources of the applicant.

- (g) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, BD that:
 - (i) unless the Site abuts on a specified street complying with the requirements under Building (Planning) Regulations (B(P)R) 18A(3) and not less than 4.5m wide, the development intensity of the Site should be determined by the Building Authority under B(P)R 19(3);
 - (ii) PNAP APP-2, Hong Kong Planning Standards and Guidelines and the advice of C for T will be referred to when determining exemption of GFA calculation for above ground or underground carparking spaces;
 - (iii) Emergency Vehicular Access (EVA) complying with B(P)R 41D should be provided; and
 - (iv) recreational facilities should be GFA accountable unless exempted in accordance with the requirements stipulated in PNAP APP-42 and APP-104;
- (h) to note the comments of the Director of Fire Services that EVA 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 will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Director of Electrical and Mechanical Services that there is a high pressure town gas transmission pipeline running along Mei Yuen Street, and to maintain close liaison with the Hong Kong and China Gas Company Limited in respect of the exact location of existing and planned gas pipelines/installations in the vicinity of the proposed development and setback away from the gas pipelines/installations if any excavation works is required. The applicant should also note the

requirements of the Electrical and Mechanical Services Department's Code of Practice 'Avoiding Danger from Gas Pipes'. The applicant should approach the electricity supplier for cable plans to find out whether there is any underground cable or overhead line within or in the vicinity of the Site. The applicant should carry out the following measures if there is underground cable or overhead line within or in the vicinity of the Site:

- (i) prior to establishing any structure within the Site, the applicant and/or its contractors should liaise with the electricity supplier to divert the underground cable and/or overhead line away from the vicinity of the structure if necessary; and
 - (ii) the applicant and its contractors should observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant may need to extend the 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. The applicant shall also bear the costs of any necessary diversion works of an existing water mains affected by the proposed development;
- (k) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department to inform their Office if any antiquities or supposed antiquities are found within the Site, irrespective of whether during the construction works or not; and
- (l) to note the comments of the Director of Agriculture, Fisheries and

Conservation to minimize the need for tree felling as far as practicable.”

[The Chairman thanked Mr T.C. Cheng and Mrs Alice K.F. Mak, STP/SKIs, for their attendance to answer Members’ enquires. Mr Cheng and Mrs Mak left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/836 Shop and Services (Retail Shop and Ancillary Storage Use) in
“Government, Institution or Community” zone, Sha Tin Town Lot
No.403 (New Lot to be known as Sha Tin Town Lot No. 589), Petrol
Filling Station (Part) at 1 Man Lai Road, Sha Tin
(RNTPC Paper No. A/ST/836)

31. The Secretary reported that the application was submitted by the Lands Department (LandsD). Ms Anita K.F. Lam, who was the Assistant Director (New Territories) of LandsD, had declared an interest in this item. Ms Janice W.M. Lai and Mr H.F. Leung who had current business dealings with LandsD had also declared interests in this item. As the interests of Ms Lam, Ms Lai and Mr Leung were considered direct, the Committee agreed that they should leave the meeting temporarily.

[Ms Anita K.F. Lam, Ms Janice W.M. Lai and Mr H.F. Leung left the meeting temporarily at this point. Dr W.K. Yau also left the meeting at this point.]

Presentation and Question Sessions

32. 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 (retail shop and ancillary storage use under application;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper.

33. Members had no question on the application.

Deliberation Session

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

- “the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “to note the comments of the Chief Building Surveyor/New Territories 2 &

Rail, Buildings Department that the proposed alteration should comply with the requirements under the Code of Practice for Fire Resisting Construction 1996 and the Design Manual: Barrier Free Access 2008.”

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

Agenda Items 10 and 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/131 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 259 S.A in
D.D. 52, Sheung Shui Wa Shan, Sheung Shui
(RNTPC Paper No. A/NE-FTA/131 and 132)

A/NE-FTA/132 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 259 S.I in
D.D. 52, Sheung Shui Wa Shan, Sheung Shui
(RNTPC Paper No. A/NE-FTA/131 and 132)

36. As the two applications were similar in nature (Small House) and the application sites were located close to each other, the Committee agreed that the two applications should be considered together.

Presentation and Question Sessions

37. Mr Wallace W.K. Tang, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) on the application site under each application;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from an agricultural point of view as active agricultural activities were noted in the vicinity of the application sites which were of high potential for agricultural rehabilitation. Other concerned Government departments had no objection to or no adverse comments on the applications;

- (d) during the first three weeks of the statutory publication period, four public comments on each application were received. Two comments were received from different North District Council (NDC) members. One of them supported both applications as they could facilitate villagers to build Small House while the other NDC member cum Indigenous Inhabitant Representative (IIR) of Sheung Shui Heung considered that the proposed developments would obstruct the existing local track and footpath, create adverse traffic and environmental impacts and result in the loss of agricultural land. The other two adverse comments objected to both applications mainly on the grounds that the proposed developments were not in line with the planning intention of “Agriculture” zone; active agricultural activities were observed in the vicinity and the agricultural land should be retained to safeguard the food supply for Hong Kong; no traffic and environmental impact assessments had been included in the submission; and approval of the cases would set undesirable precedents for similar applications and the cumulative impact of approving such type of applications should be considered. The District Officer (North) (DO(N)) advised that the incumbent North District Councillor cum IIR of Sheung Shui Heung raised objection to both applications while the Chairman of Sheung Shui District Rural Committee, other two IIRs of Sheung Shui Heung, the Resident Representative (RR) of Sheung Shui Heung, and IIR and RR of Wa Shan Village had no comment on the applications; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Paper. As regards DAFC’s comments of not supporting the applications, the proposed Small Houses were located adjacent to the existing village proper

of Wa Shan Village and considered not incompatible with the surrounding rural area dominated by farmland, village houses and tree groups, and the proposed Small Houses would not be in conflict with existing trees at the application sites. Regarding the adverse public comments, the proposed developments were not expected to cause significant adverse environmental, drainage and traffic impacts on the surrounding area. Concerned Government departments had no adverse comment on or no objection to the applications. In response to the public comment that the proposed development would obstruct the existing local track and footpath and create nuisance to the villagers, the applicants had clarified that the private lots in the vicinity of the application sites could be accessed via existing footpaths in the north and hence the proposed developments would unlikely affect the villagers in the nearby area.

38. With reference to Plan A-3 of the Paper, a Member said that an existing local track would be blocked by the proposed Small House under Application No. A/NE-FTA/131 and asked what the arrangement would be. Mr. Wallace W.K. Tang responded that the portion of local track within the application site was on private lot. Although there was local objection on the blockage of this track as a result of the proposed development as it would affect nearby residents using this local track, the applicant had provided further information to clarify that residents nearby could make use of other existing footpaths to access their houses. In response to the Chairman's enquiry, Mr Tang responded that the District Lands Officer/North (DLO/N) had advised that the proposed development might affect an existing road/track and the applicant should be advised to make diversion arrangement at his/her own costs so as to ensure that the existing access would not be affected by the proposed development. However, the applicant considered that the concerned local track fell within his private lot and it was unreasonable for him to provide access to other villagers within his lot. The applicant was of the view that there were other existing footpaths in the vicinity, as shown on PlanA-2 of the Paper, that could serve the local villagers. Notwithstanding, an advisory clause to reflect DLO/N's comments as indicated in paragraph 12.2 of the paper was recommended should the application be approved.

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

39. A Member said that for the development of a certain number of Small Houses, an Emergency Vehicle Access (EVA) would be required. In this application, with the local track being affected, there might be implication on public safety as this cluster of Small Houses might no longer be reached by emergency vehicles. A general advice on this kind of cases from the Fire Services Department (FSD) might need to be sought. Upon the invitation of the Chairman, Ms Anita K.F. Lam responded that according to the requirement of FSD, an EVA was required when a certain number of Small Houses was reached. However, FSD might accept measures such as provision of fire extinguisher or sprinkler system within the Small Houses as an alternative measure to the provision of EVA. On the issue of the local track being affected by the proposed Small House development, the Government would as a general practice state clearly in the building licences of Small Houses that there was no guarantee of right of way when approving Small House developments. The owners of the Small Houses would have to liaise among themselves for a right of way. In case a major local access would be affected by a Small House development, the Lands Department would liaise with the owner of the Small House to see if the owner could make arrangement for track diversion or setback of the Small House as appropriate. Nevertheless, from the legal point of view, the Government had no right to force the owner to make such kind of arrangement. Noting that the local track had been used by the villagers for many years, the applicant should be advised to resolve the matter with the villagers. The same Member considered that when compared with the previous agricultural community, rural villages nowadays were more complex in nature as uses like restaurants or retail stores could be found. The fire safety aspect of rural villages might warrant FSD's special attention.

Deliberation Session

40. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 7.2.2018, and after the said date, each permission should cease to have effect unless before the said date, the development permitted under each application was commenced or the relevant permission was renewed. Each of the permissions was subject to the following conditions :

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

- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

Application No. A/NE-FTA/131

- “(a) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that the proposed development on Lot 259 S.A might affect an existing road/track and the applicant is advised to make diversion arrangement at his/her own costs so as to ensure that the existing access would not be affected by the proposed development;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site is in an area where no public sewerage connection is available;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend the 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 Site is located within the flood pumping gathering ground;
- (d) to 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 LandsD. Detailed fire safety

requirements will be formulated upon receipt of formal application referred by LandsD; and

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

Application No. A/NE-FTA/132

- “(a) to note the comments of DLO/N, LandsD that the proposed development on Lot 259 S.I might affect an existing footpath and the applicant is advised to make diversion arrangement at his/her own costs so as to ensure that the existing access would not be affected by the proposed development;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site is in an area where no public sewerage connection is available;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend the 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 Site is located within the flood pumping gathering ground;

- (d) to 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 LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Board where required before carrying out the road works.”

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-STK/1 Temporary Eating Place for a Period of 3 Years in “Village Type Development” zone, Lot 172 S.B ss. 2 (Part) in D.D. 40, Ha Tam Shui Hang Tsuen, Sha Tau Kok
(RNTPC Paper No. A/NE-STK/1)

42. The Committee noted that the applicant requested on 24.1.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Transport Department.

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

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/87 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” zone, Government Land in D.D. 209, Kei Ling Ha San
 Wai, Sai Kung North
 (RNTPC Paper No. A/NE-SSH/87)

Presentation and Question Sessions

44. Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation on the application. Whilst there was no significant landscape resource within the application site, approval of the application would encourage further encroachment onto the “Green Belt” (“GB”) zone. The cumulative effect of approving similar applications would result in the general degradation of this woodland buffer between Sai Sha Road and Kei Ling Ha San Wai Village. There were also signs of recent clearance of vegetation at the site. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received. The commenters objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of “GB” zone; the proposed development would cause ecological and environmental impacts to the area; no technical assessments were included in the submission; and the approval of the application would set an undesirable precedent for other similar applications causing cumulative impacts on the area. No local objection/view was received by the District Officer (Tai Po); and

- (e) the PlanD’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. To address CTP/UD&L’s concern, the applicant would be advised to avoid disturbing existing trees in the vicinity of the application site boundary. For the adverse public comments on the proposed Small House not being in line with “GB” zone, it should be noted that the application site was located in close proximity to other village houses in Kei Ling Ha San Wai. The proposed Small House development generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed Small House footprint fell entirely within the village ‘environs’ of Kei Ling Ha San Wai and there was a general shortage of land in the “Village Type Development” zone of Kei Ling Ha San Wai to meet the demand for Small House development. Hence, sympathetic consideration could be given to the application. Regarding the public comments on the ecological and environmental impacts, both the Director of Agriculture, Fisheries and Conservation and the Director of Environmental Protection had no adverse comments on the application.

45. Members had no question on the application.

Deliberation Session

46. 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 7.2.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

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

- “(a) to avoid disturbing any existing trees in the vicinity of the application site boundary;
- (b) to note the District Lands Officer/Tai Po, Lands Department’s (LandsD) comments that after planning approval has been given by the Board, LandsD will process the Small House application. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to the terms and conditions as imposed by LandsD. There would be no guarantee to the grant of a right-of-way to the Small House concerned and the applicant has to make his own arrangement for access to the lot;
- (c) to note the Chief Engineer/Mainland North, Drainage Services Department’s (DSD) comments that:
 - (i) there is no existing DSD maintained public drains available in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary/wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence are to be erected. Any existing flow path affected should be reprovided. The proposed development should neither obstruct overland flow nor adversely affect existing

natural streams, village drains, ditches and the adjacent areas. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the system; and

- (ii) there is no existing public sewerage in the vicinity of the Site. Nevertheless, proposed public sewerage system in the vicinity of the Site will be implemented under the project “Tolo Harbour Sewerage of Unsewered Areas Stage 2” undertaken by DSD;

- (d) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments that for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply, and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards;

- (e) to note the Director of Fire Services’ comments that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (f) to note the Chief Highway Engineer/New Territories East, Highways Department’s (HyD) comments that the access road from Sai Sha Road adjoining the Site is not maintained by HyD;

- (g) to note the Director of Electrical and Mechanical Services’ comments that :
 - (i) the applicant shall approach the electricity supplier for the

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

- (a) 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;
 - (b) 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; and
 - (c) 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; and
- (ii) there is a high pressure underground town gas transmission pipeline running along Sai Sha Road nearby the Site. The project proponent/consultant shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the proposed study area and any required minimum set back distance away from them during the design and construction stages of development. The project proponent/consultant is required to observe the requirements of the Electrical and Mechanical Services

Department's "Code of Practice on Avoiding Danger from Gas Pipes"; and

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

Agenda Items 14 and 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/495 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot No. 1024 S.C, 1025 S.B and 1028 S.A in D.D.29, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/495 and 496)

A/NE-TK/496 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot No. 1024 S.D and 1028 S.B in D.D.29, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/495 and 496)

48. As the two applications were similar in nature (Small House) and the application sites were close to each other, the Committee agreed that the two applications should be considered together.

Presentation and Question Sessions

49. Mr C.T. Lau, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;

- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from agricultural point of view as the application sites had high potential of rehabilitation for agricultural activities. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) objected to the applications from landscape planning point of view as approval of the applications would set an undesirable precedent for similar Small House applications in the subject “Agriculture” (“AGR”) zone, resulting in village expansion to the south of Ting Kok Road, leading to disturbance to landscape resources in the surrounding area and degradation of the existing agricultural/recreational landscape character. Other Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period of the two applications, two public comments on both applications were received. The commenters objected to the applications for reasons that the applications were not in line with the planning intention of “AGR” zone and would cause adverse ecological impact to the surrounding area and set an undesirable precedent for similar applications; the “AGR” zone was ecologically linked to the nearby “Coastal Protection Area” (“CPA”) and Site of Special Scientific Interest (“SSSI”) zones along the shore where the natural habitats constituted an important ecosystem for wildlife; and agricultural area should be conserved to safeguard the capacity and potential for sustainable food production. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper.

The application sites fell entirely within “AGR” zone. The proposed Small House developments were not in line with the planning intention of “AGR” zone. DAFC did not support the applications as the sites had high potential for rehabilitation of agricultural activities. Although the applications generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprint of the proposed Small Houses fell within the village ‘environs’ and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone, there was no strong planning justification in the submission for a departure from the planning intention of “AGR” zone. Approval of the applications would set an undesirable precedent for similar applications resulting in village expansion to the south of Ting Kok Road and causing adverse landscape impact on the surrounding areas. Although there was insufficient land within the “V” zone to meet the outstanding Small House applications and 10-year demand forecast, land was still available within Ting Kok Village for Small House development. It was considered more appropriate to concentrate those proposed Small Houses close to the existing village cluster which was located to the north of Ting Kok Road for orderly development pattern, efficient use of land and provision of infrastructures and services. The application sites were located to the south of Ting Kok Road and about 70m away from the village cluster of Ting Kok Village to the north. The subject “AGR” zone where the application sites were located was adjoining areas zoned “CPA” to the west and south and “SSSI” (about 50m) to the further south. The surrounding areas of the sites were predominantly fallow/active agricultural land. No planning application for Small House development had been approved by the Committee in the subject “AGR” zone. Approval of the subject applications would result in village expansion to the south of Ting Kok Road, leading to disturbance to landscape resources in the surrounding area and degradation of the existing agricultural/recreational landscape character. In this regard, CTP/UD&L, PlanD objected to the applications from the landscape planning point of view. Regarding the application No. A/NE-TK/296 mentioned by the applicants in the submission, it was

approved with conditions by the Committee on 18.12.2009. The site was located to the north of the village proper of Ting Kok Village and the circumstances of the site were very different from those of the subject applications.

50. Members had no question on the application.

[Mr K.C. Siu returned to join the meeting at this point.]

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) approval of the application would set an undesirable precedent for similar applications at the subject “AGR” zone, resulting in village expansion to the south of Ting Kok Road, leading to disturbance to landscape resources in the surrounding area and degradation of the existing agricultural/recreational landscape character.”

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 16

Section 12A Application

[Open Meeting]

Y/YL-KTS/2

Application for Amendment to the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/11, to amend Remark (c) under the Notes of the “Comprehensive Development Area” Zone to relax the Development Restrictions for Site 1 by increasing the Maximum Total Gross Floor Area to 36,960m² and Maximum Building Height to 69mPD, Lots 547 RP and 2160 RP in D.D. 106 and Adjoining Government Land, Tung Wui Road, Pat Heung, Yuen Long (RNTPC Paper No. Y/YL-KTS/2)

52. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr Ivan C.S. Fu and Ms Janice W.M. Lai who had current business dealings with Henderson had declared interests in this item. Members noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Fu and Ms Lai could stay in the meeting but should refrain from participating in the discussion.

53. The Committee noted that the applicant requested on 17.1.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address comments from Government departments.

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

[Ms Wendy W.L. Li, Mr Ernest C.M. Fung and Mr C.K. Tsang, Senior Town Planners/Fanling, Sheung Shui & Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/178 Renewal of Planning Approval for Temporary Vehicle Repair Workshop (including Container Vehicle Repair Yard) under Application No. A/NE-KTN/160 for a Period of 1 Year in “Residential (Group A)1”, “Residential (Group A)3” and “Other Specified Use (Business and Technology Park)” zones and an area shown as ‘Road’, Lots 759 S.A, 759 RP(Part), 761 S.A, 761 S.C(Part), 762 S.A and 762 S.C(Part) in D.D. 95 and Adjoining Government Land, Kwu Tung North
(RNTPC Paper No. A/NE-KTN/178)

Presentation and Question Sessions

55. Ms Wendy W.L. Li, STP/FSYLE, 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 vehicle repair workshop (including container vehicle repair yard) under Application No. A/NE-KTN/160 for a period of 1 year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of

domestic uses in the vicinity of the application site and environmental nuisance was expected. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments from North District Councillors were received. The Vice-chairman of North District Council (DC) who also conveyed his objection through District Officer (North) (DO(N)) objected to the application as vehicles were frequently parked at the entrance of the site obstructing view of pedestrians and drivers, in particular the elderly in the area while the other DC member had no comment on the application. The DO (N) advised that the Chairman of Sheung Shui District Rural Committee (SSDRC), the Resident Representatives (RR) of Kwu Tung (North) and the Resident Representatives (RR) of Kwu Tung (South) had no comment on the application. The Vice-chairman of North DC who submitted a public comment raised an objection to the application on the same ground as in the public comment; 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. To address DEP's environmental concern, an approval condition restricting the operating hours was recommended and the applicant would be advised to undertake environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to alleviate any potential environmental impacts. As regards the public comment objecting to the application which was also conveyed by DO(N) regarding pedestrian/traffic safety in the area, Transport Department had no in-principle objection to the application. Notwithstanding this, incorporation of approval conditions restricting the operating hours and the parking and reverse movement of vehicles on public road outside the application site were recommended to address the local concerns.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 7.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, 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) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (d) the existing peripheral fencing on the application site should be maintained at all times during the planning approval period;
- (e) no parking and reverse movement of vehicles should be allowed on public road outside the application site at any time during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of approval to the satisfaction of Director of Drainage Services or of the TPB by 7.5.2014;
- (g) the submission of proposals for water supplies for fire fighting and fire service installations within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2014;
- (h) in relation to (g) above, the provision of water supplies for fire fighting and fire service installations within 6 months from the date of approval to the

satisfaction of the Director of Fire Services or of the TPB by 7.8.2014;

- (i) the submission of tree preservation and landscape proposals within 3 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2014;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 6 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2014;
- (k) 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
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) 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.”

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

- “(a) shorter compliance periods are proposed to monitor the progress of compliance of approval conditions;
- (b) to note the Chief Engineer/Development (2), Water Supplies Department’s comments that the site is within flood pumping ground;
- (c) to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that 1 dead tree stump is found at the

northern boundary near the access gate. Due to site constraints, replacement of this tree is not required. In addition, 1 tree at the northern boundary is in poor condition due to significant decay on the stem, the applicant is required to replace this tree if found dead;

- (e) 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 BD, they are unauthorised under Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - (ii) for unauthorised building works (UBW) erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO;
 - (iii) before any new building works (including containers/sheds as repair workshop, office, toilet and store etc.) are to be carried out on the application site, prior approval and consent from BD should be obtained, otherwise they are UBW. An authorised person should be appointed as the co-ordinator for the proposed building works in accordance with BO; and
 - (iv) in connection with (iii) above, the application site shall be provided with emergency vehicular access in accordance with Building (Planning) Regulations 41D respectively;
- (f) to note the comments of the Director of Fire Services that:
 - (i) if covered structures (e.g. container-converted office, temporary

warehouse and temporary shed used as workshop) are erected within the site, FSIs will need to be installed;

- (ii) if no building plan will be circulated to his Department via the Centralised Processing System of BD, the applicant is required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval. In preparing the submission, the applicant is advised on the following points:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans; and
- (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved scheme.”

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/179 Social Welfare Facility (Residential Care Home for Persons with Disabilities) in “Village Type Development” zone, S.A, S.B, S.C, S.D and RP of Lot No.1396, S.A and RP of Lot No.1397, S.A, S.B, S.C, S.D, S.E and RP of Lot No.1389 , RP of Lot 1388 (Part) in D.D. No. 95 and Adjoining Government Land, Ho Sheung Heung, Sheung Shui (RNTPC Paper No. A/NE-KTN/179)

Presentation and Question Sessions

59. Ms Wendy W.L. Li, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the social welfare facility (residential care home for persons with disabilities);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council member. He supported the application as it would provide convenience to those in need. The District Officer (North) (DO(N)) advised that the Chairman of Sheung Shui District Rural Committee cum Resident Representative of Ho Sheung Heung, the incumbent North District Councillor member and an Indigenous Inhabitant Representative (IIR) of Ho Sheung Heung had no comment on the application while another IIR of Ho Sheung Heung raised an objection to the application. He objected that the drainage pipe connected to the residential care home was not properly maintained. There were blockages and the drainage pipe was not thoroughly cleaned. The owner of the residential care home should improve the drainage there; 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. As regards the objection conveyed by DO(N), the Drainage Services Department had no objection to the application. The concern on the maintenance of drainage pipe could be addressed by imposing an approval condition on the submission and implementation of a drainage proposal.

60. Members had no question on the application.

Deliberation Session

61. 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 7.2.2018, 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 provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the development on the Site;
- (b) to note the comments of the District Lands Officer/North, Lands Department (LandsD) as follows:
 - (i) for S.A, S.B, S.C and S.D of Lot No. 1396, S.A and RP of Lot No. 1397, S.A, S.B, S.C, S.D and RP of Lot No. 1389, all in DD 95, the concerned owners/applicant should be required to rectify the irregularities pertaining to the small houses erected thereon (such as canvases between village houses and few metal canopies located outside the footprints of the village houses) and remove any structures (e.g. canopy structures) within the non-building area of the lots i.e. area beyond 700ft² not covered by building license for

each lot;

- (ii) for RP of Lot No. 1388, S.E of Lot No. 1389, RP of Lot No. 1396 and the adjoining Government Land, the concerned lot owners/applicant should be required to apply to his office for approval/permission for the structures (such as the small container structure with a canopy on Lot 1388 RP (part)) erected/to be erected thereon; and
 - (iii) any applications for any additional structures to be erected or for regularisation of any existing structures/irregularities at the Site/buildings, if received, 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 an application is approved, it would be subject to such terms and conditions, including but not limited to payments of premium and fees, as may be imposed by the LandsD. If no applications are received or the applications are rejected, the owners/applicant shall be required to remove the structures and rectify all the irregularities thereon;
- (c) to note the comments of the Commissioner for Transport that Ho Sheung Heung Pai Fung Road and the village track leading to the Site are not managed by the Transport Department. The land status of Ho Sheung Heung Pai Fung Road and the village track should be checked with the lands authority. The management and maintenance responsibilities of the village track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Ho Sheung Heung Road to the Site is not maintained by his office;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site is in an area where no public sewerage

connection is available and the Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities of the development;

(f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) as follows:

(i) the grantee/applicant is required to either divert or protect the water mains found on site. The cost of any necessary diversion shall be borne by the allocatee;

(ii) if diversion is required, it is needed to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of a minimum 1.5m in width should be provided for the diversion of the existing water mains. The grantee/applicant shall bear the cost of any necessary diversion works affected by the proposed development; and the grantee/applicant shall submit all the relevant proposals to WSD for consideration and agreement before the works commence;

(iii) if diversion is not required, the followings shall apply:

(a) existing water mains are affected and no development which requires resiting of water mains will be allowed;

(b) details of site formation works shall be submitted to the Director of Water Supplies for approval prior to commencement of works;

(c) no structure shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s). Free access shall be made available at all times for staff of the Director of Water Supplies or their contractor to carry out construction, inspection, operation, maintenance and repair works;

- (d) no trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of the Director of Water Supplies. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
 - (e) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5 metres around the cover of any valve or within a distance of 1 metre from any hydrant outlet;
 - (f) tree planting may be prohibited in the event that the Director of Water Supplies considers that there is any likelihood of damage caused to water mains; and
- (iv) the Site is located within the flood pumping gathering ground;
- (g) 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 Buildings Department (BD). Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
 - (h) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows:
 - (i) if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Building Ordinance (BO) and should not be designated for any approved use under the application;

- (ii) before any new building works (including open sheds as temporary buildings) are to be carried out on the Site, 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 BO;
 - (iii) for 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 Site under the BO;
 - (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the Site intended to be used for such purpose are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (v) in connection with (ii) above, the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
 - (vi) if the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the Site. Based on the cable

plans obtained, if there is an 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) Regulations shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/202 Proposed Filling of Pond/Land, Excavation of Land and Minor Relaxation of Building Height Restriction for House Development in “Residential (Group D)” zone, Lots 3207 RP, 3209 RP, 3220 RP, 3221 RP, 3224 RP, 3225 S.A RP, 3225 S.C RP, 3225 RP, 3226 S.A RP, 3226 RP, 3228, 3229, 3230 RP, 3250 S.B ss.21 RP, 3250 S.B ss.33 S.B, 3250 S.B ss.40 S.A (Part), 3250 S.B ss.40 RP (Part) and 4658 RP (Part) in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/202D)

63. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson) with Environ Hong Kong Ltd. (Environ), Westwood Hong & Associates Ltd. (Westwood), AECOM Asia Co. Ltd. (AECOM) and ADI Ltd. (ADI), amongst others, as consultants. Mr Ivan C.S. Fu who had current business dealings with Henderson, Environ, Westwood, AECOM and ADI had declared an interest in this item. Ms Janice W.M. Lai who had current business dealings with Henderson, AECOM and ADI had also declared an interest in this item. As the interests of Mr Fu and Ms Lai were considered direct, the Committee agreed that they should leave the meeting temporarily.

[Mr Ivan C.S. Fu and Ms Janice W.M. Lai left the meeting temporarily at this point.]

Presentation and Question Sessions

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

The Proposal

- (a) the applicant proposed a residential development of a total of 32 detached houses of 2 storeys high at a plot ratio (PR) of 0.2 with minor relaxation of building height restriction from 6m to 6.6m at the application site (the Site).

The proposed development involved filling of an existing pond in the southeast, and filling and excavation of land for site formation;

- (b) the Site was the subject of 5 previous applications approved between 1999 and 2010 for the same use, with planning permissions for 4 of which already expired. The last approved application (Application No. A/YL-MP/170) for a development of 42 houses with a maximum PR of 0.2, maximum site coverage of 20% and a minor relaxation of building height (BH) restriction for 6m to 6.6m (2 storeys), and filling of ponds was approved by the Committee on 7.5.2010. The permission was valid until 7.5.2014;
- (c) to mitigate the potential noise impact from the adjacent open storage yard at the southeast, a 4.5m high and 200m long noise barrier along Ha Chuk Yuen Road and a 6.87m high temporary sewage treatment plant and the refuse and switch room along the southeastern boundary would be provided to replace the previous 8m high and 290m long noise barrier in the previously approved scheme. On the western boundary of the Site, the 3.5m high noise barrier wall in the previously approved scheme would be replaced by 2.5m tall fence wall in the current scheme;
- (d) 5m to 8m wide tree planting area in the form of landscape berm (within the site) would be provided along the outer side of the noise barriers along the southeastern boundary of the site. Planting strip was proposed along the boundaries of the site to form a continuous landscape buffer to screen off the proposed development;
- (e) in view of the uncertain development programme of the planned Ngau Tam Mei Trunk Sewerage, the applicant proposed to provide a temporary sewage treatment plant (STP) in the southeastern part of the site to treat the sewage effluent generated from the proposed development;

Departmental Comments

- (f) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. Concerned Government departments had no objection to or adverse comments on the application;

Public Comments

- (g) during the first three weeks of the statutory publication periods of the application and subsequent further information submitted by the applicant, a total of 148 public comments with 25 objecting to and 123 supporting the application were received. The grounds of objection mainly included insufficient land within “Village Type Development” (“V”) zone, too many new house developments in close vicinity, screen effect, adverse visual, air quality and ecological impacts, traffic congestion, insufficient infrastructure, additional sewage, air pollution, construction waste and flooding risk, no way to apply for relaxation of BH restriction on village houses, conflicting with the conservation policy, application for pond filling by villagers being rejected, damage to Fung Shui of San Tin Heung, excessive relaxation of BH, concern on proper premium on land exchange and no prior consultation. The land owners of Lot 3250 S.B ss 16 RP in D.D. 104 objected to the application as the proposed development would occupy the entrance of his car park, thereby causing damage to the car park business. Some commenters objecting to the application suggested to use the site for Small House or public housing development, to rezone the site to “V” and to use the site and its surrounding areas for provision of recreational facilities for the villagers;
- (h) the grounds for supporting the application included that the proposed development provided an opportunity to improve the local environment for the benefits of the neighbouring residents; the piece of land with nice setting was suitable for residential use; the development would create jobs, increase the supply of residential units, provide an alternative low-density housing option, better utilise abandoned agricultural land, increase property value in the vicinity, improve hygiene, and prevent the area from becoming a mosquito and insects breeding ground; and relaxation of BH would not have significant adverse impact;

- (i) the District Officer (Yuen Long) advised that an objection letter from San Tin Rural Committee was received by his Office. The objection letter was also received by the Board as a public comment and he had no comment on the application;

the Planning Department (PlanD)'s views

- (j) PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper which were summarised as follows:
 - (i) the proposed development of plot ratio 0.2 and building height of 2 storeys conformed with the restrictions in the Outline Zoning Plan (OZP) and was in line with the planning intention of the "Residential (Group D)" ("R(D)") zone. The proposed relaxation of the maximum BH restriction from 6m to 6.6m under the current scheme was to meet the general aspiration for high floor height (3.3m) in the domestic units and to improve the general quality of living for the future residents. The proposed BH of 6.6m was the same as the BH under the previously approved Application No. A/YL-MP/170;
 - (ii) the proposed filling of pond had been approved in the previously approved Application No. A/YL-MP/170. The Agriculture, Fisheries and Conservation Department (AFCD) had not raised objection to the current application and commented that the proposed development was a Designated Project under the Environmental Impact Assessment Ordinance (EIAO) and an ecological impact assessment (EcoIA) was required under the EIAO. He requested that an approval condition on the submission of revised EcoIA and implementation of mitigation measures identified therein should be imposed;
 - (iii) compared with the previously approved Application No. A/YL-MP/170, the current scheme involved rearrangement of the houses, clubhouse and internal road, as well as addition of a temporary sewage treatment plant in the southeastern part of the site.

The applicant stated that the reduction in the number of houses could space out the houses within the site, and the change of house orientation from east-west facing to north-south would help reduce energy consumption. The heights of the noise barriers were generally reduced while the site formation levels were reduced from 5.65-6.8mPD under the previously approved scheme to 5.45-6.50mPD (from south to north) in the current scheme. The Chief Town Planner/Urban Design and Landscape, PlanD considered the current scheme was an improvement in terms of the scale and form of the noise/visual mitigation measures;

- (iv) the site was the subject of 5 previously approved applications for the same proposed development. Since 2004, 4 similar applications for residential developments within the same “R(D)” zone were approved by the Committee. Approval of the application was in line with the Committee’s previous decisions; and

- (v) regarding the public comments objecting to the application, Government departments concerned had no objection to or no adverse comment on the application. Regarding the suggestion to use the site to provide recreational facilities for villagers’ use, the Director of Leisure and Cultural Services advised that the site was not reserved for the development of public open space by his department and his department was currently providing Ha Chuk Yuen Sitting-out Area and Tai Sang Wai Playground in the vicinity of the site. Besides, 2 sites (with a total area of 6.35 ha) to the east of Royal Palms had been zoned “Open Space” on the OZP for the provision of open space when required. For the comments related to “V” zone and conservation policy, it should be noted that the current application was entirely within the “R(D)” zone. As for the issue of access to Lot 3250 S.B ss.16 RP in D.D. 104, the applicant had made a setback of the southern site boundary at the junction of Kam Pok Road and Ha San Wai Road to exclude the land occupied by that access from the application site.

65. Noting that a pond in the southeastern part of the Site would be filled for development, a Member asked whether an EcoIA with proposed mitigation measures had to be conducted for the acceptance of AFCD prior to the implementation of the development. Mr Ernest Fung replied that the applicant had submitted an EcoIA in support of the application and AFCD had no objection to the application. As this development was a designated project under the EIAO, the applicant had to submit an EcoIA under the EIAO for the acceptance of AFCD and EPD. Therefore, there should be sufficient assessment on the ecological aspect.

Deliberation Session

66. 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 7.2.2018, 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 setting back of the western site boundary to avoid encroachment onto the future road widening of Kam Pok Road;
- (b) the submission of a revised Drainage Impact Assessment including flood relief mitigation measures and the implementation of drainage proposal and other necessary flood relief mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) no pond/land filling on site shall be allowed until the flood mitigation measures have been implemented to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission of a revised Sewerage Impact Assessment and the implementation of sewerage treatment measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;

- (e) the submission of a revised Noise Impact Assessment and the implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the submission of a revised Ecological Impact Assessment and implementation of the mitigation measures identified therein to the satisfaction of Director of Agriculture, Fisheries and Conservation or of the TPB;
- (g) the submission and implementation of Landscape Master Plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (h) the design and provision of mitigation measures to alleviate the visual impact of the noise barriers and the sewage treatment plant and the refuse and switch room to the satisfaction of the Director of Planning or of the TPB; and
- (i) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted

by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;

- (c) to note the comments of the District Lands Officer/Yuen Long (DLO/YL), LandsD that site area and boundary of the site will be verified during the processing of the land exchange application. There is no guarantee that Government land (GL) involved in the subject planning scheme will be granted in the land exchange, which issue will be considered in the processing of the land exchange. Should the GL be granted to the applicant for implementation of the planning proposal (if approved), it will be subject to such terms and conditions including, among others, the payment of a premium to Government. Should the current proposed development which leads to further amendments to the land exchange application being processed, the applicant is required to apply to his Office for amendment to the land exchange. However, there is no guarantee that the land exchange application (including the granting of additional GL) will be approved. Such application will be dealt with by LandsD acting in the capacity as the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including, among others, the payment of a premium and administrative fee as may be imposed by LandsD. For the permanent sewage disposal, the consultant proposes a rising main and a manhole in Kam Rok Road, both to be constructed by the developer to convey the sewage from the development to Drainage Services Department's (DSD) future public sewer in Pok Wai South Road. Both the proposed rising main and manhole would occupy GL for which the developer should apply to his department for a licence. For the interim sewage disposal, the consultant proposes to provide a sewage treatment plant within the development to treat the sewage before conveying it to the adjacent Ngau Tam Mei Channel. Such a proposal requires a pump pit and a rising main, both to be constructed by the developer to extract water from the nearby channel to the sewage treatment plant. The proposed pump pit and rising main would again occupy GL in Fung Chuk Road and Ha Chuk Yuen Road for which the

developer should apply to his department for a licence. There is no guarantee that the licence mentioned above, if applied, will be approved by his department. If his department approves such a licence, it would be subject to such terms and conditions including, among others, the payment of fees to Government;

- (d) to note comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that excavation permit should be obtained from his office prior to commencement of any excavation works on public roads maintained by his office. Agreement from DLO/YL, LandsD should be sought regarding works on GL other than public roads maintained by his office. All proposed utilities should comply with the minimum cover requirement as stipulated in HyD Technical Circular 3/90. The proposed noise barriers should be constructed and maintained by the developer and at their own cost. The noise barriers including their footings should not encroach onto the GL;
- (e) to note the comments of the Chief Engineer/Mainland North, DSD that proposed flood mitigation measures should be implemented prior to any pond filling activities around the periphery of the site. In the drainage submission, the flood mitigation measures shall be clearly delineated from the internal drainage of the development;
- (f) to note the comments of the Director of Environmental Protection that the proposed development is a designated project under the Environmental Impact Assessment Ordinance (Cap. 499). The applicant should be reminded of the need to go through the statutory Environmental Impact Assessment Ordinance (EIAO) process;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the proposed development is a Designated Project under the EIAO and the relevant Environmental Impact Assessment (EIA) project, which should cover both ecological and fisheries impact assessments, has not been approved yet. The applicant is required to demonstrate the

environmental acceptability of this project in the EIA report to be submitted in order to meet the relevant statutory requirements;

- (h) to note the comments of the Director of Fire Services in Appendix V of the RNTPC Paper;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, BD that in view of the size of the site, internal street required under the Buildings Ordinance (BO) s16(1)(p) may have to be deducted from site area for plot ratio/site coverage calculations under the BO. Also, the internal access road/internal street should comply with Building (Private Streets and Access Roads) Regulations. The area of clubhouse is accountable for GFA under the BO unless otherwise exempted. The applicant's attention is drawn to the provision of emergency vehicular access under Building (Planning) Regulation 41D. The area of the interim sewage treatment plant is accountable for GFA under the BO unless otherwise exempted. There is no guarantee that the 10% non-accountable GFA could be attained under the BO and will be considered on the basis of the Practice Notes for Authorized Person APP-2 during plan submission stage. Detailed comments will be provided at building plan submission stage;
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site. For application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 135kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department (PlanD), prior consultation and arrangement with the electricity supplier 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;

- (k) to note the comments of the Director of Leisure and Cultural Services that with regard to the proposed off-site sewerage facilities along Kam Po Road and Ha Chuk Yuen Road, every efforts should be exercised to preserve the existing trees on site and minimise the adverse effect to them during works period. Should any tree be inevitably affected, the Authorized Person is required to submit a tree felling/transplanting proposal in advance to relevant authority for comments in accordance with Environment, Transport and Works Bureau Technical Circular (Works) No. 3/2006; and
- (l) to note the comments of the Chief Town Planner/Urban Design and Landscape, PlanD that the applicant should be advised to explore further means to mitigate the potential adverse visual impact of the noise barrier structures at detailed design stage.”

[Mr Ivan C.S. Fu and Ms Janice W.M. Lai returned to join the meeting at this point.]

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/429 Temporary Private Vehicle Park for Light Goods Vehicles for a Period of 3 Years in “Agriculture” zone, Lots 375 S.C RP (Part) and 376 RP (Part) in D.D. 110 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/429)

Presentation and Question Sessions

68. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary private vehicle park for light goods vehicles for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was of high potential for agricultural rehabilitation. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments objecting to the application were received for reasons that heavy goods vehicles rather than light goods vehicles were often parked at the site causing adverse traffic impact, and pedestrian safety problem and damaging the access road. 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 private vehicle park for light goods vehicles could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. Regarding DAFC's comments of not supporting the application, the site had been hard-paved and used as a temporary vehicle park since 2010. The temporary nature of the development would not jeopardize future rehabilitation of the site for agricultural purposes and the long-term planning intention of the "Agriculture" zone. Besides, the site and its adjoining areas were bounded by a nullah which separated them from the agricultural lots and the residential structure located to the further north. As regards the public comments objecting to the application, relevant Government departments had no adverse comment on the

application. Besides, to minimise the possible nuisance generated by the development, approval conditions restricting the operation hours and types of vehicles and prohibiting of workshop-related activities were recommended and any non-compliance with the approval conditions would result in revocation of the planning approval.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.2.2017, 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 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 vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (d) 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;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, 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;
- (f) a notice should be posted at a prominent location of the site to indicate that

no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;

- (g) the existing boundary fencing shall be maintained at all times during the planning approval period;
- (h) the existing tree and landscape planting on the site should be maintained at all times during the planning approval period;
- (i) the implementation of the approved drainage proposal 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 7.5.2014;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2014;
- (k) in relation to (j) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) 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) to note the District Lands Officer/Yuen Long’s comments that the lots on 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 structures used as parking, site office and staff restroom. No permission has been given for the occupation of the Government land (GL) within the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Kam Tai Road via private land and Government Land. LandsD provides no maintenance works for the GL involved and does not guarantee right-of-way. The lot owners concerned will need to apply to LandsD to permit structures to be erected or regularize any irregularities on-site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSI as prescribed by his department, he is required to provide justifications to his department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap.123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to 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 the 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. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (h) to 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 site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Kam Tin Road;

- (i) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comment that for provision of water supply to the development, the applicant may need to extend the 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 any sub-main within the private lots to WSD's standards. Water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

- (j) to 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 subject application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise, they are unauthorised building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (k) to 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 sites. Based on the cable plans and/or overhead line alignment drawings obtained, if there is underground electricity cable (and/or overhead line) within or in the vicinity of the sites, the applicant (and his contractors, where applicable) shall carry out the measures for sites 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, and prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the sites, 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 electricity supply lines.”

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/430 Temporary Shop and Services (Real Estate Agency) for a Period of 3
Years in “Village Type Development” zone, Lot 283 S.A RP(Part) in
D.D. 109, Kam Tin Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/430)

Presentation and Question Sessions

72. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter supported the application as the development would not affect the environmental, traffic and drainage conditions of the surroundings, and would meet the need of the local villagers. 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 shop and services (real estate agency) could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no parking of vehicle, as proposed by the applicant, is allowed on the site at any time during the planning approval period;

- (c) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (d) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2014;
- (e) in relation to (d) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2014;
- (f) 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;
- (g) if any of the above planning conditions (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner of the site;
- (c) shorter compliance periods are imposed to monitor the situation on the site. 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) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that the private lot within the site is Old Scheduled Agricultural Lot held under Block Government Lease under which no structure is allowed to be erected without prior approval from LandsD. Lot No. 283 S.A RP(Part) in D.D. 109 is covered by Short Term Waiver No. 3688 to allow the use of land for the purpose of shop and services (real estate agency) with permitted built-over area not exceeding 44m² and building height not exceeding 3m. The site is accessible from Kam Tin Road via Government Land and private land. LandsD does not provide maintenance works on this access nor guarantee any right-of-way. The lot owner concerned will still need to apply to LandsD to permit any additional/excessive structures to be erected or regularized any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (e) to 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 the 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;
- (f) to 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 site to the nearby public roads and drains and his department shall not be responsible for the maintenance of any access connecting the site and Kam Tin Road;

- (g) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (h) to note the Director of Food and Environmental Hygiene’s comment that the access route should not encroach on their land allocation and the daily operation of the refuse collection point must not be interfered;
- (i) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (j) to 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. Therefore, the applicant is advised to submit the relevant layout plans incorporating the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The locations of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant is required to provide justifications to his department for consideration. If any structure is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments that there is no record of approval by the Building Authority (BA) for the existing structures at the site and BD is not

in a position to offer comment on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD, they are unauthorised under the Buildings Ordinance (BO) (not being New Territories Exempted Houses), and should not be designated for any use under application. Before any new building works (including real estate agency, meeting room and open shed as temporary buildings) are to be carried out on the site, prior approval and consent of the BA should be obtained. Otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the 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 building works or UBW on the site under the BO. In this connection, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (1) to 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 electricity 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, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulation in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask

the electricity supplier to divert the underground electricity cable (and/or overhead electricity line) away from the vicinity of the proposed structure. 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 Items 22 and 23

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/626 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 1184 S.A. in D.D. 113, Tai Wo Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/626 and 627)

A/YL-KTS/627 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 1184 S.B in D.D. 113, Tai Wo Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/626 and 627)

76. As the two applications were similar in nature (Small House) and the application sites were located close to each other, the Committee agreed that the two applications should be considered together.

Presentation and Question Sessions

77. Mr C.K. Tsang, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the application sites;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the two applications were not supported from the agricultural point of view as there were agricultural land in the vicinity and the sites had high potential for agricultural rehabilitation. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited on each of the applications. The commenter objected to the two applications on the similar grounds that the proposed developments were incompatible with the planning intention of the “Agriculture” (“AGR”) zone. Approval of the applications would set undesirable precedents for other developments within the “AGR zone and the cumulative effect would result in a general degradation of the environment. Such cumulative impact should be taken into account when considering the two Small House applications. In addition, the proposed developments would greatly diminish the farming potential and no environmental, traffic, drainage and sewerage assessments were submitted to demonstrate that the proposed developments would not cause adverse environmental impacts to the areas. For Application No. A/YL-KTS/626, the commenter was particularly concerned about that the supply of farmland which should be safeguarded; and for Application No. A/YL-KTS/627, the commenter was particularly concerned about the adverse impacts on the existing and future residents caused by the failure to provide sewerage for the proposed development and the consequences of continuous Small House grants without ensuring a proper village layout and provision of service infrastructure. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Paper. The application sites fell within an area zoned “AGR” (92% for application

No. A/YL-KTS/626 and 91% for application No. A/YL-KTS/627) with minor portions zoned “Village Type Development” (“V”) (8% for application No. A/YL-KTS/626 and 9% for application No. A/YL-KTS/627) on the Kam Tin South Outline Zoning Plan. The proposed Small Houses were not in line with the planning intention of the “AGR” zone which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In this regard, DAFC did not support the two applications from the agricultural point of view as there were agricultural land in the vicinity and the sites had high potential for agricultural rehabilitation. There was no strong planning justification given in the submissions for a departure from the planning intention. The applications did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that majority of the sites was outside the “V” zone and there was no shortage of land in meeting the demand of Small House (SH) development within the “V” zone of Tai Wo Tsuen and Cheung Po Tsuen. According to DLO/YL of LandsD, the outstanding SH applications and 10-year demand forecast for SH of Tai Wo Tsuen and Cheung Po Tsuen were estimated to be 87 SHs and 385 SHs respectively, or a total of 472 SHs (equivalent to about 11.8 ha of land). There was still about 14.46 ha of land (equivalent to about 578 SH sites) available within the “V” zone of Tai Wo Tsuen and Cheung Po Tsuen for SH developments. Since there was sufficient land in the “V” zone for Tai Wo Tsuen and Cheung Po Tsuen to meet the estimated SH demand, the current applications did not warrant sympathetic consideration. The latest similar application No. A/YL-KTS/565 was also rejected by the Board on review on 14.9.2012 on similar considerations. There was no major change in planning circumstances that warrant a departure from the Board’s previous decision.

78. Members had no question on the application.

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

- “(a) the proposed Small House development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There are no strong planning justifications in the submission for a departure from the planning intention;
- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories in that there is sufficient land within the “Village Type Development” (“V”) zone of Tai Wo Tsuen and/or Cheung Po Tsuen to meet the Small House demand of both villages. The applicant fails to demonstrate in the submission the reasons why land within “V” zone could not be made available for the proposed development; and
- (c) approval of the application which does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories would set an undesirable precedent for other similar applications in the “AGR” zone.”

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/628 Temporary Open Storage of Vehicle Parts with Ancillary Workshop for a Period of 3 Years in “Agriculture” zone, Lots 460 RP (Part), 461 RP (Part), 462 S.B ss.2 (Part), 462 S.B ss.3 (Part) and 462 S.B RP (Part) in D.D. 103, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/628)

80. The Committee noted that four replacement pages of pages 2, 5, 6 and 12 of the Paper mainly to correct the area of the application site were tabled at the meeting.

Presentation and Question Sessions

81. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary open storage of vehicle parts with ancillary workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings immediately next to the site and within 50m of the access road to and from the site. Environmental nuisance resulting from heavy vehicles travelling to and from the site, as well as loading and unloading activities, was expected. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of vehicle parts with ancillary workshop could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. While DEP did not support the application as there were residential structures/dwellings located in close proximity of the site and environmental nuisance was expected, the nearest residential structures/dwellings were located within Ko Po Tsuen about 50m away from the site and separated by Kam Tin Road. There was also no environmental complaint on the site received by DEP in the past three years and no local objection received during the statutory publication period. To address the concern of the DEP on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles were recommended.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.2.2017, 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, and no vehicle exceeding 7m long, are allowed to be parked/stored on or enter/exit

the site at any time during the planning approval period;

- (d) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (e) the existing boundary fencing shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2014;
- (h) the submission of a landscaping and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2014;
- (i) in relation to (h) above, the implementation of a landscaping and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.11.2014;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2014;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2014;
- (l) 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 21.3.2014;

- (m) 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;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) 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
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the District Lands Officer/Yuen Long’s comments that the site is situated on Old Scheduled Agricultural Lots held under the Block Government Lease under which no structure is allowed to be erected without the prior approval from the Government. Lot 461RP in D.D.103 is covered by Short Term Waiver No. 2784 to allow the use of land for the purpose of ancillary use to open storage of left-hand drive vehicles with permitted built-over area not exceeding 63.1m² and building not exceeding 6.5m in height. The lot owner will need to apply to his office to permit any additional/excessive structures to be erected or regularise any irregularities on site. 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;

- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any possible environmental nuisances;
- (e) the site should be kept in a clean and tidy condition at all times;
- (f) to note the Commissioner of Transport’s comments 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. Drivers of goods vehicles should drive slowly with great care when passing through the footpath along Lam Tin Road;
- (g) to 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 site to the nearby public roads and drains. His department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (h) to note the Director of Agriculture, Fisheries and Conservation’s comments that the applicant should preserve the existing trees within the site as far as practicable during construction and operation stages;
- (i) to 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 plans should be drawn to scale and depicted with

dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the proposed open storage site, the applicant is advised to make reference to the requirements in Good Practice Guidelines for Open Storage Sites in Appendix V of the RNTPC Paper. 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. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) for approval;

- (j) to 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). Authorized 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; and

- (k) to 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, prior consultation and arrangement with the electricity supplier is necessary 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 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 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/683 Temporary Open Storage of Building Materials, Second-hand Vehicles and Automotive Parts with Ancillary Staff Canteen for a Period of 3 Years in “Agriculture” zone, Lots 1832 RP (Part), 1840 (Part), 1860 S.B RP (Part), 1861, 1864 RP (Part), 1865 (Part) , 1866 (Part), 1867 (Part) and 1868 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/683)

Presentation and Question Sessions

85. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of building materials, second-hand vehicles and automotive parts with ancillary staff canteen for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings in the vicinity of the site (the closest of which was about 40m to the south of the site), and environmental nuisances were expected. The Director of Agriculture, Fisheries and Conservation

(DAFC) advised that the site fell entirely within an area zoned “Agriculture” (“AGR”) and the agricultural life in its vicinity remained active. As the potential for agricultural rehabilitation of the site was high, he did not support the application from the agricultural point of view. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter objected to the application for reasons that the canteen was operating without valid food licence and sewage from the development including the canteen would create adverse environmental/ecological impacts and water pollution. Besides, the change in land use would aggravate the flooding hazards and the use of heavy goods vehicles would create adverse traffic impact. Previous approvals had been revoked twice but approval conditions had not been complied with and the approval of this application would set an undesirable precedent leading to similar applications in the area. 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 of building materials, second-hand vehicles and automotive parts with ancillary staff canteen could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Regarding DAFC’s comments of not supporting the application, the surrounding areas of the application site were predominated by open storage/storage yards, parking lots and a warehouse with a few plant nurseries and residential dwellings/structures. The areas to the immediate east of the site were zoned “Open Storage” and were Category 1 areas under Town Planning Guidelines No. 13E. There were various existing open storage uses. Besides, the area to the west and southwest of the site was proposed for the Shek Kong Stabling Sidings (SKSS) (i.e. rail tracks) which would be situated at grade with underground emergency rescue station of the Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link. Once built, the SKSS development would change the

landscape character of the surrounding areas permanently. To address DAFC's concern, an approval condition requiring the applicant to reinstate the site to a condition which was suitable for agricultural uses was recommended. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the "AGR" zone. As regards DEP's comments of not supporting the application, there was no environmental complaint received by DEP in the past three years. To address the concern of DEP on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles and prohibiting workshop-related activity were recommended. For the public comment objecting to the application, DAFC had no adverse comment on the application from the nature conservation viewpoint and the other relevant Government departments also had no objection to the application. Appropriate approval conditions were recommended to minimize the environmental impact. Since the last two approvals were revoked, shorter compliance periods were recommended to closely monitor the progress of compliance.

86. A Member asked how the proposed approval condition of requesting the applicant to reinstate the application site suitable for agricultural uses upon expiry of the planning permission could be enforced as the planning permission had already expired. Mr C.K. Tsang responded that if the applicant did not comply with the approval condition, PlanD might object to the applicant's future application for planning permission. The Chairman said that such condition would generally be imposed to land with potential for agricultural rehabilitation as confirmed by DAFC.

[The Chairman thanked Ms Wendy W.L. Li, Mr Ernest C.M. Fung and Mr C.K. Tsang, STPs/FSYLE, for their attendance to answer Members' enquires. They left the meeting at this point.]

Deliberation Session

87 to 89. Members had a discussion on a general issue which was recorded under separate confidential cover.

90. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.2.2017, 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 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 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;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no disturbance to and no filling of the stream within the site is allowed at any time during the planning approval period;
- (f) the existing trees and landscape planting on the site should be maintained at all times during the planning approval period;
- (g) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2014;
- (h) in relation to (g) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2014;

- (i) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2014;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2014;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site, at the applicant's own cost, to a condition which is suitable for agricultural uses with a view to preserving agricultural land to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB."

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;

- (c) shorter compliance periods are imposed to monitor the progress of compliance. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application;
- (d) to note the District Lands Officer/Yuen Long's (DLO/YL) 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 structures used as staff canteen. No permission has been given for the occupation of the Government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Kam Tin Road via private land and Government Land. LandsD provides no maintenance works for the GL involved and does not guarantee right-of-way. The lot owners concerned will need to apply to LandsD to permit structures to be erected or regularise any irregularities on-site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (e) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the 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 the 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. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;

- (g) to note the Director of Agriculture, Fisheries and Conservation's comments that there is an existing stream/watercourse along the boundary of the site. The applicant should adopt good site practice and implement necessary measures during operation to avoid causing water pollution and disturbance to the stream/watercourse;

- (h) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that regarding the drainage proposal submitted, the gradients of the proposed u-channels should be shown on the drainage plan. There is one discharging point at the south-western side of the site. The applicant should advise whether there is any discharging point at the northern side of the site. If affirmative, it should be indicated in the drainage proposal. The applicant should indicate what is the 90mm pipe diameter at the existing watercourse. If it is a discharging pipe, the size appears too small and should be reviewed. The flow direction of the existing watercourse to which the runoff of the development site would be discharged does not appear to be correct and should be reviewed. The invert levels of the proposed catchpits should also be shown on the drainage plan for reference. Cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given. In addition, the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should also consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (i) to 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 plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Besides, the good practice guidelines for open storage sites in Appendix V of the RNTPC Paper should be adhered to. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. 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. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;

- (j) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comment that for the provision of water supply to the development, the applicant may need to extend the inside services to the nearest 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 any sub-main within the private lots to WSD's standards. Water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action may be taken to effect the removal of all unauthorised works in the future. Authorized Person must be appointed to coordinate all building works;

- (l) to 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 sites. Based on the cable plans and/or overhead line alignment drawings obtained, if there is underground electricity cable (and/or overhead line) within or in the vicinity of the sites, prior consultation and arrangement with the electricity supplier is necessary for sites 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 sites, 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 electricity supply lines; and

- (m) to note the Director of Food and Environmental Hygiene's comments that any food business on the site should be granted with a licence issued by his department. The applicant should also prevent creating environmental nuisance affecting the public."

Tuen Mun and Yuen Long West District

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/433 Proposed Temporary Pet Trading and Wholesale (for ornamental fish and reptiles) for a Period of 3 Years in “Green Belt” zone, Lot 104RP in D.D. 122, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/433)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary pet trading and wholesale (for ornamental fish and reptiles) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD & L, PlanD) advised that when comparing the aerial photos of 19.1.2011, 18.9.2012 and 21.6.2013, it was evident that some existing trees and vegetation within the application site had been cleared prior to the submission of the current application. Landscape resources and the integrity of the “Green Belt” (“GB”) zone had been adversely affected. Further, the proposed use was not compatible with the planning intention of the “GB” zone which was primarily for

defining the limits of urban and sub-urban development areas by natural features to contain urban sprawl. There was a general presumption against development. The approval of the application would set an undesirable precedent for similar applications and would lead to a general degradation of the environment. Therefore, he had some reservation on the application from the landscape planning perspective. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four comments were received. The Village Representative of Wing Ning Tsuen and a group of villagers of the village objected to the application mainly on the grounds that the proposed development would create nuisance and hygiene problems to the nearby villagers; there were illegal structures erected on site; and there was illegal conversion of private garden within the site. The Kadoorie Farm & Botanic Garden Corporation (KFBGC) objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone and there were potential cumulative adverse impacts caused by the proposed development. Designing Hong Kong Limited objected to the application mainly on the grounds of land use incompatibility, no assessment on environmental and traffic impact, and difficulty in changing the land use after approval. The District Officer (Yuen Long) advised that he had received one comment from the Village Representative of Wing Ning Tsuen which was the same as the one received by the Board during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there was a general presumption against development within this zone. No strong

planning justification had been given in the submission for a departure from the planning intention of the “GB” zone, even on a temporary basis. The application did not meet the Town Planning Board (TPB) Guidelines for Application for Development within the Green Belt Zone under Town Planning Ordinance (TPB PG-No. 10) since it was a new development and no previous approval had been granted for the site. The applicant had not provided strong planning justifications and there was no exceptional circumstances that warranted approval of the application. The applicant had not submitted relevant technical assessments/proposals to demonstrate that the proposed development/uses would not generate adverse landscape and drainage impacts on the surrounding area and there was no sewage disposal arrangement. CTP/UD&L, PlanD had reservation on the application as it was evident that some existing trees and vegetation within the application site had been cleared prior to the submission of the current application. He considered that landscape resources and the integrity of the “GB” zone had been adversely affected and the approval of the application would set an undesirable precedent for similar applications and would lead to a general degradation of the environment. There was an approved similar application (No. A/YL-PS/268) for temporary pet trading and wholesale uses within the same “GB” zone. However, that application essentially involved the modification of the existing ornamental fish aquarium which was tolerated under the Town Planning Ordinance and there was no local objection to that application. The current application was for a new development. Approval of the current application, even on temporary basis, would set an undesirable precedent and encourage other similar applications for similar development within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

93. The Chairman asked what the amenity value of the concerned “Green Belt” (“GB”) zone was given its elongated shape and whether the various open storage uses within the “GB” zone were covered by valid planning permissions. Mr K.C. Kan replied that there were some open storage uses within this “GB” zone but they were suspected unauthorised developments. With reference to an aerial photo taken in 2011 and as advised by

CTP/UD&L, PlanD, there used to be more trees in the application site and the areas along the road (i.e. Yung Yeun Road). However, more open storage uses and less trees were observed more recently.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets respectively. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development is not in line with the Town Planning Board (TPB) Guidelines for Application for Development within the Green Belt Zone under Town Planning Ordinance (TPB PG-No. 10) in that there is a general presumption against development in “GB” zone, and there are no exceptional circumstances for approval of the application;
- (c) the applicant fails to demonstrate that the proposed development would not cause adverse drainage, sewerage and landscape impacts on the surrounding area; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-PS/435 Temporary Public Vehicle Park for Private Car and Light Van (not exceeding 3.5 tonnes) for a Period of 3 Years in “Village Type Development” zone, Lots 288 RP (Part), 289 RP, 290 RP, 291 RP(Part) in D.D. 123 and Adjoining Government land, Ng Uk Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/435)

95. The Committee noted that the applicant requested on 21.1.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address comments from the Transport Department.

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the eating place (restaurant including ancillary storerooms and staff toilet) and minor relaxation of building height restriction from 8.23m to 12.93m (for vertical air ventilating duct only);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication periods of the application and the further information. No local objection/view was received by the District Officer (Tuen Mun); 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.

Since the restaurant and its vertical air ventilating duct were located in close proximity to residential dwellings and the previous planning permission was revoked due to non-compliance with approval conditions, temporary planning permission for a period of 3 years, instead of permanent permission sought, was recommended to closely monitor the condition of the site, and shorter compliance periods were also recommended to closely monitor the progress of compliance with approval conditions.

[Dr Wilton W.T. Fok left the meeting temporarily at this point.]

98. Noting that there was a vertical air ventilating duct on top of a 2-storey structure (maximum height of 12.93m above ground) attached to a New Territories Exempted House (NTEH) in the application, a Member asked whether the whole building would still be governed by Chapter 121 Buildings Ordinance (Application to New Territories) Ordinance (Cap. 121) as the building had already deviated from the specifications of a NTEH and whether the building should be subject to Chapter 123 Buildings Ordinance (Cap. 123) which would require submission of building plans to the Building Authority for the subject building. With reference to a section plan in Drawing A-6 of the Paper, Mr K.C. Kan responded that the proposed development involved an existing 3-storey NTEH attaching to a 2-storey structure with an air duct exceeding 8.23m. The applicant had to apply to the Lands Department and Food and Environmental Hygiene Department for relevant approvals. The Buildings Department (BD)'s views would also be given to the applicant. If submission of building plans (BP) regarding the concerned structure was required, the applicant should submit BP to BD for approval. The same Member considered that the proposed air duct would not be independent from the 3-storey NTEH. The applicant would likely need to seek BD's approval of the concerned structure and the applicant should be reminded that the granting of planning permission did not imply that he could obtain approval from BD. The Chairman said that a general advice would be given to the applicant that the granting of planning permission should not be taken that other Government departments would automatically give approvals to the concerned development under the relevant legislation or Government requirements. Ms Anita K.F. Lam supplemented that it was correct that if a house exceeded the specifications of a NTEH, it would no longer be subject to Cap. 121 but Cap. 123.

99. In response to another Member's enquiry, Ms Anita K.F. Lam clarified that whether extra premium was required for the development under application, should the planning permission be given, would be subject to the concerned lease.

Deliberation Session

100. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2014;
- (c) in relation to (b) above, the implementation of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2014;
- (d) the submission of fire service installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2014;
- (e) in relation to (d) above, the implementation of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2014;
- (f) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

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

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

- “(a) prior planning permission should have been obtained before commencing the applied uses on site;
- (b) a shorter period of permission is granted in order to monitor the site situation;
- (c) shorter compliance periods are imposed in order to monitor the progress of compliance with approval conditions;
- (d) should the applicant fail to comply with any of 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;
- (e) to note the the District Lands Officer/Tuen Mun, Lands Department’s (LandsD) comment that the site under application consists of Government land and an Old Scheduled House Lot held under the Block Government Lease without any user restriction. Application for a Short Term Tenancy (STT) for occupation of Government land within the site for restaurant and storage purposes has been received. There is no guarantee that the STT application will be approved and he reserves his comment on such. The application will be considered by LandsD acting in the capacity as landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of rent, deposit and administrative fee;
- (f) to 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 (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. For unauthorised building works (UBW) erected on leased land, enforcement action may be taken by the BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the applied use under application is subject to the issue of a licence, the applicant is reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;

- (g) to note the Director of Environmental Protection's comments that the applicant is reminded that with the subject restaurant being located in close proximity to residential buildings, the applicant should implement appropriate air pollution control measures to avoid causing nuisance to nearby sensitive uses. The applicant is also reminded that any discharge of wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (h) to note the Commissioner of Police's comments that the applicant is requested to ensure that no obstruction was caused to Lam Tei Main Street when the goods vehicles are delivering and unloading goods for the shop;
- (i) to note the Director of Food and Environmental Hygiene's comments that a Restaurant Licence is required for operating eating place;
- (j) to note the Chief Engineer/Mainland North, Drainage Services Department's comments at Appendix IV of the RNTPC Paper;
- (k) to 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 of where the proposed FSI to be installed should be clearly marked on the layout plans. Relevant licensing authority should be approached for eating place. Para. 4.14 of “Codes of Practice for Minimum Fire Service Installation and Equipment” should be observed. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123); and

- (1) to 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. For sites 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 supplier is necessary. Prior to establishing any structure within the site, the applicant and/or the applicant’s contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the applied structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant’s contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 29

Section 16 Application

[Open Meeting]

A/TM-LTY Y/273 Proposed Residential Development (Flat) in “Residential (Group E)” zone, Lots 212 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 246 RP, 246 S.A, 246 S.B, 247, 367 and 368 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/273)

102. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK) with AECOM Asia Co. Ltd. (AECOM) and Environ Hong Kong Ltd. (Environ), amongst others, as consultants. Mr Ivan C.S. Fu who had current business dealings with SHK, AECOM and Environ had declared an interest in this item. Ms Janice W.M. Lai who had current business dealings with SHK and AECOM had also declared an interest in this item. Members noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Fu and Ms Lai could stay in the meeting but should refrain from participating in the discussion.

103. The Committee noted that the applicant requested on 22.1.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address comments from Government departments.

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/659 Proposed House (New Territories Exempted House - Small House) in
“Residential (Group D)” zone, Lot 1536 S.B ss.11 in D.D. 121, Shan
Ha Tsuen, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/659A)

Presentation and Question Sessions

105. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape perspective. The proposed house would likely affect the existing trees within or adjacent to the site, and there was no information of the existing trees, tree preservation measures, and landscape proposal submitted to mitigate the adverse impact arising from the proposed house on the existing landscape. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed NTEH (Small House) development was not in conflict with the planning intention of the “Residential (Group D)” (“R(D)”) zone. Being located at the fringe of the “R(D)” zone, it was considered not incompatible with the surrounding areas which were predominantly rural in character mixed with cultivated agricultural land, some residential dwellings/structures, a few storages/open storage yards, and vacant/unused land. However, CTP/UD&L, PlanD had some reservations on the application from landscape perspective as detailed in paragraph (c) above. In this regard, the applicant failed to demonstrate that the proposed development would not generate adverse landscape impact on the site and its vicinity. The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories as the site fell entirely outside the “Village Type Development” (“V”) zone and village ‘environs’ of any recognised villages. Besides, the District Lands Officer/Yuen Long, Lands Department advised that the Small House application pertaining to the site had already been rejected by his office. In view of the above, the application did not warrant a sympathetic consideration. There was no exceptional circumstance to justify the approval of the application. Although there was insufficient land in the “V” zone covering Shan Ha Tsuen and Lam Hau Tsuen to meet the long-term demand for Small House, there was still land available to meet the current outstanding demand and those in the coming years. In this regard, the applicant failed to demonstrate why suitable sites within the “V” zone of Ping Shan Heung could not be made available for the proposed Small House.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and

considered that they were appropriate. The reasons were :

- “(a) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories in that the application site and the footprint of the proposed New Territories Exempted House (Small House) fall entirely outside both the “Village Type Development” zone and village ‘environs’ of Shan Ha Tsuen. The applicant also fails to demonstrate in the submission why suitable site within areas zoned “Village Type Development” could not be made available for the proposed development; and
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse landscape impact on the site and its vicinity.”

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/661 Temporary Open Storage of Recycled Goods (Used Electronic Appliances) with Ancillary Workshop and Site Office for a Period of 3 Years in “Undetermined” zone, Lots 326 (Part), 327 S.A (Part), 327 S.A ss.1 (Part), 327 S.B (Part), 327 S.C (Part), 327 S.D (Part), 328 (Part), 334 (Part) and 335 (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/661A)

Presentation and Question Sessions

108. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary open storage of recycled goods (used electronic appliances) with ancillary workshop and site office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) advised that there were sensitive receivers (SRs) to the northwest of and within 100m of the site. Besides, SRs were located within 50m of the access road, including Shan Ha Road, to and from the site. According to the submission, heavy goods vehicles would be used and dismantling and packaging activities would be carried out at Structures No. 4 and 5 of which Structure No. 4 was an open shed. As such, environmental nuisance were expected. Therefore, he did not support the application. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of recycled goods (used electronic appliances) with ancillary workshop and site office could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. As regards DEP's comments of not supporting the application as there were sensitive receivers of residential use nearby the site and the access road leading to the site, the applicant proposed not to use heavy goods vehicles (including container trailer/tractors) and there had not been any environmental complaint in the past 3 years. Besides, the carrying out of ancillary workshop activities involving only packaging and sorting would be confined to Structures No. 4 and 5 near the southern boundary of the site. As such, it was not expected that the development would generate significant environmental impact on the surrounding areas. To address DEP's concerns on the possible nuisance generated by the temporary use,

approval conditions restricting the operations hours, prohibiting the storage or handling of used electronic appliances and parts outside the concrete-paved covered structures, prohibiting the carrying out of non-ancillary workshop activities within the site, other than packaging and sorting within Structures No. 4 and 5, and prohibiting the use of heavy goods vehicles, including container trailer/tractor, as proposed by the applicant were recommended.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the 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 heavy goods vehicles exceeding 24 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 site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste is allowed outside the concrete-paved covered structures on the site at any time during the planning approval period;
- (e) no repairing, cleaning, dismantling, cutting, grinding and other workshop

activities, except for ancillary sorting and packaging activities within Structures No. 4 and 5, as proposed by the applicant, shall be carried out at the site at any time during the planning approval period;

- (f) no queuing and reverse movement of vehicle are allowed on public road at any time 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 a record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2014;
- (i) the submission of revised tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2014;
- (j) in relation to (i) above, the implementation of revised tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.11.2014;
- (k) 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 21.3.2014;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2014;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2014;

- (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) 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 his office. No approval has been given to the specified structures namely the open sheds for storage, container, open store room, shed for workshop, site office and open shed. No permission has been given for the occupation of the Government land within the site. Should the application be approved, the lot owner concerned will 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, access to the site requires traversing through other private lots and/or Government land. His office does not provide maintenance works for such track nor guarantee right-of-way;

- (d) to note the Commissioner of Transport's comments that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to 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 site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that the number of existing trees as shown on the Landscape Proposal (Drawing A-2 of the RNTPC Paper) does not tally with the actual situation as observed. In particular, a broad leaf native tree, *Celtis sinensis*, located at the southern corner of a temporary structure adjacent to the south-western site boundary has not been shown on plan and the proposed new structures would likely affect the tree. Tree preservation and protection measures should be provided to preserve the native tree in-situ;
- (g) to adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimise any potential environmental nuisances;
- (h) to 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 to be installed should also be clearly marked on the layout plans. The good practice guidelines for open storage attached in Appendix V of the RNTPC Paper should be adhered to. To address the approval condition on provision of fire extinguisher(s), the applicant is required to submit a valid fire certificate (FS 251) to his Department for approval. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;

- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments 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 subject planning application. Before any new building works (including containers and open sheds as 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 Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action may be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of

the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (j) to 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier 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 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/663 Temporary Warehouse and Open Storage of Exhibition Materials and Vehicle Spare Parts with Ancillary Office for a Period of 3 Years in "Undetermined" zone, Lot 1876 RP (Part) in D.D. 117 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/663)

Presentation and Question Sessions

112. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage and open storage of exhibition materials and vehicle spare parts with ancillary office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the west, southwest and in the vicinity of the site, and environmental nuisance was expected. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary warehouse for storage and open storage of exhibition materials and vehicle spare parts with ancillary office could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's comments of not supporting the application, there had been no environmental complaint in the past 3 years and the applied use involved mainly storage of exhibition and vehicle spare parts within enclosed structure (i.e. warehouse) with only a portion of the open area in the northern part of the site used for open storage. Besides, no workshop activities would be carried out within the site as proposed by the applicant. It was not expected that the development would generate significant environmental impact on the surrounding areas. To address DEP's concerns on the possible nuisance generated by the temporary use, approval

conditions restricting the operation hours, prohibiting workshop activities, restricting the use of medium and heavy goods vehicles including container trailers/tractors as proposed by the applicant, and requiring the maintenance of boundary fence at all times were proposed.

113. Members had no question on the application.

Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, cleansing, paint-spraying and workshop activities, as proposed by the applicant, shall be carried out on the 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 site at any time during the planning approval period;
- (e) the existing boundary fence on the site shall be maintained at all times during the planning approval period;
- (f) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;

- (g) the landscape planting on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2014;
- (j) the submission of run-in/out proposal at the access point at the road near Kung Um Road within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.8.2014;
- (k) in relation to (j) above, the provision of run-in/out at the access point at the road near Kung Um Road within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.11.2014;
- (l) the provision of fire extinguisher(s) together with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2014;
- (m) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2014;
- (n) in relation to (m) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2014;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice;

- (p) if any of the above planning conditions (i), (j), (k), (l), (m) or (n) 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
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that no approval has been given for the specified structures for the warehouse, storage, site office, toilet and guard room, and no permission has been given for the occupation of the Government land (GL) within the site. The lot owner concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible from Kung Um Road via a piece of GL. His office does not provide maintenance works for such track nor guarantee right-of-way;

- (d) to note the Commissioner of Transport's comments that sufficient space should be provided within the site for manoeuvring of vehicles;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run-in/out at the access point at the road near Kung Um Road should be constructed in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Also, adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His office shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (g) to 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;
- (h) to 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. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs to be installed should also be clearly marked on the layout plans. The good practice guidelines for open storage attached at Appendix V of the RNTPC Paper should be adhered to. To address the approval condition on the provision of fire extinguisher(s), the applicant is required to submit a valid fire certificate (FS 251) to his Department for approval;

- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments 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 (not being New Territories Exempted Houses), 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 open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (j) to 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier 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.”

[Dr Wilton W.T. Fok returned to join the meeting at this point.]

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/665 Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop Activities for a Period of 3 Years in “Undetermined” zone, Lots 366 RP, 369 RP (Part), 370 RP (Part), 371 S.A (Part), 371 S.B (Part), 372 S.A, 372 S.B, 373, 374, 375 RP, 376, 377, 378, 379, 380, 381 RP (Part), 458 (Part), 459 (Part), 460, 461, 462, 463, 464, 465, 466 (Part), 469 (Part), 470 (Part), 471(Part), 1323 (Part), 1324, 1325 (Part), 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345 (Part), 1346 (Part), 1347 (Part), 1349 (Part), 1350 (Part), 1351, 1353, 1354, 1355, 1356 S.A, 1356 S.B, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367 RP, 1368, 1369 S.A, 1369 S.B, 1369 S.D, 1523 (Part), 1524, 1525, 1531 S.B, 1532, 1533 S.A, 1533 S.B, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544 (Part), 1592 (Part), 1593, 1613 S.C (Part) and 1614 RP (Part) in D.D. 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/665)

Presentation and Question Sessions

116. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction machinery and materials, recycling materials and used electrical appliances with ancillary workshop activities for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) advised that the subject application mainly involved open storage of construction machineries and materials which would inevitably attract traffic of heavy vehicles. Besides, loading and unloading of these construction materials could cause dust and noise nuisances. He observed that there was a cluster of dwellings in the very close vicinity of and along the access road of the site. It was considered environmentally undesirable to allow such operations to continue to affect the sensitive receivers nearby. As such, he could not lend his support to the application. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction machinery and materials, recycling materials and used electrical appliances with ancillary workshop activities could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's comments of not supporting the application, there had been no environmental complaint in the past 3 years and the applicant had undertaken not to carry out dusty operation (e.g. cutting, grinding and polishing activities) in the open area and to restrict the operation hours from 7:00 a.m. to 7:00 p.m. Besides, peripheral fencing had been erected along the site boundary to minimize possible noise impact.

It was therefore not expected that the development on the site, which had been approved for similar open storage use since 1998, would generate significant environmental impact on the surrounding areas. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operations hours, prohibiting the storage and washing of plastic bottles, restricting the storage and handling of electrical appliances within the concrete-paved covered structures only; prohibiting the storage and handling of electronic and computer wastes (including cathode-ray tubes); prohibiting dusty operation (e.g. cutting, grinding and polishing activities) in the open area; and maintenance of the fencing wall were recommended.

117. Members had no question on the application.

Deliberation Session

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the site during the planning approval period;
- (c) no storage and washing of plastic bottles are allowed on the site at any time during the planning approval period;
- (d) no storage and handling (including loading and unloading) of electrical appliances outside the concrete-paved covered structures, as proposed by the applicant, are allowed on the site at any time during the planning approval period;

- (e) no storage and handling (including loading and unloading) of electronic and computer wastes (including cathode-ray tubes), as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (f) no cutting, grinding, polishing or related activities, as proposed by the applicant, are allowed in the open area of the site at any time during the planning approval period;
- (g) the existing fencing on the site should be maintained at all times during the planning approval period;
- (h) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (i) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (j) the submission of a record of existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2014;
- (k) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2014;
- (l) in relation to (k) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.11.2014;
- (m) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2014;

- (n) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2014;
- (o) in relation to (n) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2014;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (j), (k), (l), (m), (n) or (o) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (r) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) 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 his office. Letter of Approval (LoA) No. MT/LM 12371 was issued for erection of

structures over Lot No. 1531 S.B in D.D.119 for agricultural purpose. Change of use of the lot will cause a breach of the terms of the LoA concerned. No approval is given for the specified structures for ancillary office/structures/shelter use and no permission has been given for the occupation of the Government land (GL) within the site. The lot owners concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on site. 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. Besides, the site is accessible via Kung Um Road and a small strip of GL. His office does not provide maintenance works for such track nor guarantee right-of-way;

- (d) to note the Commissioner of Transport's comments that sufficient space should be provided within the site for manoeuvring of vehicles;
- (e) to 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 site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to note the Director of Agriculture, Fisheries and Conservation's comments that good site practices should be adopted and necessary measure should be implemented to avoid affecting the watercourses within and in vicinity of the site;
- (g) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that in accordance with the submitted layout plan (Drawing A-1 of the RNTPC Paper), there is room for further

landscape planting along the periphery of the site and replacement tree planting should be provided if there are any dead trees;

- (h) 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;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments that existing water mains will be affected. The applicant shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5 metres from the centerline of the affected water mains (Plan A-2 of the RNTPC Paper) shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise. Besides, the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (j) to 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 to be installed should also be clearly marked on the layout plans. The good practice guidelines for open storage attached at Appendix V of the RNTPC Paper should be adhered to. To address the approval condition on the provision of fire extinguisher(s), the applicant is required to submit a valid fire certificate (FS 251) to his Department for approval.

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

- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments 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 (not being New Territories Exempted House), 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 BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (l) to 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. For site within the

preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier 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 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/256 Proposed Utility Installation for Private Project and Excavation of Land in “Village Type Development” zone, Lot 1043 RP (Part) in D.D. 129, Mong Tseng Tsuen, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/256)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed utility installation for private project and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no

objection to or no adverse comment on the application

- (d) during the first three weeks of the statutory publication period, one public comment, objecting to the application mainly on grounds of traffic safety; adverse drainage, environmental, visual and fung shui impacts; and setting an undesirable precedence, was received. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding the public comment, concerned Government departments had no objection to or adverse comments on the application on traffic, environmental, drainage and landscape aspects. Furthermore, the public concerns could be addressed by imposing an approval condition requiring the submission and implementation of a landscape proposal as recommended.

121. Members had no question on the application.

Deliberation Session

122. 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 7.2.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprise Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. No approval has been given for the specified structure as “(master water meter (MWM) room and telecommunications and broadcasting equipment rooms” proposed within the site. The site is accessible to Deep Bay Road via a village track that traverses both Government land (GL) and private land. His office provides no maintenance work to the GL involved and does not guarantee right-of-way. No application for Short Term Waiver was received as far as the subject planning application is concerned. Should the application be approved, the lot owner would still need to apply to him to permit the structures to be erected or regularised any irregularities on site. Moreover, the applicant would also need to apply to his office for an excavation permit prior to commencing the installation works if GL is affected. Such application will be considered by LandsD acting in the capacity as the Landlord at its sole direction and there is no guarantee that such application would be approved. If such 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;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the MWM room provided for the development should be designed in accordance with the WSD Circular Letter No. 5/2005 and 2/2006 issued to Licensed Plumbers and Authorized Persons;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The proposed development should not obstruct overland flow or cause any

adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the site boundary before the commencement of the drainage works;

- (d) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, 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 Buildings Ordinance (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the site shall be provided with means of obtaining access therein from a street under Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access shall be provided under B(P)R 41D. The site does not seem to abut on a specified street having a width not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) at building plan submission stage. Formal submission under the Buildings Ordinance is required for any proposed new works. Detailed checking of plans will be carried out upon submission of building plans; and
- (f) to note the comments of Director of Electrical and Mechanical Services to 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier 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/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 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/882 Temporary Shop and Services (Convenient Store) for a Period of 3
Years in “Village Type Development” zone, Lot 1089 (Part) in D.D.
125, Sik Kong Wai, Yuen Long
(RNTPC Paper No. A/YL-HT/882)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary shop and services (convenient store) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no

objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received. One of the comments was submitted by a member of the Yuen Long District Council who supported the application as it would boost the local economy and create job opportunities. The other comment was submitted by a representative of Sik Kong Wai Tsuen who also supported the application as the applied use would provide an easy and convenient way of shopping for nearby residents. 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 convenience store could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper.

125. Members had no question on the application.

Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.2.2017, 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 site during the planning approval period;
- (b) no vehicle queuing is allowed back to the public road and no vehicle reversing into/from the public road is allowed at any time during the planning approval period;
- (c) the implementation and maintenance of the proposed drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2014;

- (d) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2014;
- (e) in relation to (d) above, the implementation of a landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.11.2014;
- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.8.2014;
- (g) in relation to (f) above, the implementation of a fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2014;
- (h) if the above planning condition (a) or (b) 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;
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) 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
- (j) 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.”

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

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

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

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land under the site comprises Old Scheduled Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. No approval has been given to 4 proposed structures as “Storm Room, Toilet, Rain-shelter and Convenient Store” specified in the Application Form. The site is accessible to Sik Kong Wai Road via private lot and a short stretch of Government Land. His office provides no maintenance work of this track and does not guarantee right-of-way. An application for Short Term Waiver (STW) was received. Should planning approval be given to the subject planning application, this office will continue to process the STW application. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application would be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by LandsD;

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

- (e) to note the comments of the Commissioner for Transport that sufficient

manoeuvring space shall be provided within the site. The land status of the local track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of Chief Town Planner/Urban Design and Landscape that the applicant proposed to preserve 4 existing trees and plant new trees within the site. However, according to the site visit, it is observed that only 2 trees are in good condition. The applicant is required to replace the dead trees and trees in poor condition. In this condition, revised tree preservation and landscape proposals should be submitted;

- (g) to note the detailed comments of the Director of Fire Services that in consideration of the design/nature of the 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 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. Furthermore, should the applicant wish to apply for exemption from the provision of FSI, the applicant is required to provide justifications to his Department for consideration. The applicant is also reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire services requirements would be formulated upon receipt of formal submission of general building plans; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that no record of approval by the Building Authority (BA) for the structures existing at the application site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), 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 convenient store, storage room, toilet and rain shelters as temporary buildings) are to be carried out on the application site, prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site shall be provided with means of obtaining access from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

Agenda Item 36

Section 16 Application

[Open Meeting]

A/YL-HT/883 Social Welfare Facility (Rehabilitation Dormitory for Persons with Disabilities) in “Village Type Development” zone, Block C, 403 Shek Po Tsuen, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-HT/883)

128. The Committee noted that the applicant requested on 17.1.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address comments from Government departments.

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

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/884 Temporary Warehouse for Storage of Mock-up Room of the Housing Development under Home Ownership Scheme and Public Housing for a Period of 3 Years in “Agriculture” zone, Lot 384 RP in D.D. 128 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/884)

Presentation and Question Sessions

130. Mr Vincent T.K. Lai, STP/TMYLW, 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 mock-up room of the housing development under Home Ownership Scheme (HOS) and public housing for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site and along the access road (Deep Bay Road) (the closest being about 55m away) and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department

(CTP/UD&L, Plan D) commented that the proposed use was not compatible with the surrounding rural landscape character. The existing large trees at the southwest and eastern boundaries had been removed since previous visits in 2006 and 2013. Disturbance to existing landscape resource had taken place. Approval of the application would likely encourage more open storage use in the area leading to further deterioration of the rural landscape character. Therefore, she had objection to the application from landscape planning point of view. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the site was close to the “Coastal Protection Area” (“CPA”) zone and a watercourse flowing towards the “CPA” zone and Deep Bay. Some ponds/wetlands were also located in the vicinity of the site. Site runoff or effluent discharge from the site might result in potential pollution to the nearby environment. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter objected to the application for reasons that the application was not in line with the planning intention of the “Agriculture” (“AGR”) zone; there was no environmental, traffic, drainage and sewage assessments provided; the amount of farmland was diminishing drastically in Hong Kong and threatened Hong Kong’s food security and homogenised Hong Kong culture and economy; and approval of the application would set an undesirable precedent. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The subject site was zoned “AGR” which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The applicant had not provided any strong planning justification in the submission to merit a departure from such planning

intention, even on a temporary basis. The site was located in a tranquil rural neighbourhood, and surrounded by abandoned farmland and fishponds. There were isolated residential dwellings in the vicinity of the site and the area to the north of Deep Bay Road was predominated by fishponds and unused land under the “CPA” zoning. The applied use was incompatible with the rural neighbourhood and the nearby residential dwellings. CTP/UD&L objected to the application and DEP did not support the application as detailed in paragraph (c) above. DAFC was concerned about the potential water pollution to nearby environment. In addition, the Drainage Services Department considered that the submitted drainage proposal had not demonstrated that the development would not overload the existing drainage system. The Committee had not approved any application for warehouse/temporary storage/open storage uses within the subject “AGR” zone. Approval of the application would set an undesirable precedent and encourage other applications for similar development within the subject “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. Rejection of the application was in line with the previous decisions of the Committee.

131. Members had no question on the application.

Deliberation Session

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

“(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission to merit a departure from

such planning intention, even on a temporary basis;

- (b) the development is not compatible with the rural neighbourhood and the surrounding residential dwellings;
- (c) there are adverse departmental comments and the development would have adverse drainage, landscape and environmental impacts on the surrounding areas; and
- (d) approval of the application will set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment of the “AGR” zone.”

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/885 Proposed Temporary Open Storage of Scrap Metal for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 798 S.A RP (Part), 799 (Part), 800 (Part), 801 (Part), 802 (Part), 804 RP (Part), and Adjoining Government Land in D.D. 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/885)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of scrap metal for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site (the closest being about 20m away) and environmental nuisance was expected. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of scrap metal could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. As regards DEP's comments of not supporting the application, there was no environmental complaint against the site over the past 3 years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and no workshop activities on-site had been recommended.

134. Members had no question on the application.

Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night time operation between 11:00 p.m. to 7:00 a.m., 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 cutting, dismantling, cleansing, repairing, and workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle queuing is allowed to queue back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (e) the maintenance of the drainage facilities at all times during the planning approval period;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.8.2014;
- (g) in relation to (f) above, the implementation of the proposed drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.11.2014;
- (h) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2014;
- (i) in relation to (h) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.11.2014 ;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.3.2014;
- (k) 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 7.8.2014;

- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.11.2014;
- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2014;
- (n) 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;
- (o) if any of the above planning conditions (f), (g), (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 expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is situated on Old Scheduled Agricultural Lots granted under the Block Government Lease upon which no structure is allowed to be erected without the prior approval of the Government. Short Term Waiver (STW) No. 3112 was granted to Lot No. 798 S.A RP in D.D. 125 permitting a built over area of 32.8m² and a height

of 6m and STW 2231 was granted to lot 799 (portion) in D.D. 125 permitting a built over area of 40m² and a height of 6m. Both STW were granted for vehicle repair workshop (excluding paint-spraying) purposes. No permission has been given to the proposed site office, toilet and electricity meter room specified in the application form. No permission has been granted for the proposed use and/or occupation of the Government land (GL) included in the application site. The act of occupation of GL without Government's prior approval is not encouraged. Access to the site requires traversing through Government Land Allocation No. TYL 825 granted to the Chief Engineer/Land Works of Civil Engineering and Development Department (CE/LW of CEDD) for 'Ping Ha Road Improvement – Remaining Works'. CE/LW of CEDD should be consulted for any interface problem. He provides no maintenance works for the track on GL and does not guarantee right-of-way. No application for the STW and Short Term Tenancy were received as far as the subject application is concerned. Should planning approval be given, the lot owner(s) will need to apply to his office to permit structures to be erected or regularise the irregularities on site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided at the site entrance to prevent surface water running from the site

to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the road near Fung Kong Tsuen Road;

- (f) to note the detailed comments of the Director of Fire Services that in consideration of the design/nature of the 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 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. Furthermore, should the applicant wish to apply for exemption from the provision of FSI, the applicant is required to provide justifications to his Department for consideration. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire services requirements would be formulated upon receipt of formal submission of general building plans. Detailed fire safety requirements will be formulated upon receipt of formal submission of layout plan(s). The applicant should also adhere to the 'Good Practice for Open Storage' at Appendix V of the RNTPC Paper; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the application site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), 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 and open sheds as temporary building) are to be carried out on the application site, prior approval and consent of the BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance

with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site shall be provided with means of obtaining access from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

[The Chairman thanked Mr K.C. Kan, Ms Bonita K.K. Ho and Mr Vincent T.K. Lai, STPs/TMYLW, for their attendance to answer Members' enquires. They left the meeting at this point.]

Agenda Item 39

Any Other Business

137. There being no other business, the meeting closed at 5:15 p.m..