

TOWN PLANNING BOARD

**Minutes of 517th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 22.8.2014**

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Mr F.C. Chan

Dr W.K. Yau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr H.F. Leung

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Dr Eugene K.K. Chan

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

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

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

Assistant Director/Regional 3 (Atg.),
Lands Department
Mr Tony H. Moyung

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Ms Anita W.T. Ma

Ms Christina M. Lee

Professor K.C. Chau

In Attendance

Assistant Director of Planning/Board
Ms Fiona S.Y. Lung

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau

Town Planner/Town Planning Board
Ms Sincere C.S. Kan

Agenda Item 1

Confirmation of the Draft Minutes of the 516th RNTPC Meeting held on 8.8.2014

[Open Meeting]

1. The draft minutes of the 516th RNTPC meeting held on 8.8.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

[Mrs Alice K.F. Mak, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/47 Proposed Utility Installation for Private Project (Storm Water Drainage Channel) with Excavation of Land in “Green Belt” and “Village Type Development” zones, Lots No. 104 S.A (Part), 104 S.B (Part), 104 S.C (Part), 104 RP (Part), 105 S.B (Part), 105 RP (Part), 107 S.A (Part), 107 RP (Part), 108 S.B (Part), 108 S.D (Part), 108 RP (Part), 109 S.A (Part), 109 RP (Part), 111 RP (Part), 139 (Part), 167 S.A (Part), 167 S.B (Part), 167 S.C (Part), 167 RP (Part) and Adjoining Government Land in D.D. 257, Wong Yi Chau, Sai Kung, New Territories
(RNTPC Paper No. A/SK-TMT/47)

Presentation and Question Sessions

3. 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) proposed utility installation for private project (storm water drainage channel) with 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 statutory public inspection periods of the application, a total of 16 public comments were received. Twelve commenters supported the application on the ground that the proposed development would improve the drainage system of the area; while four commenters objected on the ground that the proposed development might generate adverse environmental and ecological impacts; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the proposed drainage works was not in line with the planning intention of “Green Belt” (“GB”) zone, the drainage channel was an essential facility supporting the New Territories Exempted House developments. The proposed drainage works would be laid underground and did not involve any tree felling, therefore it was anticipated that the proposed development would have insignificant impact on the environment. The application was considered in line with the Town Planning Board Guideline No. 10 for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance.

- 4. Members had no question on the application.

Deliberation Session

- 5. 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 22.8.2018, 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:

“(a) submission and implementation of tree preservation and landscape reinstatement proposals to the satisfaction of the Director of Planning or of the TPB.”

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

“(a) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that (i) the applicant is advised to desilt the sandtrap/desilting type catchpit regularly to prevent sand and silt from being washed down into the existing drainage system/channel/stream-course; and (ii)

the applicant should ensure that the proposed drainage works will cause no adverse drainage or environmental impact in the vicinity during the design and implementation of works. Protection of the existing stream bank with stone pitching should not result in any reduction in the existing width of the stream-course;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that a waterworks reserve (WWR) within 1.5m from the centreline of the water mains should be provided and no structure should be erected over the WWR and such area should not be used for storage purposes;
- (c) to note the comments of the District Lands Officer/Sai Kung that if tree felling on Government land is involved, application should be submitted to his office for approval before commencement of works; and
- (d) to note the comments of the Director of Leisure and Cultural Services that the proposed drainage works is located close to the Wong Yi Chau Kilns, a site of archaeological interest. The applicant should ensure that the proposed works will not disturb the environment in the vicinity especially the location of the kilns. Any alteration or extension of the proposed drainage works should consult the Antiquities and Monuments Office of the Leisure and Cultural Services Department beforehand.”

[The Chairman thanked Mrs Alice K.F. Mak, STP/SKIs, for her attendance to answer Members’ enquires. Mrs Mak left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr Wallace W.K. Tang, Mr Anthony K.O. Luk 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 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/145 Temporary Lorries, Container Tractors and Trailers Park for a Period of 3 Years in “Agriculture” zone, Lots 583 (Part), 584 RP (Part) and Adjoining Government Land in D.D. 89, Man Kam To Road, Sha Ling, New Territories
(RNTPC Paper No. A/NE-FTA/145)

Presentation and Question Sessions

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

[Mr H.F. Leung left the meeting temporarily and Dr C.P. Lau arrived to join the meeting at this point.]

- (a) background to the application;
- (b) temporary lorries, container tractors and trailers park for a period of 3 years;

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

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major comments were summarised as below:
 - (i) the Commissioner for Transport (C for T) did not support the application as the applicant failed to demonstrate in the submission that the proposal would not generate any adverse traffic impact;
 - (ii) the Divisional Commander (Ta Kwu Ling Division), Hong Kong Police Force also did not support the application as the site was located within the Closed Area. According to Cap. 245 Public

Order Ordinance, all drivers of cross boundary vehicles driving from the Mainland via Man Kam To Control Point should drive his vehicles directly along Man Kam To Road to Sha Ling Check Point or vice versa. The drivers and passengers should not leave the immediate vicinity of the vehicle and hence should not be allowed to stay at the site to take a rest as described in the applicant's submission. The entering into/exit from the site might also jeopardize the traffic to the Mainland at the same time;

- (iii) the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site;
 - (iv) the Director of Agricultural, Fisheries and Conservation (DAFC) did not support the application as the site was of high potential for agricultural rehabilitation; and
 - (v) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application as approval of the application would likely encourage the introduction of more open storage use in the area leading to deterioration of the rural landscape resources and character;
- (d) during the statutory public inspection periods of the application, a total of two public comments were received. One public comment was submitted by a North District Council member who supported the application as it could provide convenience to the nearby residents. Another public comment was submitted by Designing Hong Kong Limited which objected to the application on the grounds that the development was not in line with the planning intention; the applicant had not provided traffic impact assessment to substantiate the development; and there would be adverse impact on land for agriculture use. The District Officer/North, Home Affairs Department advised that 打鼓嶺區邊境中沙嶺村居民福利會 raised objection to the application on the grounds that the site was located

within the Closed Area, where the development would create nuisance to residents nearby and create environmental pollution. The Vice-chairman of Ta Kwu Ling District Rural Committee, the Incumbent District Council member and the 沙嶺村盂蘭會代表 had no comment on the application; and

[Professor C.M. Hui arrived to the meeting and Mr H.F. Leung returned to the meeting at this point.]

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper, which were summarised as below:
 - (i) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. DAFC did not support the application as the site was of high agricultural rehabilitation. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the application did not comply with the Town Planning Board Guideline No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that the site fell within Category 3 areas and was not subject to any previous planning approval for similar port back-up uses;
 - (iii) the applicant had failed to demonstrate the proposed development would not have adverse traffic, environmental and landscape impacts on the surrounding areas. DEP, C for T and the Commissioner for Police did not support the application; and
 - (iv) approval of the application would set an undesirable precedent for similar applications in the “AGR” zone. The cumulative effect of

approving such similar applications would result in a general degradation of the environment of the area.

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

8. Members had no question on the application.

Deliberation Session

9. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the application is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which is primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intentions, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guideline No. 13E for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that the development is not compatible with the surrounding land uses which are predominantly rural in character; there are adverse departmental comments on the application; and the applicant fails to demonstrate that the development would have no adverse environmental, traffic and landscape impacts on the surrounding area; and
- (c) approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/541 Temporary Vehicle Park for Private Car and Light Goods Vehicle
(Excluding Container Vehicle) and Loading/Unloading Area for a
Period of 3 Years in “Residential (Group C)” Zone, Lots 799 S.A RP
and 800 S.B RP and 801 S.B in D.D. 83, 192 Sha Tau Kok Road, Lung
Yeuk Tau, Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/541A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary vehicle park for private car and light good vehicle and loading/unloading area for a period of 3 years;

[Ms Janice W.M. Lai joined the meeting at this point.]

- (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 statutory public inspection period of the application, one public comment was received from a North District Council member who had no specific comment on the application. The District Officer/North, Home Affairs Department advised that the Chairman of Fanling District Rural Committee, the Indigenous Inhabitant Representative (IIR) of Fu Tei Pai, the Residents Representative and IIR of Ma Liu Shui San Tsuen had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary vehicle park for private car and light good vehicle and loading/unloading area could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper.

11. Members had no question on the application.

Deliberation Session

12. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 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 is allowed on the site, as proposed by the applicant, during the planning approval period;
- (c) 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 22.11.2014;
- (d) in relation to (c) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.2.2015;
- (e) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2014;
- (f) in relation to (e) above, the provision of 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 22.2.2015;

- (g) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2014;
- (h) in relation to (g) above, the implementation 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 22.2.2015;
- (i) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods are allowed to monitor the progress on compliance with approval conditions;
- (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 TPB to any further application;
- (d) to note the comments of the District Lands Officer/North (DLO/N), Lands Department that the lots under application are Old Schedule agricultural lots held under Block Government Lease. Short Term Waiver No. 1206 in

respect of Lots 799 S.B RP, 799 RP, 800 RP, 800 S.C, 801 S.B, 801 S.C RP, 801 S.D, 807 S.B (Part), 808 S.A and 808 S.B RP (Part) in D.D.83 was issued for the purpose of workshop and storage of electrical appliances / fittings;

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the site is located within the flood pumping gathering ground;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) as follows:
 - (i) the site is in an area where no public sewerage connection is available;
 - (ii) the existing 300mm dia. surface channel to which the applicant proposed to discharge the stormwater from the site is not maintained by her office. The applicant should identify the owner of the discharge location to which the proposed connection will be made and obtain consent from the owner prior to commencement of proposed works. In the case that it is a local village drain, District Officer/North, Home Affairs Department should be consulted;
 - (iii) the applicant should check and ensure that the existing discharge location downstream to which the proposed connection will be made has adequate capacity to cater for the additional discharge from the subject lots. The applicant should also ensure that the flow from the site will not overload the existing drainage system;
 - (iv) the applicant is reminded that where walls are erected or kerbs are laid along the boundary of the site, peripheral channels should be provided on both sides of the walls or kerbs with details to be agreed by DSD;

- (v) the applicant is reminded that all existing flow paths as well as the run-off falling onto and passing through the site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drain, channels and watercourses on or in the vicinity of the site any time during or after the works;
 - (vi) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N and/or relevant private lot owners; and
 - (vii) the applicant should construct and maintain the proposed drainage works properly and rectify the system if it is found to be inadequate or ineffective during operation;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (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 unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) 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 BD 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;

- (iii) for 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 site under the BO;
 - (iv) 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
 - (v) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (h) to note the comments of the Director of Fire Services as follows:
- (i) 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;
 - (ii) in such circumstances, except where building plan is circulated to the Centralised Processing System of BD, the applicant is required to send the relevant layout plans to his department incorporated with the proposed FSIs for approval. In doing so, the applicant should note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and

- (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that two trees at the northern boundary planted in the previous application (No. A/NE-LYT/308) are found dead during the site visit. Replacement of these trees is required. In addition, objects are stacked on the tree planting area which may affect the health condition of the existing trees. In this connection, tree maintenance programme should be included in the tree preservation proposal; and
- (j) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department in order to minimize any possible environmental nuisances.”

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/545 Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone, Lots 1603 S.A, 1603 S.B and 1603 S.C in D.D. 76, Kan Tau Tsuen, Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/545)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed 3 houses (New Territories Exempted Houses (NTEH) – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory public inspection period of the application, a total of four public comments were received. Among them, the Chairman of Fanling District Rural Committee (FDRC) indicated no comment on the application; while Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and World Wide Fund for Nature Hong Kong objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; no relevant impact assessments had been included in the submission; more agricultural land should be retained to safeguard the food supply for Hong Kong; and approval of the application would set an undesirable precedent for similar applications. The District Officer/North, Home Affairs Department advised that the Resident Representative of Kan Tau Tsuen and the Indigenous Inhabitant Representative of Kan Tau Tsuen supported the application while the Chairman of FDRC had no comment on it; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper, which were summarised as below:
 - (i) the application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that more than 50% of the footprint of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of Kan Tau Tsuen and there was insufficient land within the “Village” (“V”)

zone of Kan Tau Tsuen to meet the Small House demand. Sympathetic consideration could be given to the application;

- (ii) the proposed Small House development was near to the existing village of Kan Tau Tsuen to the northwest. It was not incompatible with the surrounding area which is a rural landscape character. Significant changes or disturbance to the existing landscape character and resources were not anticipated; and
- (iii) A total of 52 similar applications in the vicinity of the site were approved by the Committee between 2001 and 2013. Five applications were rejected by the Committee or the Town Planning Board on review mainly on the ground that the proposed Small House developments did not comply with the Interim Criteria. Some of the cases approved by the Committee in recent years were in close proximity to the site. There had not been any material change in planning circumstances for the area since the approval of these applications.

15. Referring to Plan A-2, the Chairman asked about the implementation progress of the previous planning applications approved by the Committee in close proximity of the site. In response, Mr Wallace Tang said that the application of Small House Grant for sites covered by applications No. A/NE-LYT/238, 247, 367 and 407 were already approved by the Lands Department (LandsD). The other planning applications approved between 2012 and 2013 were currently under different stages of development, e.g. discharging approval conditions and/or submitting the applications of Small House Grant.

16. A Member asked whether the 64 outstanding Small House applications fell within the “V” zone. In response, Mr Tang said that 26 Small House applications fell within the “V” zone while 38 applications fell outside. The Chairman asked whether the outstanding Small House applications included all cases previously approved by the Committee. In response, Mr Tang said that only some cases were included.

17. A Member asked how much land in Kan Tau Tsuen would be available for Small

House development. In response, Mr Tang said that according to latest estimate by PlanD, about 2.62 ha of land within “V” zone of Kan Tau Tsuen were available for Small House development. With reference to the plan prepared by PlanD on the visualizer, he further said that Kan Tau Tsuen was a well-developed village and most of the land had already been used for Small Houses development.

18. A Member said that there were still vacant sites for Small Houses development within the “V” zone in Kan Tau Tsuen according to the plan prepared by PlanD. Although quite a number of similar planning applications were approved in 2012 and 2013, the Member questioned if the Committee should continue to approve the application if vacant sites could still be identified in the “V” zone.

Deliberation Session

19. A Member concurred with PlanD’s view that Kan Tau Tsuen was a well-developed village, and said that vacant sites might be under private ownership and it would be difficult to resume private land for Small House development. This Member considered that the approval of the application would be consistent with the previous approved applications.

20. In response to the Chairman’s questions, Mr Tony H. Moyung, Assistant Director of Lands, said that though there were vacant sites in Kan Tau Tsuen, it would be difficult for the villagers to purchase private land for Small House development.

21. A Member said that sympathetic consideration could be given to the application as a number of similar applications were approved in 2012 and the proposed Small House was located within the ‘VE’ of Kan Tau Tsuen. This Member pointed out that the comparison of land required to meet Small House demand in Kan Tau Tsuen and land available to meet 10-year Small House demand within the “V” zone in Kan Tau Tsuen should be made between 136 and 104 Small House sites respectively instead of between 174 and 104, as 38 out of 64 outstanding Small House applications were located outside the “V” zone. This Member also queried the reliability of the number of 10-year Small House demand forecast for Kan Tau Tsuen and said that for any future Small House applications, it was necessary to consider whether any special circumstances should be taken into account. The Chairman concurred.

22. After further 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 22.8.2018, 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 provision of septic tanks, as proposed by the applicants, at locations to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Sha Tau Kok Road to the site is not maintained by HyD;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) as follows:
 - (i) for provision of water supply to the proposed development, the applicants may need to extend their inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within

the private lots to WSD's standards; 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 applicants are 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 applications 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 applicants should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works."

Agenda Item 7

Section 16 Application

[Open Meeting]

A/NE-TKL/478 Proposed Temporary Open Storage of Construction Materials and Equipment for a Period of 3 Years in "Agriculture" zone, Lots 1100 S.A (Part), 1100 S.B (Part) and 1101 (Part) in D.D. 77, Ping Che, New Territories
(RNTPC Paper No. A/NE-TKL/478)

24. The Committee noted that the applicant requested on 29.7.2014 for deferment of the consideration of the application for four weeks to allow time for the preparation of further information, including the access arrangement to/from the site and the swept path analysis, to address the comments of the Transport Department. This was the first time that the applicant requested for deferment.

25. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that four weeks were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 8

Consideration of the Draft Planning Brief for the "Comprehensive Development Area (3)" site at Whitehead, Ma On Shan, New Territories
(RNTPC Paper No. 10/14)

26. With the aid of a PowerPoint presentation, Mr Anthony K.O. Luk, STP/STN, presented the draft planning brief (PB) as detailed in the Paper and covered the following main points:

Purpose

- (a) to seek Members' endorsement of the draft PB for the provision of guidance for future development at the "Comprehensive Development Area (3)" ("CDA(3)") site at Whitehead, Ma On Shan; and
- (b) to report the results of the consultation with Sha Tin District Council (STDC) on the draft PB for the "CDA(3)" site;

Background

- (c) on 24.2.2012, the amendments to the draft Ma On Shan Outline Zoning Plan No. S/MOS/19 (draft OZP) was exhibited for public inspection;
- (d) for Whitehead, the amendments mainly included “Comprehensive Development Area (2)” (“CDA(2)”), “CDA(3)” and “Recreation” (“REC”); and
- (e) during the public inspection period, a total of seven representations and 42 comments were received. On 31.8.2012, the Town Planning Board (TPB) heard the representations and comments and decided not to amend the draft OZP to meet the representations. The draft OZP was approved by the Chief Executive in Council on 30.7.2013;

The Site and Its Surroundings

- (f) under the draft OZP, the “CDA(3)” site was subject to a maximum Gross Floor Area (GFA) of 30,000m² and a maximum building height of 50mPD. Based on the individual merits of a development proposal, minor relaxation of the GFA or building height might be considered by the TPB on application;
- (g) the “CDA(3)” site occupied the southeastern part of Whitehead headland and comprised elevated platforms with vegetation on the slopes. It was served by Yiu Sha Road to the immediate south of the site. Yiu Sha Road would be widened to a two-way dual carriageway which was tentatively scheduled to be completed by 2017/18;
- (h) located at the southeastern part of Whitehead headland, the “CDA(3)” site adjoined a piece of flat land to the north which was zoned “REC” for comprehensive recreational development and a site to the west zoned “CDA(2)” for comprehensive residential development;

Increasing Development Intensity

- (i) after the announcement of the 2014 Policy Address in increasing maximum domestic plot ratio for the residential sites, Lands Department submitted an application No. A/MOS/99 to the TPB for proposed residential development at the “CDA(3)” site with minor relaxation of 20% increase in GFA (from 30,000m² to 36,000m²) and 16% increase in building height (from 50 mPD to 58 mPD). The application was approved by the Committee on 13.6.2014;
- (j) in parallel, Planning Department (PlanD) was preparing a draft PB with an assumption of increased development intensity. The Development and Housing Committee (DHC) of STDC was consulted on the draft PB with increased development intensity and the STDC members had no objection to the draft PB;
- (k) subsequent to the TPB’s approval of the application, the draft PB was updated;

Approved Master Layout Plan under Application No. A/MOS/99

- (l) according to the approved Master Layout Plan (MLP), there were a total of 5 towers with 14-15 storeys (i.e. 58mPD). The proposed residential development could provide 550 flats accommodating 1,650 population;
- (m) a series of technical assessments including air ventilation, traffic, drainage and sewerage and landscape had been submitted;

Planning Brief

Development Parameters

- (n) taking into account the approved application No. A/MOS/99, the maximum Gross Floor Area (GFA) under the current OZP would be increased by 20% from 30,000m² to 36,000m²; while the plot ratio would be increased from

1.28 to 1.53. An addition of 90 flats could be provided;

General Design Principles and Development Concept

- (o) to maintain a stepped building height profile from Wu Kai Sha Station to Whitehead; the building heights of existing and proposed developments were descending from inland to the waterfront;
- (p) to provide a 15m-wide visual corridor to improve visual permeability and air ventilation;
- (q) to avoid podium structures given its waterfront location;
- (r) to preserve the existing vegetation as far as possible;
- (s) the implementation programme to tie in with the programme for infrastructural provision, particularly sewerage and road infrastructure;

[Dr Eugene K.K. Chan arrived to join the meeting at this point.]

Submission of Master Layout Plan

- (t) for any future development in “CDA(3)” zone, the developer should submit a MLP to the TPB for approval in accordance to the Town Planning Ordinance should there are any changes to the approved MLP under the application No. A/MOS/99; and
- (u) as part of the MLP submission, a series of technical assessment reports including environmental and ecological, drainage and sewerage, traffic, visual and air ventilation should be included;

[Professor S.C. Wong left the meeting temporarily at this point.]

Consultation with STDC

- (v) the DHC of STDC was consulted on the draft PB with relaxed GFA and

building height restrictions on 27.2.2014. While STDC had no objection to the draft PB, some members raised concerns or suggestions mainly on various aspects. Their concerns/suggestions and PlanD's responses were summarised as follows:

- the increase in the development intensity of the "CDA(3)" site might create wall effect and cause adverse air ventilation impact to the surrounding areas. The increase in population should also be served by necessary community, recreational and transport facilities. In response, PlanD said that the development would have no significant air ventilation and traffic impacts with reference to the technical assessments submitted in June 2014. Moreover, adequate GIC facilities were planned in Ma On Shan and Sha Tin areas according to the requirements of Hong Kong Planning Standards and Guidelines;
- consideration might be given to excising the existing vegetated slopes on the northern part of the "CDA(3)" site from the development site in order to preserve existing trees at the site. The total number of existing trees and the number of trees to be preserved should also be specified. In response, PlanD said that residential development usually covered about 20-30% of the whole development site. There would be sufficient scope within the site for preservation of existing trees. Moreover, according to the tree survey conducted in June 2014, all the 74 existing trees were common species. Of which, 30 trees were proposed to be retained. About 120 compensatory trees were proposed to be planted; and

[Professor S.C. Wong returned to the meeting at this point.]

- the 'green peninsula' to the east of the "CDA(3)" site should be planned for recreational and open space uses. In response, PlanD said the "REC" zone to the north of the "CDA(3)" site was already reserved for comprehensive recreational development while the 'green peninsula' was under the "Conservation Area" zone.

27. The Chairman supplemented that the “CDA(3)” site would be a land sale site. The PB would form part of the land sale conditions which served as a reference for the future developer of the site.

28. After deliberation, the Committee decided to:

- (a) note the views of the STDC members; and
- (b) endorse the draft PB at Annex 1 of the RNTPC Paper.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/845 Temporary Shop and Services (Fast Food Shop) for a Period of 3 Years
in “Industrial” Zone, Unit C3, Factory C, G/F, Block 1, Kin Ho
Industrial Building, 14 - 24 Au Pui Wan Street, Fo Tan, Sha Tin, New
Territories
(RNTPC Paper No. A/ST/845)

29. The Secretary reported that Professor K.C. Chau had declared an interest in this item as he owned a residential property in Fo Tan. Professor Chau’s property did not have a direct view on the application site. Members noted that Professor Chau had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

30. 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) temporary shop and services (fast food shop) 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 statutory public inspection period of the application, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the temporary shop and services (fast food shop) for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The proposed temporary uses generally complied with the relevant considerations set out in the Town Planning Board Guideline No. 25D for Use/Development within "Industrial" Zone including fire safety and traffic aspects.

31. Members had no question on the application.

Deliberation Session

32. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the provision of 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 22.2.2015; and
- (b) if the above planning condition (a) 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises. The permission is for ‘Shop and

Services (Fast Food Shop)' use without any seating accommodation;

- (b) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (c) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that:
 - (i) the proposed use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining workshop shall not be adversely affected. Building safety requirements will be formulated upon receipt of food premises licence application, where appropriate; and
 - (ii) the applicant should engage an authorized person to coordinate the building works, if any;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of building plans or referral from licensing authority and the "fast food shop" to be licensed as "food factory" or "factory canteen" only;
- (e) refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations; and
- (f) should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the TPB to any further application."

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/847 Proposed Wholesale Conversion for Office, Eating Place, and Shop and Services in “Industrial (1)” Zone, 10-12 Yuen Shun Circuit, Siu Lek Yuen, Sha Tin, New Territories
(RNTPC Paper No. A/ST/847A)

34. The Secretary reported that Professor C.M. Hui had declared an interest in this item as he owned a residential property in Sha Tin. The Committee considered that as Professor Hui’s property did not have a direct view on the site, his interest was not direct. Members agreed that Professor Hui could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed wholesale conversion for office, eating place, and shop and services;
- (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 statutory public inspection period of the application, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed office and commercial uses through wholesale conversion

was generally in compliance with Town Planning Board Guideline No. 25D for Use/Development within "Industrial" Zone.

36. Members had no question on the application.

Deliberation Session

37. 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 22.8.2018, 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 landscaping proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of fire service installations and water supplies for firefighting proposals to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) the approval should be for the lifetime of the building. Upon redevelopment, the subject site would need to conform to the zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment which may not be the same as those of the existing building;
- (b) to apply to the District Lands Officer/Shia Tin, Lands Department for a modification / special waiver to permit the applied uses;
- (c) to note the comments of the Chief Building Surveyor/New Territories East (2) and Rail, Buildings Department (BD) that detailed comments for newly proposed uses including audio visual recording studio and laboratory will be provided at building plan submission stage under the Buildings

Ordinance; and

- (d) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access shall comply with the “Code of Practice for Fire Safety in Building 2011”, which is administered by BD.”

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/852 Proposed Shop and Services (Real Estate Agency) in “Industrial” zone,
Workshop G (Portion), G/F, Haribest Industrial Building, Nos. 45-47
Au Pui Wan Street, Fo Tan, Sha Tin, New Territories
(RNTPC Paper No. A/ST/852)

39. The Secretary reported that Professor K.C. Chau had declared an interest in this item as he owned a residential property in Fo Tan. Professor Chau’s property did not have a direct view on the application site. Members noted that Professor Chau had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

40. 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) shop and services (real estate agency) under application;
- (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 statutory public inspection period of the application, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the 'Shop and Services' use (real estate agency) on temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper.

41. Members had no question on the application.

Deliberation Session

42. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the provision of fire service installations within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 22.5.2015; and
- (b) if the above planning condition (a) 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years is given in order to allow the TPB to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardized;

- (c) apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) that:
 - (i) the proposed use shall comply with the requirements under the Buildings Ordinance (BO). For instance, the shop shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing premises shall not be adversely affected; and
 - (ii) the subdivision of the unit/premises should comply with the provisions of BO/Building (Minor Works) Regulations. The applicant should engage a registered building professional under the BO to co-ordinate the building works, if any;
- (e) to note the comments of the Director of Fire Services that:
 - (i) detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
 - (ii) regarding matters in relation to fire resisting construction of the application premises, the applicant is advised to comply with the requirements as stipulated in “Code of Practice for Fire Safety in Buildings 2011” which is administered by BD;
- (f) refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.”

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/480 Temporary Open Vehicle Park with Ancillary On-site Vehicle
Checking for a Period of 3 Years in “Green Belt” and “Open Storage”
zones, Lots 617 S.B RP, 618 S.B ss.1, 622 S.B RP (Part) and 626 RP
(Part) in D.D. 9, Nam Wa Po, Kau Lung Hang, Tai Po, New Territories
(RNTPC Paper No. A/NE-KLH/480)

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) temporary open vehicle park with ancillary on-site vehicle checking for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Environmental Protection (DEP) did not support the application as there was a sensitive use 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) during the statutory public inspection period of the application, two public comments from the Indigenous Inhabitant Representative of Nam Wa Po and Designing Hong Kong Limited were received. The commenters

objected to the application mainly for the reasons of being not in line with the planning intention of “Green Belt” (“GB”) zone, making it difficult for development of the land for more suitable uses, no traffic and environmental impact assessment and the proposed development would result in air pollution and adversely affect the environment and traffic safety of the village; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open vehicle park with ancillary on-site vehicle checking could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. DEP did not support the application but there had been no environmental complaint in the past three years and DEP’s concerns could be addressed through imposition of an approval condition on restriction on operation hours. Regarding the public comment against the proposed development, the planning assessments and comments of government departments were relevant.

45. Members had no question on the application.

Deliberation Session

46. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.8.2017, 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 existing vehicular access, drainage facilities, all existing trees, landscape plantings, proposals of protective measures against pollution or contamination to the water gathering grounds implemented on the site and peripheral fencing should be maintained at all times during the planning approval period;

- (c) no excavation works should be carried out unless prior written approval from the Director of Water Supplies is obtained, and no sinking of wells, blasting, drilling or piling works are allowed on the site at any time during the planning approval period;
- (d) the submission of water supplies for fire fighting and fire service installations proposals within 6 months from the date of commencement of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2015;
- (e) in relation to (d) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.5.2015;
- (f) if any of the above planning conditions (a), (b), or (c) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if 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 be revoked on the same date without further notice; and
- (h) 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.”

47. 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) the applicant should follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued

by the Environmental Protection Department to minimize any potential environmental nuisances;

- (c) to note the comments of the District Lands Officer/Tai Po that should application approval be given to the application, the concerned owner(s) of the said lots is/are required to immediately finalize the short term waiver (STW) proposal and to submit to the Lands Department (LandsD) for processing the STW application. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Nevertheless, there is no guarantee that such approval will eventually be given. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fees, as may be imposed by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access to the site is not maintained by HyD;
- (e) to note the comments of the Chief Engineer 1/Major Works, Major Works Project Management Office, HyD that the applicant should liaise with his contractor of Contract No. HY/2012/06 entitled 'Widening of Fanling Highway – Tai Hang to Wo Hop Shek Interchange' as the road widening construction works commenced in July 2013 for completion tentatively in end 2018;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the conditions in respect of the 120m no blasting limit and the 30m WSD reserve of Tau Pass Culvert as detailed in Appendix IV of the Paper should be observed;
- (g) to note the comments of the Director of Fire Services on the preparation of fire service installations (FSIs) proposal that if covered structures (such as container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, FSIs will need to be installed and

in such circumstances, except where building plan is circulated to the Centralize Processing System of the Buildings Department (BD), the tenant is required to send the relevant layout plans to the Fire Services Department incorporated with 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;
 - (ii) the location of where the proposed FSIs to be installed 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 the aforesaid plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to remove the two trees leaning on the fence as soon as possible; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, BD that all unauthorized building works erected on leased land are subject to enforcement action by BD to effect the removal of all unauthorized works. 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 unauthorized structures on the site under the BO.”

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/481 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 433 S.B
ss.5 in D.D. 9, Yuen Leng, Tai Po, New Territories
(RNTPC Paper No. A/NE-KLH/481)

Presentation and Question Sessions

48. 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) proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Major comments were summarised as below:
 - (i) the Chief Engineer/Mainland North, Drainage Services Department advised that public sewerage connection point would be provided in the vicinity of the site, but there was no fixed implementation programme. Septic tank and soakage system should thus be used in the interim and the proposed Small House should be connected to the planned sewerage system when the system was available;
 - (ii) the Director of Agriculture, Fisheries and Conservation did not support the application as the site has high potential for rehabilitation of agricultural activities; and
 - (iii) other concerned government departments had no objection to or no

adverse comments on the application;

- (d) during the statutory public inspection period of the application, one public comment from Designing Hong Kong Limited was received. The commenter objected to the application mainly for reasons of being not in line with the planning intention of “Agriculture” zone and no environmental, traffic, drainage and sewage assessment submitted; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories. Regarding the public comment against the proposed development raising concerns mainly on food supply, traffic, environmental and sewerage impacts, the planning assessments and comments of Government departments above are relevant.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 22.8.2018, 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) provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;

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

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

- “(a) to note the comments of the Director of Environmental Protection (DEP) that the septic tank and soakaway system shall be constructed in the “Village Type Development” zone and in compliance with the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 5/93 requirements including the 30m minimum clearance distance from watercourse. The proposed house shall be connected to the planned sewerage system when it is available. Adequate land shall be reserved for the future sewer connection work;
- (b) the applicant is required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that there is no public drain in the vicinity of the site. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There is no existing public sewerage in the vicinity of the site. The DEP should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (d) to note the comments of CE/MN, DSD that according to the latest proposed

sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng, public sewerage connection point will be provided in the vicinity of the site. The proposed development could be connected to the planned public sewerage in the area via the adjacent lot(s). The applicant should make connection at his own cost and obtain consent from the adjacent private lot owner(s) to allow the connection. However, since this sewerage scheme was degazetted on 29.10.2010, there is no fixed programme at this juncture for the concerned public sewerage works;

- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that a septic tank and soakaway system may be permitted to be used as an interim measure for foul effluent disposal before public sewers are available subject to the approval of DEP. Any such permitted septic tank and soakaway pit system shall be designed and maintained in accordance with the Environmental Protection Department's ProPECC Practice Note No. 5/93. The septic tank and soakaway pit system shall be properly maintained and desludged at a regular frequency. All sludge thus generated shall be carried away and disposed of outside the water gathering ground. The whole of foul effluent from the proposed New Territories Exempted House/Small House shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes. 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 WSD's standards. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (f) 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 the Lands Department. Detailed fire safety requirements will be formulated during land grant stage; and

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

Agenda Item 14

Section 16 Application

[Open Meeting]

A/NE-KLH/482 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 750 S.B ss.6 s.A, 750 S.B ss.6 s.B and 750 S.B ss.6 s.C in D.D. 9, Yuen Leng Village, Tai Po, New Territories
(RNTPC Paper No. A/NE-KLH/482)

52. The Committee noted that the applicant requested on 8.8.2014 for deferment of the consideration of the application for two months in order to allow time to engage a surveyor to ascertain the exact location of the proposed Small House. This was the first time that the applicant requested for deferment.

53. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/91 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Lots 231 S.A
and 231 RP in D.D. 218, Kwun Hang Village, Sai Kung North, New
Territories
(RNTPC Paper No. A/NE-SSH/91)

Presentation and Question Sessions

54. 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) proposed houses (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory public inspection period of the application, two public comments were received from Kadoorie Farm and Botanic Garden Cooperation and Designing Hong Kong. The commenters objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone; no environmental, traffic, drainage and sewerage assessments had been provided by the applicant; the proposed development without proper ancillary facilities would cause adverse water quality, sewerage and parking impact on the surrounding areas; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was in compliance with the Town Planning Board Guideline No.10 for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance as it would have no adverse impacts on the landscape and existing and planned infrastructure. Regarding the public comments, the planning considerations and assessments above were relevant.

55. Members had no question on the application.

Deliberation Session

56. A Member said that 60% of the site fell within “GB” zone and asked whether the site could be shifted to the southwest in order to minimize encroachment onto the “GB” zone and whether the land next to the site was under private ownership. Members noted that the site boundary simply followed the boundary of the lots owned by the applicant, and effort had been made by the applicant to locate a large portion of the Small House footprint within the “V” zone.

57. After further 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 22.8.2018, 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) provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) provision of drainage facilities to satisfaction of the Director of Drainage Services or of the TPB.”

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

“(a) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that:

(i) public stormwater drain is not available for connection in the vicinity of the subject lots. Any proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicant at his own expense. The applicant/owner is required to rectify the drainage system if it is found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system; and

(ii) public sewerage system is not currently available for connection in Kwun Hang. However public sewerage system is planned to be implemented in Kwun Hang under the project “Tolo Harbour Sewerage of Unsewered Areas Stage 2”. The works are scheduled to commence in 2016 for completion in around 2020, subject to further review at a later stage;

(b) 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;

(c) to note the Chief Highway Engineer/New Territories East, Highways Department’s (HyD) comments that the road adjacent to the site is not maintained by HyD;

(d) 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 electricity line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:

- (a) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level at 132kV or 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;
- (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 constructions 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

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/559 Proposed Private Garden Ancillary to House in “Green Belt” and
“Village Type Development” zones, Government Land Adjoining Lot
1348 in D.D. 36, Cheung Shue Tan Village, Tai Po, New Territories
(RNTPC Paper No. A/TP/559)

59. Dr W.K. Yau had declared an interest in this item as he owned a residential property and 3 pieces of land in Cheung Shue Tan Village. The Committee noted that Dr Yau’s residential property and land had a direct view on the site and considered that his interest was direct. Members agreed that he should leave the meeting temporarily.

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

Presentation and Question Sessions

60. 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) proposed private garden ancillary to house;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application since the private garden was in conflict with existing trees, and tree felling might have been involved during the construction. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory public inspection period of the application, two public comments from the Village Representatives of Cheung Shue Tan Village were received and they objected to the application on the grounds that the site should be reserved for Small House development; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The encroachment of private garden onto the “Green Belt” (“GB”) zone was not in line with the planning intention. No strong planning justifications had been provided in the submission for a departure from this planning intention. The proposed development did not comply with the Town Planning Board Guideline No.10 for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance in that the development involved clearance of natural vegetation affecting the existing natural landscape and would adversely affect slope stability in the surrounding area.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 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 “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and

sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development in “GB” zone. No strong planning justifications have been provided in the submission for a departure from this planning intention;

- (b) the proposed development does not comply with the Town Planning Board Guideline No.10 for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance in that the proposed development had affected the natural landscape and the applicant fails to demonstrate that the slope stability in the surrounding areas would not be adversely affected; and
- (c) approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in general degradation of the natural environment in the area.”

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

Fanling, Sheung Shui and Yuen Long East District

[Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui & Yuen Long East District (DPO/FSYLE) and Mr Otto K.C. Chan, Mr Kevin C.P. Ng, and Mr C.K. Tsang, Senior Town Planners/Fanling, Sheung Shui & Yuen Long East District (STPs/FSYLE) were invited to the meeting at this point.]

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/221 Proposed Social Welfare Facility (Residential Care Home for the Elderly) in “Green Belt” Zone, No. 18 Wu Tip Shan Road, Fanling, New Territories
(RNTPC Paper No. A/FSS/221A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) social welfare facility (Residential Care Home for the Elderly (RCHE));
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix III of the Paper. The Director of Social Welfare supported the application and other concerned government department had no objection to or no adverse comment on the application;
- (d) during the statutory public inspection period of the application, a total of 35 public comments were received. Among them, two commenters expressed that they had no comment. Five indicated support while 28 objected to the application on the grounds that it was anticipated that the elderly home would be converted to a columbarium development; and the elderly home were subject to other technical considerations, including additional traffic flow and slope instability; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The RCHE was not incompatible with the surrounding land uses including

Fung Ying Seen Koon, some vegetated areas, a temple and two elderly homes. Regarding local objections and public comments against the application on environmental and traffic grounds and other issues, concerned departments had no objection to the application. The applied use was a RCHE rather than a columbarium.

[Mr Ivan C.S. Fu joined the meeting at this point.]

64. Members had no question on the application.

Deliberation Session

65. 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 was subject to the following conditions:

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

66. 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 that should the subject application be approved by the TPB, his office will continue process the application for temporary waiver for a residential care home for the elderly at House Nos. A, B and C. The proposed temporary waiver, if granted, will be subject to such terms and conditions as may deem appropriate and payment of such waiver and administrative fee(s) as may be determined by the Government acting in the

capacity as landlord as its discretion. However, there is no guarantee that approval of the temporary waiver will be forthcoming. Besides, Government reserves its right to take lease enforcement action against any breach as may deem appropriate;

- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that should the application be approved, the applicant should adopt necessary measures to avoid interfering the wooded areas around the Premises during the operation of the residential care home;
- (d) to note the comments of the Director of Electrical and Mechanical Services that:

Electricity Safety

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 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 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;

Gas Safety

- (i) there is a high pressure underground town gas transmission pipeline (running along Fanling Highway) in the vicinity of the site;
 - (ii) 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 environment; and
 - (iii) 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" for reference;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the applicant's attention is drawn to the following points:
- (i) if there is any existing structure erected on leased land without approval of BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - (ii) before any new building works are to be carried out on the site, the prior approval and consent of BD 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;

- (iii) for 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 constructed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iv) 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 respectively;
 - (v) the sustainable building design requirements and the pre-requisites under PNAP APP-151 & 152 for Gross Floor Area concessions would be applicable to development in the site; and
 - (vi) detailed consideration will be made at the building plan submission stage;
- (f) to note the comments of the Director of Fire Services that Emergency Vehicular Access arrangement shall comply with Section 6, Part D of the "Code of Practice for Fire Safety in Buildings 2011" administered by BD. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the site is located within the flood pumping gathering ground; and
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewage connection is available. The Environmental Protection Department should

be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank.”

Agenda Items 18 and 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/371 Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” zone, Lots 1688 S.B ss.1, 1688 S.B ss.2 and 1688 S.B ss.3 in D.D. 100, Ying Pun, Sheung Shui, New Territories (RNTPC Paper No. A/NE-KTS/371)

A/NE-KTS/372 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lot 1688 S.B RP in D.D. 100, Ying Pun, Sheung Shui, New Territories (RNTPC Paper No. A/NE-KTS/372)

67. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to each other. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

68. Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) proposed 4 houses (New Territories Exempted Houses – Small Houses) (*3 for Application No. A/NE-KTS/371 and 1 for Application No. A/NE-KTS/372*);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix III of the Papers. Major comments were summarised as

below:

- (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application on the grounds that approval of the application would encourage the spreading of village houses in the “Green Belt” (“GB”) zone leading to deterioration of the wooded “GB” zone adjacent to the site, and would also set an undesirable precedent case for similar applications;
 - (ii) the Commissioner for Transport (C for T) considered that permitting such type of Small House development outside the “Village” (“V”) zone would set an undesirable precedent and the resulting cumulative adverse traffic impact could be substantial. However, C for T considered that additional traffic generated by the proposed developments was not expected to be significant; and
 - (iii) other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the statutory public inspection period of the applications, four same sets of public comments were received for both applications. One of the comments offered views that the current vehicular access leading to Fan Kam Road should be upgraded according to the standard specification of the Highways Department before commencement of any development due to the anticipated increase in traffic flow and safety concerns. The remaining three comments objected to the applications as the proposed Small Houses was incompatible with the planning intention of the “GB” zone. Approval of the applications would set an undesirable precedent for similar applications, and the cumulative impact would result in adverse landscape impact to areas to the east and south of the sites. Moreover, no environmental, traffic, drainage and sewage assessments had been submitted; and
- (e) PlanD’s views – PlanD did not support the applications based on the

assessments set out in paragraph 12 of the Papers. The proposed Small House developments were not in line with the planning intention of the “GB” zone and the Town Planning Board Guideline No. 10 for Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance. No strong planning justifications had been given in both submissions and there were no exceptional circumstances to justify approval of the applications. There was no previous application for Small House development within the same “GB” zone. The approval of the applications would set an undesirable precedent for similar applications within the “GB” zone and the resulting cumulative adverse traffic impact could be substantial. CTP/UD&L, PlanD and C for T had reservation on the application.

69. A Member asked whether the existing vehicle repair workshop was subject to enforcement actions. In response, Mr Kevin C.P. Ng said that the existing vehicle repair workshop was an existing use.

Deliberation Session

70. After deliberation, the Committee decided to reject the two applications. Members then went through the reasons for rejection as stated in paragraph 13 of the Papers and considered that they were appropriate. The reasons for each of the applications were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone in the Kwu Tung South area 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 and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) land is still available within the “Village Type Development” (“V”) zone of Ying Pun for Small House development. It is considered more appropriate to concentrate the proposed Small Houses within the “V” zone for orderly

development pattern, efficient use of land and provision of infrastructures and services;

- (c) the proposed development does not comply with the Town Planning Board (TPB) Guideline for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that there are no exceptional circumstances to justify approval of the application; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in adverse traffic impact on the surrounding area and encroachment onto the “GB” zone by Small House developments, leading to a general degradation of the natural environment.”

[The Chairman thanked Mr Kevin C.P. Ng for his attendance to answer Members’ enquires. Mr Kevin Ng left the meeting at this point.]

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-KTN/445 Proposed Temporary Offensive Trades – Lard Boiling Factory for a Period of 5 Years in “Industrial (Group D)” zone, Government Land in Fung Kat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/445)

71. The Committee noted that the applicant requested on 4.8.2014 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 from the Environmental Protection Department on the application. This was the second time that the applicant requested for deferment.

72. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Items 21 and 22

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/446 Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years in "Agriculture" zone, Lot No. 107 (Part) and 125RP (Part) in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/446 and 447)

A/YL-KTN/447 Proposed Temporary Shop and Services (Plant Showroom) for a Period of 3 Years in "Agriculture" zone, Lots 107 (Part) and 158 RP (Part) in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/446 and 447)

73. The Committee noted the two applications were similar in nature and the sites were located in close proximity to each other and within the same "Agriculture" ("AGR") zone. The Committee agreed that the application should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;

- (b) proposed temporary shop and services (plant showroom) 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 applications as the boundary of the sites were within 100m from the nearest residential building and the heavy vehicle traffic generated by the proposed developments was expected to travel along the access road within 50m from the nearest residential building. Environmental nuisance was expected. Other consulted government departments had no adverse comment on the applications;
- (d) during the two statutory public inspection periods of the applications, one public objection from Designing Hong Kong Limited was received for each of the applications on the grounds that the proposed developments were incompatible with the planning intention; no impact assessment on traffic, environment, drainage and sewerage aspects had been conducted; and the renewal of the application in the future would make it difficult for development of the sites for other suitable uses; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary shop and services (plant showroom) could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Papers. To address DEP's concern on the possible nuisance, appropriate approval conditions on the operation hours, vehicle types and boundary fencing were recommended. Regarding the public comments, the temporary nature of the plant showrooms would not jeopardise the long-term planning intention of the "Agriculture" zone. The limited vehicular traffic as submitted by the applicant would unlikely generate significant adverse traffic and environmental impacts. Other relevant government departments, including the Commissioner for Transport, the Director of Agriculture, Fisheries and Conservation, the Chief Engineer/Mainland North, Drainage Services Department, and the Director of Fire Services, had no adverse comments on the applications.

75. Members had no question on the applications.

Deliberation Session

76. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 22.8.2017, each on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the operation of the proposed development is restricted from 1:00 p.m. to 5:00 p.m. on Saturdays and from 9:00 a.m. to 5:00 p.m. on Sundays only, as proposed by the applicant, during the planning approval period;
- (b) no operation on weekdays, as proposed by the applicant, during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the sites at any time during the planning approval period;
- (d) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.2.2015;
- (e) the implementation of the accepted landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.2.2015;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.2.2015;
- (g) in relation to (f) above, the implementation of a drainage proposal within 9 months from the date of planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 22.5.2015;

- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2015;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.5.2015;
- (j) if any of the above planning conditions (a) to (c) is not complied with during planning approval, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the permission is given to the use under application. It does not condone any other use(s) including any open storage which previously existed on the site but not covered by the application. The applicant shall take immediate action to discontinue such use not covered by the permission;
- (b) resolve any land issues relating to the proposed development with the concerned owners of the sites;
- (c) note the District Lands Officer/Yuen Long, Lands Department (LandsD)’s comments that the private lots within the sites are Old Schedule

Agricultural Lots held under the Block Government Lease which no structure is allowed to be erected without prior approval from LandsD. No approval is given for the specified single-storey structures as office, store room and plant showroom. The site is accessible via a local road on private land and Government land branching off Kam Tai Road. His office provides no maintenance works for this local track nor guarantee right of way. The lot owner concerned will still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (d) adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department for implementation of mitigation measures to minimize any potential environmental nuisances arising from the development;
- (e) note the Commissioner for 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 LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (f) note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the submitted drainage proposal appears to be preliminary and only include a conceptual layout of the proposed drainage works. Design calculations and many essential details, such as dimensions of the proposed u-channel, inverted levels of the manholes/catchpits, connection

details of the proposed channels and the existing drainage facilities, relevant cross sections with the adjacent lands, etc. are missing. Besides, Applications No. A/YL-KTN/446 and 447 are submitted by the same applicant and the total site areas involved is approximately 4,809m². The sites are located close to each other, and the runoff for the site under Application No. A/YL-KTN/447 would be discharged to that of Application No. A/YL-KTN/446. In view of relatively large area involved and the drainage interface between the proposed development sites, the applicant should submit a comprehensive drainage proposal to assess the overall drainage impact on the surrounding areas;

- (g) 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 FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance, detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (h) 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 and/or overhead line alignment drawings obtained, if there is underground electricity 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 electricity supply lines; and

For Application No. A/YL-KTN/447 only

- (i) note the Director of Agriculture, Fisheries and Conservation’s comments that there are some mature trees to the north and east of the site. The applicant should be reminded to avoid impact on these trees as far as practicable.”

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/697 Proposed Temporary Open Storage of Building Materials with Ancillary Office and Parking Facilities for Lorries and Private Cars for a period of 3 years in “Agriculture” zone, Lots No. 369 (Part) and 390 (Part) in D.D. 110 and Adjoining Government Land, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/697)

Presentation and Question Sessions

78. 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) proposed temporary open storage of building materials with ancillary office and parking facilities for lorries and private cars 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 structures located to the southeast and in the vicinity of the area, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural activities in the vicinity of the site were still active and the site had high potential for agricultural rehabilitation;

- (d) during the statutory public inspection period of the application, four public comments from Kadoorie Farm and Botanic Garden Corporation, World Wide Fung Hong Kong, Designing Hong Kong Limited and a member of the public were received. They objected on the grounds that the agricultural land should be conserved to safeguard the food supply for Hong Kong and to protect the livelihoods of the people in the rural community; the proposed development would impose additional traffic on existing road, cause noise and dust nuisance and lead to environmental, drainage and sewerage impacts but no relevant impact assessment had been conducted; the site was a suspected “Destroy First and Build Later” case; and approval of the application would lead to cumulative impact, result in renewals making it more difficult for suitable use and set an undesirable precedent for similar applications; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper, which were summarised as below:
 - (i) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. DAFC did not support the application and no strong planning justifications had been given in the submission to justify for a departure from the planning intention, even on a temporary basis; and

 - (ii) the application did not comply with the Town Planning Board

Guideline No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that the site fell within Category 3 areas and there was no previous approval for open storage use granted at the site. Moreover, there were adverse departmental comments and public objections against the application. In this regard, DEP did not support the application. The applicant also failed to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts.

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guideline No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that the proposed development is not compatible with the surrounding land uses which are rural in character with residential dwellings/structures and agricultural land. There is also no previous approval granted at the site and there are adverse departmental comment and public objections against the application;
- (c) the applicant fails to demonstrate that the proposed development would not

generate adverse environmental, landscape and drainage impacts on the surrounding areas; and

- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “AGR” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.”

[The Chairman thanked Mr C.K. Tsang for his attendance to answer Members’ enquires. Mr C.K. Tsang left the meeting at this point.]

[Mr Frankie W.P. Chou left the meeting at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-MP/229 Proposed Filling and Excavation of Land for House Development with Wetland Habitat “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lots 43 S.A RP, 50 S.A and 50 RP in D.D. 101, Wo Shang Wai, Mai Po, Yuen Long, New Territories
(RNTPC Paper No. A/YL-MP/229)

81. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (HLD) with Masterplan Ltd. (Masterplan), AECOM Asia Co. Ltd. (AECOM), LWK & Partners (HK) Ltd. (LWK) and MVA Hong Kong Ltd. (MVA) as consultants amongst others. The following Members had declared interests in this item:

Ms Janice W.M. Lai - having current business dealings with HLD and AECOM;

- Mr Ivan C.S. Fu - being the director and shareholder of LWK and having current business dealings with HLD, Masterplan, AECOM and MVA;
- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong (CUHK) which received a donation from a family member of the Chairman of HLD;
- Dr W.K. Yau - being a CEO of Tai Po Environmental Association Ltd. which received a donation from HLD;
- Mr H.F. Leung - being an employee of the University of Hong Kong (HKU) which received a donation from a family member of the Chairman of HLD; and
- Professor S.C. Wong - having current business dealings with AECOM; being an employee of HKU which received a donation from a family member of the Chairman of HLD; and being the Chair Professor and Head of Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department.

82. Dr Eugene K.K. Chan also declared an interest in this item as his spouse was employed as a senior manager in Miramar Hotel and Investment Company Limited which was a subsidiary of HLD.

83. The Committee considered that the interests of Mr Ivan C.S. Fu and Ms Janice W.M. Lai and Dr Eugene K.K. Chan were direct and that of Professor K.C. Chau, Dr W.K. Yau, Mr H.F. Leung and Professor S.C. Wong were indirect. As the applicant had requested for a deferral of the consideration of the application, Members agreed that they could stay in the meeting but Mr Fu, Ms Lai and Dr Chan should refrain from participating in the discussion. Member also noted that Professor K.C. Chau had tendered his apologies for not being able to attend the meeting.

84. The Committee noted that the applicant requested on 7.8.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address comments of the Director of Environmental Protection and the Director of Drainage Services. This was the second time that the applicant requested for deferment.

85. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/231 Renewal of Planning Permission for Temporary Driving School and Ancillary Uses for a Period of 3 Year in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone, Lot 1347 RP in D.D. 115, Nam Sang Wai , Yuen Long, New Territories
(RNTPC Paper No. A/YL-NSW/231)

86. The Secretary reported the application was submitted by Hong Kong School of Motoring Yuen Long Driving School Ltd., which was a joint venture of Cross-Harbour Holdings Ltd. and Wilson Group Ltd. The latter was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). The following Members had declared interests in this item.

Ms Janice W.M. Lai]

- having current business dealings with SHK;

Mr Ivan C.S. Fu]

87. The Committee noted that Professor S.C. Wong had no involvement in the application and agreed that he could stay in the meeting. The Committee considered that the interests of Ms Janice W.M. Lai and Mr Ivan C.S. Fu were direct and agreed that they should leave the meeting temporarily.

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

Presentation and Question Sessions

88. Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) renewal of planning permission for temporary driving school and ancillary use for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Commissioner for Transport (C for T) supported the application so as to avoid causing disruption to the driving test services to the public. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory public inspection period of the application, six public comments were received. They were from the Chairman of Shap Pat Heung Rural Committee, Yuen Long District Council members, Village Representatives of Shan Pui Tsuen, the Yuen Long Driving School (YLDS) representing the driver training instructors, and Designing Hong Kong Limited. Three commenters stated that there were three renewal applications (i.e. No. A/YL-NSW/229 and 230 and the current renewal

application) within the same “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone that would be considered by the Committee and they requested the Committee to consider the 3 renewal applications in an impartial manner. Two commenters stated that the operation of the driving school did not affect the local traffic/residents in the surrounding area. If planning permission was not granted, the students and also the livelihood of the 130 staff at the YLDS would be affected due to its closure. One commenter objected to the application in that the driving school was incompatible with the zoning and the approval of the case would set an undesirable precedent for similar applications; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary driving school could be tolerated for a period of 1 year instead of 3 years sought based on the assessments set out in paragraph 12 of the Paper. C for T supported the renewal application for using the site to continue operating a driving school so as to avoid causing disruption to the driving test services to the public. Regarding the public comments requesting the Committee to consider the three renewal applications within the same “OU(CDWRA)” zone in an impartial manner, both applications No. A/YL-NSW/229 and 230 were approved with conditions by the Committee on 8.8.2014 for 1 year. Hence, approval of the current application for 1 year was in line with other similar temporary uses. For the objecting comment, the current application was for a temporary driving school and sympathetic consideration could be given to this renewal application for 1 more year, instead of 3 years sought.

89. The Chairman asked whether the YLDS provided any driver training for heavy good vehicles, noting that applications No. A/YL-NSW/229 and 230 were given one year extension because they would involve the run-in/out of heavy good vehicles in Tung Tau Industrial Area (TTIA). In response, Ms Maggie M.Y. Chin said the YLDS did provide driver training for both heavy good vehicles and motorcycles.

90. A Member asked whether the applicant had paid enough effort when they were

requested to look for a relocation site for the driving school in 2011. In response, Ms Chin said that the applicant had been searching for suitable sites in Yuen Long and Tin Shui Wai but it took time for the applicant to liaise with relevant government departments to secure the relocation site and confirm the relocation programme.

Deliberation Session

91. Mr W.C. Luk, Chief Traffic Engineer/New Territories West, Transport Department (CTE/NTW, TD) said that it would be quite difficult for the applicant to look for a suitable relocation site within 1 year, as there were a number of selection criteria. First, the site should be at a remote location to avoid adverse impacts on residents. Second, it should not be located within “Green Belt” and “Conservation Area” zones. Third, it should not be a potential housing site. If the YLDS was unable to identify the relocation site within 1 year, termination of the YLDS use at the site would cause disruption to the driving test services to the public.

92. The Chairman asked about the current status and the first population intake year of the approved residential developments in TTIA. In response, Ms Chin said that there were three approved residential developments in TTIA namely applications No. A/YL-NSW/191,194 and 201. The first two applications were approved by the Committee in December 2012 and were anticipated to be completed in late 2016, where the site under the last application had been included in the 2013-2014 Land Sale List. Ms Chin reiterated that the intention of approving the application for 1 year was to phase out the temporary uses that were not in line with the planning intention of “OU(CDWRA)” zone.

93. The Chairman asked whether TD had assisted the applicant to identify a suitable relocation site for the YLDS. In response, Mr W.C. Luk, CTE/NTW, TD said that TD had been taking the lead to search for relocation sites in the past years. However, all the sites identified for relocation were found not suitable due to various reasons. Mr Luk also clarified that the driving test of the heavy good vehicles in the YLDS would normally take place in Yuen Long Industrial Estate, and the peak traffic flow period of the planned residential developments in TTIA would be different from that of the YLDS. He suggested that approving the application for a longer period instead of 1 year could allow sufficient time for the applicant to identify a suitable relocation site for the YLDS. Another Member

considered that approving the application for 1 year instead of 3 years could closely monitor the progress of the search for a suitable relocation site.

94. After further deliberation, the Committee decided to approve the application on a temporary basis for a further period of 1 year instead of 3 years sought, and be renewed, from 6.9.2014 until 5.9.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no training of drivers of heavy vehicles or articulated vehicles is allowed outside the site after 9:30 p.m., as proposed by the applicant during the approval period;
- (b) the existing landscape planting on the site shall be maintained at all times during the planning approval period;
- (c) the existing drainage facilities implemented shall be maintained at all times during the planning approval period;
- (d) the submission of records of the existing drainage facilities on site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2014;
- (e) the submission of fire service installations proposal for the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2014;
- (f) in relation to (e) above, the implementation of fire service installations proposal for the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.3.2015;
- (g) if any of the above planning conditions (a), (b) or (c) is not complied with

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

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

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

- “(a) an approval period of 1 year is granted, instead of 3 years sought, but no further renewal will be allowed unless under very special circumstances. The applicant should identify suitable sites for relocation;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is located on New Grant Agricultural Lot restricted for fish pond purposes only, upon which no structure is allowed to be erected without prior approval from his Office. However, Short Term Waiver (STW) No. 1781 was granted in 1993 with an agreement supplementary to the same in 1999 to the lot owner for coverage of structures [with a maximum built-over area of 1,485m² and maximum building of 4.8 (one-storey)] erected on the lot for the purpose of an administration building and other facilities including workshop in connection with a driving school. His Office reserves the right to take appropriate action should any breach of the conditions of the STW be found.
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority; and
- (d) to note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department that the relevant Temporary Building Permits No. NT16/98 & NT 8/94 and the associated Temporary Occupation Permits No. NT21/98 (T.O.) & NT16/95 (T.O.) should be renewed satisfactorily.”

[Dr C.P. Lau and Dr Eugene K.K. Chan left the meeting temporarily at this point.]

Agenda Items 26, 27 and 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/302 Proposed Pond Filling for Permitted Open Storage Use (Tiles and Metal Construction Equipments) in “Open Storage” zone, Lots 2246 SA (Part), 2246 SB (Part), 2247(Part), 2256 (Part), 2257 (Part) in D.D. 102, Ngau Tam Mei, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NTM/302)

A/YL-NTM/304 Proposed Pond Filling for Permitted Open Storage Use (Tiles and Metal Construction Equipments) in “Open Storage” zone, Lots 2403 (Part), 2405 (Part), 2408 (Part) in D.D. 102, Ngau Tam Mei, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NTM/304)

A/YL-NTM/305 Proposed Pond Filling for Permitted Open Storage Use (Tiles and Metal Construction Equipments) in “Open Storage” zone, Lot 2402 (Part) in D.D. 102, Ngau Tam Mei, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NTM/305)

96. The Committee noted the three applications were similar in nature and the sites were located in close proximity to each other and within the same “Open Storage” zone. The Committee agreed that the applications should be considered together.

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

Presentation and Question Sessions

97. Ms Maggie M.Y. Chin, DPO/FSYLE, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) proposed pond filling for permitted open storage use (tiles and metal construction equipments);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. Concerned government had no objection to or no adverse comment on the applications;
- (d) during the statutory public inspection period of the applications, a total of five public comments were received from World Wide Fund for Nature Hong Kong, Kadoorie Farm Botanic Garden Corporation, Designing Hong Kong and a Yuen Long District Council member. They objected to the applications on the grounds that they were suspected “destroy first, develop later” cases and would affect the ecological environment of the surrounding areas, and the applicants did not submit environmental, traffic, drainage and sewage assessments; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Papers. Regarding the public comments, the sites are not the subject of any active enforcement cases. They also fell outside the Wetland Conservation Area and Wetland Buffer Area under the Town Planning Board Guideline No. 12C for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance and the Director of Agriculture, Fisheries and Conservation had no comments on the application from nature conservation perspective.

98. Members had no question on the applications.

Deliberation Session

99. After deliberation, the Committee decided to approve the applications, each on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 22.8.2018, and after the said date, the permissions should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions:

For Application No. A/YL-NTM/302 only

“(a) no part of the site is allowed to be filled to a depth exceeding 1m as proposed by the applicant;

For Application No. A/YL-NTM/304 only

“(a) no part of the site is allowed to be filled to a depth exceeding 0.6 m as proposed by the applicant;

For Application No. A/YL-NTM/305 only

“(a) no part of the site is allowed to be filled to a depth exceeding 1.2m as proposed by the applicant;

For Applications No. A/YL-NTM/302, 304 and 305

- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) in relation to (b) above, no pond filling works on site should commence until the implementation of drainage proposal recommended therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) if the above planning conditions (a), (b), and (c) is not complied with, the

approval hereby given should cease to have effect and should be revoked immediately without further notice.”

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

For Applications No. A/YL-NTM/302 and 304 only

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

- (b) note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the lots within the site are agricultural lots held under the Block Government Lease (BGL). Should any structures is to be proposed on the site, BGL contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Access to the site from Kwu Tung Road requires traversing through private lots and Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee right-of-way;

- (c) note the comments of the Commissioner for Transport that the site is connected to an unknown local access road which is not managed by the Transport Department. The land status of the local access should be checked with the Lands Authority. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (d) note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the drainage submission should include a drainage plan showing the details of the existing drains and the proposed drains together with adequate supporting design calculations to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. Approval of the drainage submission must be sought prior to the implementation of drainage works on site. After completion of the drainage works, the applicant shall provide DSD for

reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection shall be obtained. The applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site; and

- (e) note the comments of the Chief Building Surveyor/ New Territories West, Buildings Department that before any site formation works are to be carried out on the application site, the prior approval and consent of the Building Authority are required. An Authorised Person should be appointed as the co-ordinator for the proposed site formation works in accordance with the Buildings Ordinance.”

For Application No. A/YL-NTM/305 only

- “(a) resolve any land issues relating to the development with other concerned owner(s) of the site;
- (b) note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the land under application comprises an Old Schedule agricultural lot held under the Block Government Lease (BGL) on which the sole pond filling works does not constitute breach of lease conditions. Should any structures

are to be proposed on the site, BGL contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Access to the site from Ka Lung Road requires traversing through private lots and Government land (GL). This office provides no maintenance work for the GL involved and does not guarantee right-of-way;

- (c) note the comments of the Commissioner for Transport that the site is connected to an unknown local access road which is not managed by the Transport Department. The land status of the local access should be checked with the Lands Authority. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (d) note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the drainage submission should include a drainage plan showing the details of the existing drains and the proposed drains together with adequate supporting design calculations to demonstrate how he will collect, convey and discharge rain water falling onto or flowing to his site. Approval of the drainage submission must be sought prior to the implementation of drainage works on site. After completion of the drainage works, the applicant shall provide DSD for reference a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environment Protection shall be obtained. The applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL regarding all the

proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site;

- (e) note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should be advised to adopt necessary measures to avoid disturbing and polluting the watercourse to the west of the site during filling of the pond and operation;
- (f) note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend his/her 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 installation, operation and maintenance of any sub-main within the private lots to WSD's standards; and
- (g) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that before any site formation works are to be carried out on the site, the prior approval and consent of the Building"

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/306 Proposed Private Utility Installation for Private Project (Water Meter Room) with Excavation of Land in "Village Type Development" zone, Lots No. 2308 S.C ss.2, 2308 S.G. and 2308 S.C. RP in D.D. 104, Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long, New Territories (RNTPC Paper No. A/YL-NTM/306)

Presentation and Question Sessions

101. Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed private utility installation for private project (water meter room) with 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. The Chief Engineer/Development(2), Water Services Department confirmed that it was the requirement of the Water Authority to provide a water meter room to serve the small houses in Sheung Chuk Yuen;

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

- (d) during the statutory public inspection period of the application, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 22.8.2018, 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 provision of fire service installations to the satisfaction of the Director of Fire Services or the TPB.”

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

- “(a) note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lots are Old Schedule agricultural lots held under the Block Government Lease under which no structures are allowed to be erected without prior approval from his office. The site is accessible through an informal track on Government land (GL) extended from San Tam Road. His office provides no maintenance works for this track nor guarantees right-of-way. The lot owner concerned will still need to apply to his office for (i) the modification of the Short Term Waiver No. 3366’s terms and conditions for the structure to be erected or to regularize the irregularities on site; and (ii) any Excavation Permit if the excavation works will affect adjoining GL. Such applications will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) 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;
- (b) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the proposed water meter room should comply with the relevant WSD circular;
- (c) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development would neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas, etc and the applicant should consult DLO/YL and seek consent from the relevant owners for any drainages works to be carried out outside his lot boundary before commencement of

the drainage works;

- (d) note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to adopt necessary measures to avoid impacts on the trees in the adjacent areas during construction;
- (e) 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. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. 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. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance, detailed fire service requirement will be formulated upon receipt of formal submission of general building plans;
- (f) note the comments of the Chief Building Surveyor/ New Territories West, Buildings Department that as the applicant's proposal involved revision in the site boundary, the applicant should be reminded to submit relevant building plan submission to reflect such changes. As regards the excavation of land, please be advised that structural plans for footings and associated excavation works for the water meter room were disapproved on 7.11.2013. There is no further resubmission of such plans to his department thereafter. Also, structural plans for the proposed drainage works and associated excavation works have not yet been received by his department. Detailed checking of plans will be carried out at that stage; and
- (g) note the comments of the 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 within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, there is underground cable within or in the vicinity of the site, the applicant shall

carry out the following measures i.e. 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 away from the vicinity of the proposed structure; and 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. Also, there is a high pressure town gas pipeline running along San Tam Road, which is in the vicinity of the proposed works site. The project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/gas installations if any excavation works are required during the design and construction stages of the development. The project proponent shall also note the requirements of the Electrical and Mechanical Services Department’s Code of Practice on Avoiding Danger from Gas Pipes.”

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/447 Temporary Vehicle Park (including Container Vehicles), Container Storage Area, Storage of New Unlicensed Container Tractors, Storage of Construction Materials, Tyre Repair, Shop and Services (Sale of Container Vehicles and the Related Parts/Accessories) , Vehicle Repair and Services, and Ancillary Offices for a Period of 3 Years in “Other Specified Uses” annotated “Service Stations” zone, Lots 372 S.D RP (Part), 743 RP (Part) and 744 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/447)

Presentation and Question Sessions

105. Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary vehicle park (including container vehicles), container storage area, storage of new unlicensed container tractors, storage of construction materials, tyre repair, shop and services (sale of container vehicles and the related parts/accessories), vehicle repair and services, and ancillary offices for a period of 3 years;

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

- (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 statutory public inspection period of the application, a total of 46 public comments were received. They objected to the application mainly on the grounds of adverse traffic, environmental and health impacts and facilitating illegal dumping activities at the adjacent fish ponds. Some commenters also proposed the site for shopping centre use; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Regarding public concerns on illegal dumping activities at the adjacent fish ponds, such activities were subject to enforcement actions by the Planning Authority. Enforcement Notices had already been issued to the concerned landowners against unauthorized filling of pond and land. As for concerns on traffic and other impacts, there was no adverse comment from concerned government departments. Besides, as there was no development proposal

received for the subject “Other Specified Uses” annotate “Service Station” (“OU(SS)”) zone, approval of the application for temporary use at the site would not frustrate the implementation of the long-term planning intention of the “OU(SS)” zone.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.8.2017, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 8:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 11:00 p.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the containers stacked within 5m of the periphery of the site shall not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site shall not exceed 8 units at any time during the planning approval period;
- (e) the paving on the site shall be maintained at all times during the planning approval period;
- (f) a vehicular access/run-in between the site and Tun Yu Road shall be maintained at all times during the planning approval period;
- (g) no reversing in or out from the site is allowed at any time during the

planning approval period;

- (h) 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 22.2.2015;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.5.2015;
- (j) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.2.2015;
- (k) in relation to (j) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2015;
- (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 22.2.2015;
- (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 22.5.2015;
- (n) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.2.2015;
- (o) 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;

- (p) if any of the above planning conditions (h), (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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied development/use at the site;
- (b) to resolve any land issues relating to the temporary development with the concerned owner(s) of the site;
- (c) the permission is given to the development/uses under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (d) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)’s comments that the private land under site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 723m² subject to verification) including into the site. The fact that the act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Tun Yu Road via GL. His Office provides no maintenance work for the GL involved and does not guarantee right-of-way. Should planning approval be given by the TPB, the lot

owner will need to apply to his Office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has either to exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. 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 Chief Engineer/Mainland North, Drainage Services Department's (CE/MN, DSD) comments that the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection shall be obtained. The applicant is reminded that the proposed drainage proposal/works as well as the site boundary shall not cause encroachment upon areas outside the applicant's jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site;

- (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 BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including offices, shops and store rooms 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 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. 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;

- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the application site and Tun Yu Road;
- (h) to note the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD's comments that the applicant should vacate the area within the railway protection boundary of the proposed Northern Link as when required by the Government;
- (i) to note the Director of Fire Services' comments that fire service installations (FSIs) are required in consideration of the design/nature of the proposed structures, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. 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. The applicant is also reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (j) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the

Environmental Protection Department to minimize potential environmental impacts on the surrounding area.”

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

Tuen Mun and Yuen Long West District

[Ms Bonita K.K. Ho, Mr K.C. Kan 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 31

Section 16 Application

[Open Meeting]

A/TM/464 Proposed Office cum Shop and Services / Private Club / Eating Place
in “Industrial” zone, Castle Peak Town Lot 23 (Part), No. 1 San Hop
Lane, Tuen Mun, New Territories
(RNTPC Paper No. A/TM/464)

[Mr HM. Wong left the meeting temporarily at this point.]

109. The Committee noted that the applicant requested on 4.8.2014 for deferment of the consideration of the application for two months in order to address comments of the Commissioner for Transport, the Director of Environmental Protection, the Director of Drainage Services, the Chief Building Surveyor/New Territories West, Buildings Department and the Director-General of Trade and Industry. This was the first time that the applicant requested for deferment.

110. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL/203 Proposed Shop and Services and Eating Place in “Residential (Group B)” zone, Lot 4537 RP in D.D. 116, Tai Kei Leng, Yuen Long, New Territories
(RNTPC Paper No. A/YL/203)

111. The Secretary reported the applicant was submitted by Onfine Development Ltd., which was a subsidiary of Henderson Land Development Co. Ltd. (HLD). The following Members had declared interests in this item:

- | | |
|-------------------------|--|
| Ms Janice W.M. Lai] | - having current business dealings with HLD; |
| Mr Ivan C.S. Fu] | |
| Professor K.C. Chau | - being an employee of CUHK which received a donation from a family member of the Chairman of HLD; |
| Dr W.K. Yau | - being a CEO of Tai Po Environmental Association Ltd which received a donation from HLD; |
| Mr H.F. Leung | - being an employee of the HKU which received a |

donation from a family member of the Chairman of HLD;

Professor S.C. Wong - being an employee of HKU which received a donation from a family member of the Chairman of HLD; and

Dr Eugene K.K. Chan - his spouse being the senior manager in Miramar Hotel and Investment Company Limited which was a subsidiary of HLD.

112. The Committee considered that the interests of Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Dr Eugene K.K. Chan were direct and that of Professor K.C. Chau, Dr W.K. Yau, Mr H.F. Leung and Professor S. C. Wong were indirect. As the applicant had requested for a deferral of the consideration of the application, they could stay in the meeting but Mr Fu, Ms Lai and Dr Chan should refrain from participating in the discussion.

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

113. The Committee noted that the applicant requested on 30.7.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of submission to address the further comments of Commissioner for Transport on the potential traffic impact during the construction stage of the development. This was the second time that the applicant requested for deferment.

[Mr David Y.T. Lui left the meeting temporarily at this point.]

114. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the

applicant that two months were allowed for preparation of the submission of the further information, and since a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/684 Temporary Warehouse for Storage of Home Appliance and Furniture and Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 744 S.A, 744 S.B, 747 (Part), 750, 751, 752 (Part), 753 (Part), 754 (Part), 755, 756 and 757 in D.D 117 and Adjoining Government Land, Kung Um Road, Yuen Long, New Territories (RNTPC Paper No. A/YL-TYST/684A)

Presentation and Question Sessions

115. 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) temporary warehouse for storage of home appliance and furniture and ancillary site office 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 as there were sensitive receivers of residential uses to the east, southeast, north and in the vicinity of the site and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comments on the application;
- (d) during the statutory public inspection period of the application, one public

comment was received from a Yuen Long District Council Member and it objected on the grounds that the site was subject to previous revocations due to non-compliance with approval conditions and the applicant's sincerity to comply with the approval conditions was in doubt; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that temporary warehouse for storage of home appliance and furniture and ancillary site office could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. DEP did not support the application but there was no environmental complaint concerning the site received in the past 3 years. The applicant committed to storing all appliances and furniture within the enclosed warehouse structure, and undertook not to use heavy goods vehicles, not to store electronic wastes and not to carry out open storage and workshop activities within the site. Significant environmental impact on the surrounding areas was not expected. Regarding the public comment, the applicant had demonstrated efforts to comply with the approval conditions by submitting relevant proposals, and shorter compliance periods were imposed to closely monitor the progress on compliance with the approval conditions.

[Mr David Y.T. Lui returned to the meeting at this point.]

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 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 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, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no storage and handling (including loading and unloading) of electronic/electrical appliances outside the concrete-paved covered structure, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no dismantling, cleansing, recycling, repairing, assembling or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (f) no open storage activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (g) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, 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;
- (h) no queuing and reverse movement of vehicle onto public road are allowed at any time during the planning approval period;
- (i) 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 22.11.2014;
- (j) in relation to (i) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.2.2015;

- (k) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2014;
- (l) in relation to (k) above, the implementation 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 22.2.2015;
- (m) 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 22.11.2014;
- (n) in relation to (m) 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 22.2.2015;
- (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.”

118. 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) resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) shorter compliance periods are imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (d) note the District Lands Officer/Yuen Long, Lands Department (LandsD)'s comments that private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the specified structures for warehouse, site office, toilet and guardroom use. No permission has been given for the occupation of the Government land (GL) within the site. The owner(s) concerned will still need to apply to his office 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. Besides, the site is accessible through an informal village track on GL and private land extended from Kung Um Road. His office does not provide maintenance works for such track nor guarantees right-of-way;
- (e) note the Commissioner for 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 Kung Um Road should be checked with the Lands Authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water flowing from the site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (h) note the Director of Agriculture, Fisheries and Conservation's comments that the applicant should adopt good site practices and implement necessary water pollution control measures in order to avoid affecting the nearby streams;
- (i) note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site cannot provide standard pedestal hydrant;
- (j) 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. Should the applicant wish to apply for exemption from provision of FSIs as prescribed by his Department, the applicant is required to provide justifications for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (k) 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 unauthorized under the BO and should not be designated for any use under the application. Before any new building works (including temporary buildings) are to be carried out on the site, the prior approval and consent of 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 BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the 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 B(P)R at the building plan submission stage; and

- (1) note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) 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 and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. 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 supplies is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and

if necessary, ask the electricity supplier to diver 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-TYST/691 Temporary Warehouse for Storage of Construction Material and Furniture for a Period of 3 Years in “Undetermined” zone, Lots 1250 (Part), 1256 (Part), 1259 (Part), 1260 (Part), 1261 (Part) and 1267 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/691)

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

Presentation and Question Sessions

119. 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) temporary warehouse for storage of construction material and furniture 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 did not support the application as there were sensitive receivers of residential uses to the immediate east 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) during the statutory public inspection period of the application, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary warehouse for storage of construction material and furniture could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. DEP did not support the application but there was no environmental complaint concerning the site received in the past 3 years and the applicant stated that the residential structure to the immediate east was her residence. The development was mainly for storage purpose within enclosed warehouses and container structures and the applicant undertook not to use long vehicles or good vehicles exceeding 5.5 tonnes and not to carry out workshop activities within the site. Significant environmental impact on the surrounding areas was not expected.

120. Members had no question on the application.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 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 dismantling, repairing, cleansing, spraying or other workshop activities, as proposed by the applicant, shall be carried out on 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, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including long vehicles and 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;
- (f) no queuing and reverse movement of vehicle are allowed onto public road at any time during the planning approval period;
- (g) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2014;
- (h) in relation to (g) above, the implementation 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 22.2.2015;
- (i) 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 22.11.2014;
- (j) in relation to (i) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.2.2015;
- (k) 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 22.11.2014;

- (l) in relation to (k) 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 22.2.2015;
- (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 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.”

122. 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) resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) shorter compliance periods are imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (d) note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)’s comments that the private land involved under application

comprises Old Schedule Agriculture lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Lot 1259 (Portion) in D.D. 119 is covered by Short Term Waiver (STW) No. 3583 to allow the use of land for the purpose of warehouse for storage of exhibition materials and construction materials. Portion of Lot 1259 is also covered by STW 3658 for warehouse for storage of construction materials and sanitary ware. Lot 1267 (Portion) in D.D. 119 is covered by STW 3661 to allow the use of land for the purpose of warehouse for storage of construction materials and sanitary ware. Lot 1256 (Portion) in D.D. 119 is covered by STW 3581 to allow the use of the land for the purpose of warehouse for storage of exhibition material and construction materials. Letter of Approval (LoA) No. MT/LM 15084 was issued for erection of structures over Lot 1256 in D.D. 119 for agricultural purpose. Change of use of the lot will cause a breach of the terms of the LoA concerned. Should the application be approved, the lot owner(s) concerned will still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on Government land and other private land extended from Kung Um Road. His office does not provide maintenance works for such track nor guarantees right-of-way;

- (e) note the Commissioner for 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 Kung Um Road should be checked with the Lands Authority. The management and maintenance responsibilities of the access road/path/track should also be clarified with the relevant management and maintenance authorities accordingly;

- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (h) note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that comparing the submitted proposed landscape and tree preservation plan (Drawing A-3 of the RNTPC Paper) with the record of her site visit on 24.1.2013, two more trees should be proposed within the site;
- (i) note the Chief Engineer/Mainland North, Drainage Services Department's comments that there is discrepancy between paragraph 1.3.10 of the drainage proposal (Annex I of Appendix Ia of the RNTPC Paper) and the wordings "50mm gap between the ground surface and the site hoarding" as shown in Figure 8 in Annex I of Appendix Ia of the RNTPC Paper. Also, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or outside the applicant's jurisdiction;
- (j) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside service within the private lots to WSD's standards;

- (k) note the Director of Fire Services' comments that since Structures No. 1 to 6 as shown on the submitted FSIs proposal (Drawing A-5 of the RNTPC Paper) are interconnected, automatic sprinkler system should be provided accordingly. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

- (l) 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 a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on leased land in the site, the prior approval and consent of BD 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 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 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 B(P)R at the building plan submission stage; and

- (m) note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is

underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. 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 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 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/692 Temporary Open Storage of Construction Machinery, Construction Material, Metal Ware, Vehicle Spare Parts and Ancillary Site Office for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 2406, 2407, 2408 (Part), 2409 S.B (Part) and 2419 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/692)

Presentation and Question Sessions

123. 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) temporary open storage of construction machinery, construction material, metal ware, vehicle spare parts and ancillary 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 did not support the application as there were residential structures located to the north, southwest, southeast 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) during the two statutory public inspection periods of the application, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction machinery, construction material, metal ware, vehicle spare parts and ancillary site office could be tolerated for a period of 1 year instead of 3 years sought based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that technical concerns of government departments could be addressed through the implementation of approval conditions. In view of the potential environmental impact from the site on the three completed Small Houses located to the immediate southeast of the site within the adjoining “V” zone, a shorter approval period of 1 year was recommended to continuously monitor the site situation.

[Dr Eugene K.K. Chan returned to the meeting at this point.]

124. Members had no question on the application.

Deliberation Session

125. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 22.8.2015, instead of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no 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 open storage within 10m from the southeastern boundary of the site adjoining the “Village Type Development” (“V”) zone, as proposed by the applicant, is allowed during the planning approval period;
- (d) no repairing, dismantling, cleansing or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) 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, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) 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;
- (g) the existing boundary fence on the site shall be maintained at all times during the planning approval period;

- (h) no queuing and reverse movement of vehicle onto public road are allowed at any time during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.11.2014;
- (k) the submission of revised tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2014;
- (l) in relation to (k) above, the implementation 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 22.2.2015;
- (m) 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 3.10.2014;
- (n) 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 22.11.2014;
- (o) in relation to (n) 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 22.2.2015;
- (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.”

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

- “(a) the planning permission is given to the development/uses under application. It does not condone any other development/uses (including the vehicle repair workshop and metal workshop) and structures which currently exist on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) shorter approval period is allowed to monitor the situation on the site;
- (d) resolve any land issue relating to the development with other concerned owner(s) of the site;
- (e) the site should be kept in a clean and tidy condition at all times;
- (f) note the District Lands Officer/Yuen Long, Lands Department (LandsD)’s comments that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. According to his records, 5 Short Term Waivers (STW) Nos. STW 3592, STW 3593, STW 3594, STW 3595 and STW 3596 have been issued in respect of

Lot 2406, 2407, 2408, 2409 S.B and 2419 (Portion) in D.D. 120 to allow the use of the lots for the purpose of open storage of construction machinery, construction materials, metal ware and vehicle spare parts and ancillary use. All these STWs are still valid. Should the application be approved, the owner(s) concerned will still need to apply to his office to permit additional structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. The site is accessible from Kung Um Road through an informal village track on Government land and other private land. His office does not provide maintenance works on this track nor guarantees right-of-way;

- (g) note the Commissioner for 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 Kung Um Road should be checked with the Lands Authority. The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly;
- (h) note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water flowing from the site to the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (i) adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (j) note the Chief Town Planner/Urban Design and Landscape, Planning

Department's (PlanD) comments that the currently proposed landscape and tree preservation plan (Drawing A-4 of the RNTPC Paper) is identical to the one submitted by the applicant on 12.4.2013 for the previous application (No. A/YL-TYST/639). Therefore, the information as shown on the currently proposed landscape and tree preservation plan is outdated and does not reflect the actual site situation;

- (k) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the drainage facilities on-site shall be maintained in good condition;
- (l) note the Chief Engineer/Development (2), Water Supplies Department's comments that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (m) 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 FSIs to be installed should 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. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (n) 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 BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any use under the 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 Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the 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 B(P)R at the building plan submission stage; and

- (o) note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) 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 and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. 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 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."

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

[The meeting was adjourned for a break of five minutes.]

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/39 Renewal of Planning Approval for Temporary Recreation Use (Fishing Ground) for a Period of 3 Years in “Coastal Protection Area” and “Road” zones, Lot 19 in D.D. 135 and Adjoining Government Land, Sheung Pak Nai, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PN/39)

Presentation and Question Sessions

127. 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) renewal of planning approval for temporary recreation use (fishing ground) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory public inspection of the application, one public comment was received from Designing Hong Kong Limited. It objected to the application on the grounds that the proposed development was incompatible with the “Coastal Protection Area” (“CPA”) zone, and would trigger traffic

congestion; no traffic, environment, drainage and sewerage impact assessment had been submitted; repeated renewal would hinder the land for more suitable uses; and approval would also set an undesirable precedent; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary recreation use (fishing ground) could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application was in line with the Town Planning Board Guideline No. 34B for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development. Regarding the public comment, the application was for temporary permission for 3 years. The temporary permission would not jeopardize the long-term planning intention of the “CPA” zone.

128. Members had no question on the application.

Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 3.9.2014 until 2.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (d) the maintenance of existing trees on the site at all times during the planning

approval period;

- (e) the provision of a waterworks reserve within 1m from the centreline of the affected water mains within the site at all times during the planning approval period;
- (f) the submission of condition record of the existing drainage facilities on-site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.12.2014;
- (g) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.3.2015;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.6.2015;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

- (b) to note that the District Lands Officer/Yuen Long, Lands Department (LandsD)'s comments that the land under application comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Short Term Tenancy and Short Term Waiver applications in previous planning application No. A/YL-PN/28 for the Recreation Use (Fishing Ground) are being processed by his Office. Such applications will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such applications will be approved. If such applications are approved, they will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. The site abuts directly on Nim Wan Road. His Office provides no maintenance works to the Government land involved and does not guarantee right-of-way;
- (c) to note that 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 BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD 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 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. 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.

- (d) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (e) to note that the Director of Environmental Protection’s comments that public sewerage will not be available to the development. The applicant is reminded that all wastewater arising from the site should be collected, treated and disposed of in accordance with the Water Pollution Control Ordinance;
- (f) to note that the Director of Agriculture, Fisheries and Conservation’s comments that the applicant is advised to implement necessary measures to avoid causing disturbance to the nearby fishponds and the fish culture activities there during the operation of the proposed fishing ground;
- (g) to note that the Commissioner for Transport’s comments that sufficient manoeuvring spaces shall be provided within the site;
- (h) to note that the Chief Highway Engineer/New Territories West, Highways Department’s (HyD) comments that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains. The HyD shall not be responsible for the maintenance of any access connecting the site and Nim Wan Road;
- (i) to note that the Chief Engineer/Development (2), Water Supplies Department’s comments that the site encroaches upon a 2m wide waterworks reserve and existing water mains will be affected. The developer should bear the cost of any necessary diversion works affected by the development. No structure shall be erected over the Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should

have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize; and

- (j) to note that the Director of Fire Services' comments that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the building plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.”

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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, New Territories
(RNTPC Paper No. A/TM-LTY Y/273C)

131. The Secretary reported that the application was submitted by Join Smart Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK), with AECOM Asia Co. Ltd. (AECOM) and Environ Hong Kong Ltd. (Environ) as consultants amongst others. The item also involved a potential housing site identified for public housing development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA).

132. The following Members had declared interests in this item:

- Ms Janice W.M. Lai - having current business dealings with SHK, AECOM and HKHA;
- Mr Ivan C.S. Fu - having current business dealings with SHK, AECOM and Environ;
- Professor S.C. Wong - having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department;
- Mr H.F. Leung - having business dealings with HKHA; and being a member of the Tender Committee of HKHA;
- Mr K.K. Ling
(the Chairman) - as the Director of Planning and being a member of the Strategic Planning Committee and the Building Committee of HKHA;
- Mr Frankie W.P. Chou - being an Alternative Member for the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidised Housing Committee of HKHA; and
- Mr Tony H. Moyung - being an Alternative Member for the Director of Lands who was a Member of HKHA.

133. The Committee considered that the interests of the Chairman, Ms Janice W.M. Lai, Mr Ivan C.S. Fu, Mr H.F. Leung, Mr Frankie W.P. Chou and Mr Tony H. Moyung were direct and agreed that they should leave the meeting temporarily.

134. Members noted that Professor S.C. Wong had no involvement in the application and agreed that Professor Wong could stay in the meeting. The Vice-chairman took over the chairmanship of the meeting at this point.

[Mr K.K Ling, Ms Janice W.M. Lai, Mr Ivan C.S. Fu, Mr H.F. Leung, Mr Frankie W.P. Chou and Mr Tony H. Moyung left the meeting temporarily at this point.]

Presentation and Question Sessions

135. Mr K.C. Kan, STP/TMYLW said that the completion year of the public housing mentioned on P.25 of the Paper should be 2019 – 2024 instead of 2019 – 2014. Members noted.

136. Mr K.C. Kan presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed residential development (flat);
 - (i) the proposed development was for 13 residential blocks comprising 96 duplex flats with a plot ratio of 1.0, site coverage of 40% and building height of 15m (4 residential storeys over 1 storey basement car park); and
 - (ii) since there were open storages, godowns and workshops to the north and east of the site, the applicant proposed to incorporate self-protecting building design to mitigate the industrial noise impacts;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Major comments were summarised as below:
 - (i) the Director of Housing strongly opposed the application, as the site encroached onto part of a planned public housing development with associated welfare, education and retail facilities. Various technical assessments had been conducted and indicated that the public housing would not have insurmountable problems. The proposed development under the application would adversely affect the flat

production, layout and associated community works currently under detailed study by the Government. The target completion year of the public housing development would be 2019-2024. It was also scheduled to consult the Tuen Mun District Council (TMDC) on 2.9.2014 and subsequent actions had been programmed. If the subject application was approved, it was estimated that about 1,600 public housing flats would be lost and the provision of social welfare facilities would be adversely affected.

- (ii) Other concerned government departments had no objection to or no adverse comment on the proposed design, layout and development parameters of the application as well as the technical assessments submitted;

- (d) during the statutory public inspection periods of the application, a total of 110 public comments were received which comprised 95 supporting comments and 15 objections. The supporters included local residents and other individuals and their major grounds were that the proposed development was in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone and compatible with the surrounding low-rise/village-type developments; it would help increasing housing supply, enhancing land use efficiency and generating employment. The objectors included the Indigenous Inhabitant Representation of San Hing Tsuen and Tse Tin Tsuen, as well as the Village Committee of Tuen Mun Heung San Hing Tsuen and other indigenous villagers. Their major grounds were that the proposed development would cause adverse traffic, environmental, drainage and “fung shui” impacts during and after the construction period. One commenter pointed out that the proposed development contravened Government’s policy to increasing housing supply as it was not an efficient use of land; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper, which were summarised as below:

- (i) the Policy Address 2014 already announced that under the Long Term Housing Strategy, the Government targeted to provide a total of 470,000 units in 10 years with public housing accounting for 60%. If the subject application was approved, there would be a loss of about 1,600 public housing flats, as compared with 96 flats proposed in the private residential development;
- (ii) in terms of phasing out the existing industrial uses within the “Residential (Group E)” (“R(E)”) zone, the public housing development covering a larger site would be more effective to achieve the planning intention. The planned public housing development also sought to optimize the development potential of the area through comprehensive redevelopment with higher development intensity. The proposed development might not represent an optimal utilization of land resources. Its irregular boundary might also result in residual land parcel rendering it difficult for development; and
- (iii) the planned public housing development proposal was relatively mature and the TMDC would be consulted on it next month. It might be premature to approve at this stage and thereby pre-empting the opportunity to explore implementation of a more desirable scheme for the area.

137. A Member asked whether the irregularity of the site was a major rejection reason of the application. In response, Mr K.C. Kan said the layout design of the proposed private housing development was constrained by the irregular site boundary. According to the Block Plan and Landscape Master Plan prepared by the applicant, the building blocks would be developed along the site boundary with open space located behind the blocks. The development layout was considered undesirable in terms of achieving the planning intention of the “R(E)” zone, but this was not the major reason for rejecting the application.

138. The Vice-chairman said that the development density of the proposed private housing development was comparatively low and asked whether the potential public housing

development would be incompatible with the surrounding environment. In response, Mr Kan said that the proposed private housing development was in compliance with the development restrictions of the current “R(E)” zone. The potential public housing development, which included the subject application site, could be considered as an expansion of the existing new town as it was located to the north and at the fringe of the Tuen Mun New Town. He further said that if the implementation of the potential public housing development was to proceed, amendments to the subject OZP would be required.

139. A Member said that since the proposed private housing development had complied with the development restrictions of the “R(E)” zone and no adverse departmental comment was received, it was questionable that the application should be rejected because of the possible conflict with a public housing development that might not be eventually materialized. In terms of development intensity, the Member considered that the potential public housing development instead of the private housing development might not be compatible with the surrounding environment which was mainly occupied by village houses and low-density residential developments. In response, Mr Kan said that it was necessary to take into account the current strong demand for public housing. The site was in close proximity to Tuen Mun Area 54 where a number of public housing developments were going to be constructed.

140. A Member concurred that it would be difficult at this stage to take into account the potential public housing development which was yet to be confirmed. The Vice-chairman said that the TMDC was scheduled to be consulted on the potential public housing development on 2.9.2014. In response to a Member’s question on whether the developer knew about the potential public housing development, Mr Kan answered in the affirmative.

[Professor C.M. Hui left the meeting at this point.]

Deliberation Session

141. A Member agreed that it was necessary to consider the prevailing housing policy under which there was also a need to meet the private housing demand. This Member reiterated that the irregularity of the site boundary could not be used as a justification to reject

the application in particular when the proposed private housing development had complied with all the development restrictions of the “R(E)” zone. It would also be difficult to justify if the application was rejected because of the potential public housing development in the area. Another Member concurred.

142. A Member considered that it was necessary to consider the overall housing demand and priority should be given to the public housing development. In the subject case, the potential public housing development would provide an opportunity for a more comprehensive planning of the area through phasing out industrial activities in almost the whole “R(E)” zone. The Member supported PlanD’s recommendation of rejecting the application.

143. The Vice-chairman said that given the planning intention of the “R(E)” zone was to phase out the industrial activities in the area, Members should consider whether the potential public housing development or the proposed private housing development occupying only a small part of the “R(E)” zone would be able to better achieve the planning intention.

144. A Member said that amendments to the OZP (i.e. rezoning from “R(E)” to “Residential (Group A)” (“R(A)”)) would be required if the potential public housing development was to be implemented. The Member doubted whether the rezoning to “R(A)” zone was appropriate in this location and had reservation to reject the application solely because of the housing policy to increase the public housing flats.

145. In response to a Member’s query, the Secretary said that HKHA could submit a s.12A application to effect the rezoning or PlanD could take the initiative to amend the OZP if HKHA could obtain support for the public housing development and received no adverse comments from all concerned government departments. The Secretary also drew Members’ attention to paragraph 11 of the Paper that (i) the applicant had demonstrated efforts to resolve the industrial/residential interface issue through adopting special design features in the layout, and (ii) the potential public housing development was at a mature stage and the TMDC would be consulted on 2.9.2014. Members might consider whether the application should be approved to phase out some of the industrial activities in the “R(E)” zone; or rejected in order not to pre-empt the potential public housing development covering a wider

area of the “R(E)” zone; or deferred a decision pending submission of further information on the layout design and consultation with the TMDC on the potential public housing development.

146. A Member said that the Town Planning Board (TPB) should have regard to the long-term land use planning for an area in undertaking its plan-making function. Unless the Government had made known to the public its potential public housing development, it would be difficult for the TPB to take such development into account in assessing any planning application. Another Member concurred with this view. It would be necessary for the TPB to consider how competition of land resources between the public and private sectors should be handled. A few Members were also concerned about the lack of details on the potential public housing development. In response, the Secretary said that the Committee might consider requesting more information on the layout design and implementation programme of the public housing project and compare it with the proposed private housing project so as to make an informed decision on the subject application. The Vice-chairman said that development opportunities that could optimise the development potential of the site should be considered to safeguard the public interests.

147. To facilitate the discussion, the Secretary set out three scenarios for Members to consider. First, if the Committee approved the application, the applicant could proceed with the proposed development with the compliance of approval conditions; while at the same time, if HKHA decided to pursue the potential public housing development, HKHA could either resume the private land from the applicant or revise the layout design of the public housing development in order to avoid the approved private housing development. Second, if the Committee rejected the application, the applicant was allowed to review the decision of the Committee under s.17 of the Town Planning Ordinance. Third, the Committee might consider deferring a decision on the application pending submission of further information on the potential public housing development to facilitate its further consideration of the application.

148. After further deliberation, Members agreed to defer a decision on the application in order to seek more information on the potential public housing development and to take into account the views of the TMDC on the public housing project.

149. A Member asked if there was any time limit for deferral of consideration of the application. In response, the Secretary said that this application would be resubmitted to the Committee for consideration on the receipt of more information on the potential public housing development. The TMDC would be consulted on the public housing project at the TMDC meeting to be held on 2.9.2014.

150. A Member suggested that consideration should be given to how applications that would have conflicts with potential public housing developments should be handled. This view was shared by another Member who advised that the TPB's decision on such cases might be subject to legal challenges. In response, the Secretary said that the Secretariat would examine how similar situation should be handled in future for Members' reference.

151. The Vice-chairman concluded that since HD had indicated their strong objection to the application and the potential public housing development would soon be presented to the TMDC for consultation, the application should be deferred pending submission of more information on the potential public housing development from HD as well as the views of the TMDC on the public housing project.

152. After further deliberation, the Committee decided to defer a decision on the application.

[The Vice-chairman thanked Mr K.C. Kan, STPs/TMYLW, for his attendance to answer Members' enquires. Mr Kan left the meeting at this point.]

[The meeting was adjourned for a break of five minutes.]

[Dr Eugene K.K. Chan and Ms Janice W.M. Lai left the meeting at this point.]

[Mr K.K. Ling, Mr Ivan C.S. Fu, Mr H.F. Leung, Mr Frankie W.P. Chou and Mr Tony H. Moyung returned to the meeting at this point.]

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/906 Temporary Open Storage of Containers with Ancillary Logistics Uses, Container Repairing Workshop, Site Offices and General Storage Use for a Period of 3 Years in “Recreation” zone, Lots 224, 225, 227, 233, 234, 236, 237, 238, 239, 313 (Part), 319 (Part), 333 (Part), 334 (Part), 336 (Part), 342, 344, 345 (Part), 346 (Part), 347, 348 RP (Part), 350 (Part), 351 (Part), 352, 353 (Part), 354 (Part), 355 (Part), 356 (Part), 357 (Part), 358 (Part), 359, 360, 361, 362, 363, 364, 365 (Part), 366, 367, 368, 369, 370 S.A, 370 S.B (Part), 396 (Part), 397 (Part), and 398 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/906)

153. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her spouse was a shareholder of a company which owned 2 pieces of land in Ha Tsuen. Members noted that Ms Lai had left the meeting already.

Presentation and Question Sessions

154. 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 open storage of containers with ancillary logistics uses, container repairing workshop, site offices and general storage use 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 along the access

road and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as approval of the application might set an undesirable precedent of encouraging similar developments spreading into the “Recreation” (“REC”) zone disturbing the existing landscape resources. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the statutory public inspection period of the application, two public comments were received from a member of Yuen Long District Council and Designing Hong Kong Limited. They objected to the application on the grounds that the proposed development might adversely affect the environment, landscape and traffic on the surrounding areas; the roads in Ha Tsuen were saturated due to numerous car parks and open storage yards nearby; and the applicant did not submit any traffic impact assessment; and
- (e) PlanD’s views – PlanD considered that the temporary open storage of containers with ancillary logistic uses, container repairing workshop, site offices and general storage use could be tolerated for a period of 3 years based on the assessment set out in paragraph 12 of the Paper. The applied use was in general in line with Town Planning Board Guideline No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that the concerns of the departments could be addressed through the implementation of approval conditions. Regarding the public concern on environment, landscape and traffic, the Commissioner for Transport had no adverse comment on the application and other concerns could be addressed by the relevant approval conditions.

155. Members had no question on the application.

Deliberation Session

156. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.8.2017, on the terms of the application as

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

- “(a) no operation between 6:00 p.m. and 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) in relation to (a) above, no operation on Saturdays between 2:00 p.m. and 6:00 p.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) the stacking height of containers stored on the site shall not exceed 7 units at any times during the planning approval period;
- (e) no cutting, dismantling, cleaning, repairing, compacting, vehicle repair and workshop activity, other than container repairing workshop, is allowed on site at any time during the planning approval period ;
- (f) no left turn of container vehicles into Ha Tsuen Road eastbound, as proposed by the applicant, upon leaving the site at any time during the planning approval period;
- (g) the erection of a ‘Turn Right’ traffic sign at the junction of the access road with Ha Tsuen Road at all times during the planning approval period to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) 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;
- (i) provision of a 3-m wide waterworks reserve within 1.5m from the centreline of the water main (Plan A-2 of the RNTPC Paper) to the

satisfaction of the Director of Water Supplies and no structure shall be erected over the waterworks reserve and such area shall not be used for storage of car parking purpose at any time during the planning approval period;

- (j) the implementation of the accepted 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 22.2.2015;
- (k) the implemented drainage facilities on the site should be maintained at all times during the planning approval period;
- (l) 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 22.2.2015;
- (m) in relation to (l) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2015;
- (n) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks to the satisfaction of the Director of Fire Services or of the TPB by 3.10.2014;
- (o) 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 22.2.2015;
- (p) in relation to (o) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.5.2015;
- (q) the provision of fencing of the site within 6 months from the date from the date of planning approval to the satisfaction of the Director of Planning or

of the TPB by 22.2.2015;

- (r) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (k) 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;
- (s) if any of the above planning conditions (j), (l), (m), (n), (o), (p) or (q) 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
- (t) 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.”

157. 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) resolve any land issues relating to the development with the concerned owners of the site;
- (c) note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the land under the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 369m² subject to verification) included into the site. Attention is drawn to the fact that the act of occupation of GL without Government’s prior approval should not be encouraged. Building License No. 1129 for non-industrial use was issued on Lot 238 in D.D. 125. The site is accessible to Ha Tsuen Road via some private lots and GL. His office provides no maintenance

work for the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner would still need to apply to him to permit structures to be erected or regularize any irregularities on-site. The occupier would also need to apply to him for Short Term Tenancy to regularize the unauthorized occupation of GL. Such application would be considered by 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;

- (d) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditched and the adjacent area. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the site. The local track leading to the site is not under the Transport Department's purview. Its land status should be checked with the Lands Authority. The management and maintenance responsibilities of the same local track should be clarified with relevant lands and maintenance authorities;
- (g) note the comments of the Chief Highways Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for maintenance of any access connecting the site and Ha Tsuen Road;

- (h) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that when comparing with the site visit conducted on 10.12.2013 and the recent site visit on 17.7.2014, the 7 mature trees located in the centre of the site were felled and the bamboo clumps at northwest compared with the recent site visits and the aerial photo taken on 30.6.2013. In addition, the applicant stated in the Planning Statement that there were no existing trees within the site, which is different to actual site situation, and no tree preservation proposal is submitted in support of the application;

- (i) note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (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. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. The requirements of formulating fire service installations proposal is stated in Appendix V;

- (j) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including open sheds 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 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. If the proposed use under application is subject to the issue of a license, please be reminded that any existing structures on the sites 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. In connection with above, each 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

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/908 Temporary Open Storage of Construction Machinery and Construction Materials and Container Vehicle Park for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 844 RP (Part) and 845 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/908)

158. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her spouse was a shareholder of a company which owned 2 pieces of land in Ha Tsuen. Members noted that Ms Lai had left the meeting already.

Presentation and Question Sessions

159. 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 open storage of construction machinery and construction materials and container vehicle park for a period of 3 year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection did not support the application because there were sensitive receivers in the vicinity of the site and along the access roads and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory public inspection period of the application, one public comment was received from Designing Hong Kong Limited which objected to the application on the grounds that the proposed use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone which was primarily reserved for residential uses; the approval of the application would limit the opportunity for putting the site for more suitable uses and ample sites had already been approved to satisfy the current and future demand; and the approval of the application would set an undesirable precedent for similar applications; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of construction machinery and construction materials and container vehicle park could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The development was in general in line with the Town Planning Board Guideline No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no

adverse comment from concerned Government departments and technical concerns raised by the departments could be addressed by approval conditions. Regarding the public comment, approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone.

160. Members had no question on the application.

Deliberation Session

161. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the 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) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) no cutting, dismantling, cleaning, repairing, compacting, vehicle repair and workshop activity, is allowed on site at any time during the planning approval period;
- (e) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the existing drainage facilities on-site should be maintained at all times during the planning approval period;

- (g) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.11.2014;
- (h) 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 22.2.2015;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2015;
- (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 3.10.2014;
- (k) 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 22.2.2015;
- (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 the Director of Fire Services or of the TPB by 22.5.2015;
- (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 22.2.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) 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

- (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.”

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

- “(a) prior planning permission should have been obtained before continuing/commencing the development on the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under the site comprises Old Schedule 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 permission has been given for the proposed use and/or occupation of the Government land (GL) (about 396m² subject to verification) included into the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Ping Ha Road via GL. His office provides no maintenance work for the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner would still need to apply to him to permit structures to be erected or regularize any irregularities on-site. The occupier would also need to apply to him for Short Term Tenancy to regularize the unauthorized occupation of GL. Such application would be considered by 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;

- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (g) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (h) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that with reference to the landscape proposal submitted by the applicant, it is noted that tree planting opportunity is available along the northern, eastern and southern boundaries. Furthermore, it is noted that objects are stacked over the tree planting area. Hence, an updated landscape proposal as well as a tree preservation proposal should be submitted;
- (i) note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (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. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. The requirements of formulating fire service installations proposal is stated in Appendix V of the RNTPC Paper; and

- (j) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including offices, storage sheds and open sheds 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 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. Each 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.”

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/910 Temporary Open Storage of Construction Materials and Construction Machinery for a Period of 3 Years in “Undetermined” zone, Lots 1803 (Part), 1804 (Part), 1805 (Part), 1806 S.A (Part) and 1806 S.B (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/910)

163. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her spouse was a shareholder of a company which owned 2 pieces of land in Ha Tsuen. Members noted that Ms Lai had left the meeting already.

Presentation and Question Sessions

164. 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 open storage of construction materials and construction machinery 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 users in the vicinity of the site and along the access road and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory public inspection period of the application, one public comment was received from Designing Hong Kong limited which objected to the application on the grounds that continuous approvals for the site had been granted, which led to the temporary status was no longer appropriate; there was already sufficient supply of space for storage of construction materials to satisfy current and future demand; and the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction materials and construction machinery could be tolerated for a period of 3 years based on the

assessments set out in paragraph 12 of the Paper. The application was in general in line with the Town Planning Board Guideline No. 13E Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no adverse comment from concerned government departments and technical concerns raised by the departments could be addressed by approval conditions. Regarding the public comment on environmental, landscape and drainage impacts, the concerned government departments had no adverse comment on the application. To mitigate the potential environmental nuisance, relevant approval conditions were recommended.

165. Members had no question on the application.

Deliberation Session

166. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 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 vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (d) the existing drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 22.11.2014;

- (f) the submission of a tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2014;
- (g) in relation to (f) above, the implementation of the 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 22.2.2015;
- (h) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.10.2014;
- (i) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2014;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2015;
- (k) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (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.”

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

- “(a) prior planning permission should have been obtained before continuing the

applied uses on site;

- (b) the site should be kept in a clean and tidy condition at all times;
- (c) shorter compliance period is granted to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the TPB to any further application;
- (d) resolve any land issues relating to the proposed development with the concerned owner(s) of the site;
- (e) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The site is accessible to Ping Ha Road via Government land (GL) and other private lots. His office provides no maintenance works to the GL involved and does not guarantee right-of-way. Should planning approval be given to the subject planning application, the lot owner concerned will need to apply to his office to permit the structures to be erected or regularize the 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 that payment of premium or fee, as may be imposed by LandsD.
- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (g) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. No vehicle is allowed

to queue back to public road or reverse onto/from the public road. The land status of the road/path/track leading to the site should be checked with the Lands Authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (h) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided at the site to prevent surface water flowing from the site to the nearby public roads or drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (i) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that according to a recent site visit, it was observed that there were 2 dead trees with reference to the last site inspection on 17.11.2013. Replacement of the dead trees is required. It was also noted that objects are dumped onto tree planting areas. As such, updated tree preservation and landscape proposals should be submitted;
- (j) note the comments of the Director of Fire Services that 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. The Fire Services Department's "Good Practice Guidelines for Open Storage Sites" (Appendix V) should be adhered to. To address the additional approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to the department for approval. The applicant is also reminded that if the proposed structure(s) is required to comply with Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (k) note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the captioned 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 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 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

- (1) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant may need to extend his inside services to the nearest suitable government water mains for connection for the provision of water supply to the proposed 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."

Agenda Item 41

Section 16 Application

[Open Meeting]

A/YL-HT/911 Temporary Open Storage of Containers with Ancillary Office for a Period of 3 Years in “Government, Institution or Community” zone, Lots 515RP (Part), 516 (Part), 517 (Part), 518 (Part), 519 (Part), 520 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/911)

168. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her spouse was a shareholder of a company which owned 2 pieces of land in Ha Tsuen. Members noted that Ms Lai had left the meeting already.

169. The Committee noted that the applicant requested on 4.8.2014 for deferment of the consideration of the application for two months to allow time for the preparation of further information to address the comments of the Drainage Services Department. This was the first time that the applicant requested for deferment.

170. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/912 Renewal of Planning Approval for Temporary Open Storage of Trucks and Goods Compartments of Dump Trucks for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 799 (Part) and 800 (Part) in D.D. 125, Lot 3300 (Part) in D.D. 129, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/912)

171. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her spouse was a shareholder of a company which owned 2 pieces of land in Ha Tsuen. Members noted that Ms Lai had left the meeting already.

Presentation and Question Sessions

172. 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) renewal of planning approval for temporary open storage of trucks and goods compartments of dump trucks 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 in the vicinity and along Ping Ha Road and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the statutory public inspection of the application, one public comment was received from Designing Hong Kong Limited which objected

to the application on the grounds that the proposed use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone which was primarily reserved for residential uses; and the application would cause traffic congestion and affect the living environment; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of temporary open storage of trucks and goods compartments of dump trucks could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The development was in general in line with Town Planning Board Guideline No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no adverse comment from the concerned government departments and technical concerns from the departments could be addressed by approval conditions. It was also in line with Town Planning Board Guideline No. 34B for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development. Regarding the public comment, approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” and both the Commissioner for Transport and the Chief Town Planning/Urban Design and Landscape, PlanD had no objection to the application.

173. Members had no question on the application.

Deliberation Session

174. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.9.2014 to 23.9.2017, 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 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 cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity is allowed on the site at any time during the planning approval period;
- (d) no public vehicle park, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.12.2014;
- (h) the submission of a tree preservation and landscape proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 24.3.2015;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Planning or of the TPB by 24.6.2015;
- (j) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 24.3.2015;

- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.6.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) 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
- (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.”

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

- “(a) resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure is allowed to be erected without the prior approval from his office. Short Term Waiver No. 2213 was granted to Lot No. 799 (Portion) in D.D. 125 for vehicle repair workshop (excluding paint-spraying). The site is accessible from Ping Ha Road via Government land (GL) and other private land. His

office provides no maintenance to the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner concerned will need to apply to his office to permit structures to be erected or regularize the irregularities on site. Such application would be considered by 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;

- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site and the local track leading to the subject site is not under the Transport Department's purview. Its land status should be checked with the Lands Authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the road near Tin Ha Road;
- (g) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that tree planting opportunity is available along the western boundary of the site. Moreover, cars were parked in close proximity to, and objects were stacked next to the trunks of the existing trees;
- (h) note the comments of the Director of Fire Services that the layout plans

should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) are to be installed should be clearly marked on the layout plans. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The Fire Services Department's 'Good Practice Guidelines for Open Storage Sites' should be adhered to; and

- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the planning application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (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. Each 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."

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

Agenda Item 43

Any Other Business

176. There being no other business, the meeting closed at 6:30 p.m..