

TOWN PLANNING BOARD

Minutes of 538th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 7.8.2015

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Ms Christina M. Lee

Mr H.F. Leung

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Kelvin K.M. Siu

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

Assistant Director (Environmental Assessment),

Environmental Protection Department
Mr K.F. Tang

Assistant Director/Regional 3,
Lands Department
Mr Edwin W.K. Chan

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

Secretary

Absent with Apologies

Professor S.C. Wong

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr F.C. Chan

Mr David Y.T. Lui

In Attendance

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

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

Town Planner/Town Planning Board
Ms Vienna Y.K. Tong

Agenda Item 1

Confirmation of the Draft Minutes of the 537th RNTPC Meeting held on 17.7.2015

[Open Meeting]

1. The draft minutes of the 537th RNTPC meeting held on 17.7.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

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.]

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/SK-CWBN/7 Application for Amendment to the Approved Clear Water Bay Peninsula North Outline Zoning Plan No. S/SK-CWBN/6, To rezone the application site from “Village Type Development” to “Village Type Development(1)”, Various Lots and Adjoining Government land in D.D. 238, Clear Water Bay, Sai Kung
(RNTPC Paper No. Y/SK-CWBN/7)

3. The Committee noted that on 4.8.2015, after issuance of the Paper, the applicant wrote to the Town Planning Board (TPB) requesting for deferment of the consideration of the

application for one to two months in order to allow time to prepare further information to address departmental comments. The letter from the applicant was tabled at the meeting for Members' consideration. This was the first time that the applicant requested for deferment of the application.

4. 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.

[Dr W.K. Yau and Mr Martin W.C. Kwan arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/245 Temporary House (Private Garden Ancillary to New Territories Exempted House) for a Period of 3 Years in "Road" and "Village Type Development" zones, Government Land adjoining Lot 2072 in D.D. 244, Ho Chung New Village, Sai Kung
(RNTPC Paper No. A/SK-HC/245)

Presentation and Question Sessions

5. With the aid of a PowerPoint presentation, Mrs Alice K.F. Mak, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary house (private garden ancillary to New Territories Exempted House) 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) the District Officer/Sai Kung, Home Affairs Department (DO/SK, HAD) advised while no local objection against the application was received by his office, it was noted that the residents of Ho Chung New Village had great concern on road/emergency vehicular access (EVA) blockage issue in the Village and local views should be duly considered;
- (e) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited, raising objections to the application for the following reasons: (i) the applied use was incompatible with the planning intention of the area which was designated as ‘Road’; (ii) approval of the case would set an undesirable precedent for similar applications; and (iii) the site was located at the only EVA for a large number of village houses nearby; and
- (f) 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 private garden use at the site was not in line with the planning intention of the area (i.e. designated as ‘Road’ on the OZP) which was reserved for road access development to serve the local residents. However, since the planning permission sought under the current application was for a period of 3 years, it was considered that the planning intention of ‘Road’ would not be jeopardised since further temporary approval might not be granted depending on the prevailing circumstances. Concerned departments had no objection to/adverse comment on the application. The garden use at the site was considered not incompatible with the surrounding

developments, and would unlikely result in adverse visual impact. Regarding the local and public comments, the application would not result in adverse impacts and was not incompatible with the surrounding developments. It should be noted that the width of the existing access directly fronting the site was about 5m and the Director of Fire Services had no adverse comment on the application.

6. Members had no question on the application.

Deliberation Session

7. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of a Landscape Proposal within 6 months to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (b) in relation to (a) above, the implementation of a landscape proposal within 9 months to the satisfaction of the Director of Planning or of the TPB by 7.5.2016;
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (d) 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.”

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

- “(a) to note the comments of the District Lands Officer/Sai Kung, Lands Department that the applicant is required to obtain a Short Term Tenancy (STT) for garden use on the Government land from his office.

Notwithstanding the grant of the planning consent by the TPB, there is no guarantee that his office will grant an STT and, if granted, the STT will be subject to such terms and conditions, including payment of rent and administrative fee, as his office considers appropriate;

- (b) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works, if any, are subject to compliance with the Buildings Ordinance, and an Authorized Person must be appointed for the aforesaid site formation and communal drainage works;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage collection and disposal facilities should be provided in connection with the proposed developments to deal with the surface runoff of the site or the same flowing onto the site from the adjacent areas without causing any adverse drainage impacts or nuisance to the adjoining areas;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh 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; and
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the DEP."

Agenda Items 5 to 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/66 House (New Territories Exempted House - Small House) in “Green Belt” zone, Government Land in D.D. 214 Nam Wai, Sai Kung

A/SK-HH/67 House (New Territories Exempted House - Small House) in “Green Belt” zone, Government Land in D.D. 214 Nam Wai, Sai Kung

A/SK-HH/68 House (New Territories Exempted House - Small House) in “Green Belt” zone, Government Land in D.D. 214 Nam Wai, Sai Kung
(RNTPC Paper No. A/SK-HH/66, 67 and 68)

9. The Committee noted that the three applications for three Small Houses were similar in nature and the application sites were located in close proximity to one another and within the same “Green Belt” (“GB”) zone and presented in one paper. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

10. With the aid of a PowerPoint presentation, Mrs Alice K.F. Mak, STP/SKIs, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. Major departmental comments were summarised below:
 - (i) the Commissioner for Transport (C for T) had reservation on the applications and considered that Small House development should be

confined within the “Village Type Development (“V”) zone as far as possible;

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications because the proposed developments would likely involve slope cutting/site formation and vegetation clearance which might cause adverse impact on the sites and the adjacent woodland. Approval of the applications would reduce the width of the narrow green belt and set an undesirable precedent for other similar applications to extend Small House developments and reduce the effectiveness of the green buffer to adjacent secondary woodland in “Conservation Area” (“CA”) zone. The cumulative effect would result in a general degradation of the overall quality and unity of the existing secondary woodland buffer in the southeast and cause adverse impact on landscape resources and landscape character of the area; and
- (iii) other government departments had no objection to or no adverse comments on the applications;
- (d) during the first three weeks of the statutory publication period, nine public comments were received for each application. Designing Hong Kong Limited, Green Sense, Kadoorie Farm & Botanic Garden Corporation and four individuals objected to while two individuals commented on the applications. The grounds of objection were: (i) the proposed Small House developments were not in line with the planning intention of the “GB” zone; (ii) the “GB” zone was a buffer between the “V” zone and the “CA” zone; and (iii) the construction and operation of the proposed Small House developments would have potential ecological impacts on the habitats in the surrounding areas. One of the commenters was the licensee of Licence No. S11210 and he said that he had not given any consent for the planning applications; 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 developments were not in line with the planning intention of the “GB” zone and there was still land available within the “V” zone of Nam Wai for Small House developments. CTP/UD&L objected to the applications because the proposed developments would reduce the effectiveness of the “GB” buffer to the adjacent secondary woodland in the “CA” zone and would likely involve vegetation clearance and might cause adverse impact on the sites and the adjacent woodland. The applications did not meet the Interim Criteria for Consideration of Application for New Territories NTHE/Small House in New Territories (Interim Criteria), in that the applicants had not provided sufficient information to demonstrate that there was no adverse impact on the “GB” zone as well as the adjacent “CA” zone. The applications did not meet the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (the TPB PG-No. 10) as there were no exceptional circumstances or strong planning grounds to justify the applications. The previous planning application No. (A/SK-HH/9), covering part of the A/SK-HH/66 and the entire A/SK-HH/67 and 68, was approved by the Town Planning Board (the TPB) upon review on 26.9.1997, which was before the first promulgation of the Interim Criteria in 2000. Regarding the public comments, the planning assessments above were relevant.

11. Members had no question on the applications.

Deliberation Session

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

“(a) the proposed Small House development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and

to contain urban sprawl as well as to provide passive recreational outlets. The applicant fails to provide strong justification in the submission for a departure from the planning intention;

- (b) the proposed development is not in line with Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that there are no exceptional circumstances or strong planning grounds to justify the application and that the proposed development would likely involve vegetation clearance and may cause adverse landscape impact within the sites and to the adjacent area;
- (c) land is still available within the “Village Type Development” zone of Nam Wai which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (d) approval of the application would set an undesirable precedent, the cumulative effect of approving similar applications would result in a general degradation of the overall quality and unity of the existing secondary woodland and cause adverse impact on the landscape resources and landscape character of the area.”

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/SK-SKT/10 Proposed Flat and House in “Residential (Group E)1” Zone and an area shown as ‘Road’, Lot 1002 in D.D. 215, 6 Hong Ting Road, Sai Kung
(RNTPC Paper No. A/SK-SKT/10)

13. The Secretary reported that Environ Hong Kong Ltd. (Environ) was one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in the item as they had current business dealings with Environ. The Committee noted that Mr Fu and Ms Lai had tendered apologies for being unable to attend the meeting.

14. The Committee noted that the applicant’s representative requested on 14.7.2015 for further deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of relevant government departments. This was the applicant’s second request for deferment.

15. 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. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of four months for preparation of further information, and no further deferment would be granted unless under very special circumstances.

[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

Agenda 9

Section 12A Application

[Open Meeting]

Y/ST/32 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/31, To rezone the application site from “Village Type Development” to “Government, Institution or Community”, Lot Nos.12R.P.(Part), 13 in D.D.185 and adjoining Government Land, No. 97 Pai Tau Village, Sha Tin
(RNTPC Paper No. Y/ST/32)

16. The Secretary reported that Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) were two of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in the item as Mr Fu had current business dealings with Environ and MVA while Ms Lai had current business dealings with Environ. The Committee noted that Mr Fu and Ms Lai had tendered apologies for being unable to attend the meeting.

17. The Committee noted that the applicant’s representative requested on 8.7.2015 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the traffic issues. This was the first time that the applicant requested for deferment of the application.

18. 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.

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/881 Proposed Public Utility Installation (Electricity Package Transformer) in “Residential (Group A)” zone, Land next to the cycling track along Tsuen Nam Road, Tai Wai, Sha Tin (Government Land in D.D. 180) (RNTPC Paper No. A/ST/881)

19. The Secretary reported that the application was submitted by CLP Power Hong Kong Ltd. (CLP). Ms Christina M Lee and Dr W.K. Yau had declared interests in the item as Ms Lee was the Secretary - General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP while Dr Yau was a Member of the Education Committee and the Energy Resources Education Committee of CLP. As Ms Lee and Dr Yau had no involvement in the application, Members agreed that they should be allowed to stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (electricity package transformer);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no

objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a total of four public comments were received. The Chairman of the Sha Tin Rural Committee had no objection to the proposed package substation. The other three public comments including a Sha Tin District Councillor and two local residents objected to the application and their major grounds of objection were related to the proposed location and possible alternative site for the package substation; obstruction to sightline of drivers and pedestrian and adverse impact on adjacent footpath, cycle track, and landscaped area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed electricity package substation was located within a large “Residential (Group A)” (“R(A)”) zone and required to provide electricity supply to developments at Tai Wai including the residential blocks nearby at Chik Fuk Street, Chik Fu Street, village houses to the south of Tai Wai Village and future developments in the vicinity as the electricity demand of the area was growing rapidly in the past years. The proposed substation with a total floor area of about 11.95m² was of small scale and considered not incompatible with the surrounding area predominated by residential developments and village houses. Regarding the public comments, planning assessment above were relevant. The suggested alternative location at the northern side of Sin Chu Wan Primary School was the only access to an existing electricity substation serving a pump house and the applicant had confirmed that the site was not feasible in view of the operational and safety requirements.

21. Members had no question on the application.

Deliberation Session

22. After deliberation, the Committee decided to approve the application, on the

terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.8.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of fire service installations and fire fighting water supplies to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the design of the proposed package substation not to obstruct any traffic signs and the sightline of the cautionary crossing to the satisfaction of the Commissioner for Transport or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Shu Tin, Lands Department that an application for excavation permit should be submitted to the Highways Department (HyD) before commencement of the installation works as the site falls within an area under the jurisdiction of the HyD;
- (b) to note the comments of the Director of Fire Services that:
 - i. emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department; and
 - ii. detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that the applicant is requested to exercise extreme

care in order not to disturb, interfere with or cause damage to the existing public sewers or stormwater drains in the vicinity. Should any undue settlement or damage of the existing public drainage facilities be detected, the proposed works should be stopped immediately and the applicant shall report the matter to the Drainage Services Department (DSD) as soon as possible. In the event of any damage caused to the public drainage facilities arising from the proposed works, the applicant should be held responsible for making good the damage at their own cost and to the satisfaction of the DSD;

- (d) to note the comments of the Director of Health that the project proponent must ensure that the installation complies with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other established international standards. World Health Organization also encourages effective and open communication with stakeholders in the planning of new electrical facilities; and
- (e) to note the comments of the Director of Leisure and Cultural Services that design of the proposed electricity package substation should not affect the nearby horticulture, trees and plantings and the associated irrigation system. ”

[Professor Eddie C.M. Hui arrived to join the meeting at this point.]

Agenda Items 11 and 12

Section 16 Applications

[Open Meeting]

A/NE-KLH/495 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lot 179 S.C ss.1 in D.D. 9, Kau Lung Hang Village, Tai Po
(RNTPC Paper No. A/NE-KLH/495)

A/NE-KLH/496 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lot 179 S.C RP in D.D. 9, Kau Lung Hang Village, Tai Po
(RNTPC Paper No. A/NE-KLH/496)

24. The Committee noted that the two applications for deferral were similar in nature (Small House) and the application sites were located in close proximity to each other and within the same “Green Belt” zone and presented in one paper. The Committee agreed that the applications should be considered together.

25. The Committee noted that the applicants’ representative requested on 15.7.2015 for deferment of the consideration of the applications for two months in order to allow more time for the preparation and submission of the sewerage connection proposal. This was the first time that the applicants requested for deferment of the applications.

26. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the applications could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicants 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 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/541 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot No. 640 S.A in D.D. 19, She Shan Village, Tai Po
(RNTPC Paper No. A/NE-LT/541)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the site had high potential for rehabilitation of agricultural activities; and other government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. Designing Hong Kong Limited 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 impact assessment had been submitted; and there were potential cumulative impacts on drainage, hygiene, environment and traffic; 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. DAFC did not support the application as the site had high potential for rehabilitation of agricultural activities. Although there was sufficient land available within the “V” zone of Lam Tsuen to meet the outstanding Small House applications, it could not fully meet the future Small House demand. The proposed Small House generally complied with the Interim Criteria for Consideration of Application for NTHE/Small House in New Territories (the Interim Criteria) in that more than 50% of the proposed

Small House footprints fell within the village 'environs' ('VE') and the proposed Small House within water gathering ground (WGG) would be able to be connected to the planned sewerage system in the area. The proposed Small House could be considered as an infill development. Regarding the public comment, the planning assessment above were relevant.

28. Members had no question on the application.

Deliberation Session

29. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.8.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the Director of Environmental Protection that construction of the proposed Small House shall not be commenced before

the completion of the planned sewerage system; the applicant shall connect the proposed Small House to the future public sewer at his own cost and seek written consent from the adjacent lot owner for laying and maintaining sewage pipes if across the adjacent lot; and adequate land will be reserved for the future sewer connection works;

- (b) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:
 - (i) public stormwater drain is not available for connection in the vicinity of the site. Any proposed drainage works, whether within or outside the site 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) there is no existing public sewerage system connection available now. Public sewers will be laid to the locations near the proposed development under DSD's project scheme 4332DS. The applicant could extend the sewers via other private/government land to the proposed public sewers by himself if he would like to discharge the sewage into the planned public sewerage system. The above information is preliminary and will be subject to revision to suit the actual site situation;
- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's

standards;

- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Director of Leisure and Cultural Services that the applicant should inform the Antiquities and Monuments Office (AMO) at least two weeks prior to commencement of construction so as to facilitate AMO's staff to conduct site monitoring;
- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or 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 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:
 - (i) for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, 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) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (g) 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 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/553 Proposed Temporary Hobby Farm, Shop and Services (Retail Shop) for a Period of 3 Years and Land Filling (Podium of 10 cm in Depth) in “Agriculture” zone, Lots 674 S.A, 674 S.B, 674 S.C and 674 RP in D.D. 17, Tai Po

(RNTPC Paper No. A/NE-TK/553)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary hobby farm, shop and services (retail shop) cum site formation;

- (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 reservation on the application. Based on the aerial photo dated 12.4.2014, the site was vegetated by grass and shrubs. Existing trees could be found at the eastern portion of the site. However, the site had already been cleared recently and a hard paved platform had been formed. According to the submitted layout plan, there would be two entrances to the site. There was however no proper vehicular or pedestrian access to the site. The proposed use would likely require a more permanent access to be formed between the site and the nearest Shan Liu Road. Further land clearance/formation for the access road was very likely. As stated in the application, greening would be provided along the container to mitigate the adverse landscape impact. However, relevant greening information was missing in the application. Other government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, seven public comments were received. Designing Hong Kong Limited objected to the application mainly on the grounds that the site was already paved with concrete which was a ‘develop first, apply later’ situation; and the application failed to show the operation of the proposed use and that the proposed use would meet the drainage and sewerage requirements. The other six public comments from the villagers of Ting Kok village supported the application mainly for the reasons of being in line with the Government’s general intention in promoting tourism and recreational activities in Tai Mei Tuk area; efficient use of agricultural land; and improving social cohesion among the community; and

- (e) PlanD’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. To address CTP/UD&L of PlanD’s concern, approval conditions on the submission and implementation of a landscape proposal were recommended. In view of the small scale and nature of the

proposed development, it would unlikely cause significant adverse drainage, environmental and traffic impacts on the surrounding areas. Regarding the public comments, the planning assessments and government departments' comments above were relevant. As for the unauthorized development on-site, it would be subject to enforcement action by the Planning Authority.

32. The Chairman asked whether there was scope to minimize the hard-paved area within the site. Referring to Drawing A-2 of the Paper, Mr C.T. Lau, STP/STN, said that the total concrete paving area was about 134m². The applicant proposed to accommodate a refreshment area, storage and retail shop on the hard-paved area which was about 70m², and there was scope to minimize the concrete paving area.

Deliberation Session

33. Members generally had no objection to the application but noted that paving was proposed at the site for non-farming purpose such as bicycle parking, which was excessive. To ensure that there was no excessive hard paving at the site, the Chairman suggested and Members agreed that an approval condition requiring the applicant to reduce the paving of the site to the satisfaction of the Director of Planning or of the TPB' should be added.

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 7:00 p.m. and 11:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Mondays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;

- (d) in relation to (c) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2016;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2016;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2016;
- (g) the submission of fire service installations and water supplies for fire-fighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2016;
- (h) in relation to (g) above, the implementation of the fire service installations and water supplies for fire-fighting proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2016;
- (i) the submission of a revised layout plan with a reduced paved area within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (j) in relation to (i) above, the implementation of the revised layout plan with a reduced paved area within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2016;
- (k) if 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;

- (l) if any of the above planning conditions (c), (d), (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 be revoked on the same date without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to note the comments of the District Land Officer/Tai Po, Lands Department (LandsD) that the lot owner is required to apply for a fresh Short Term Waiver (STW) to LandsD. However, there is no guarantee that such approval will eventually be given. If approved by LandsD acting in the capacity as landlord at his discretion, such approval might be subject to such terms and conditions, including payment of fees/charges, as imposed by LandsD;
- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standard;
- (d) 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. The applicant is advised to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department (BD);

- (e) to note the comments of the Commissioner for Transport that the existing village access near the site is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the proposed development would not lead to land formation that affects the existing drainage system at Shan Liu Road and Ting Kok Road;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is existing DSD maintained public drain available for connection in the vicinity of the site. For works to be undertaken outside the site boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought. There is existing public sewerage available for connection in the vicinity of the site. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development. The applicant should be reminded to follow the established procedures and requirements for the connecting sewers from the site to the public sewerage system. A connection proposal should be submitted to DSD via LandsD for approval beforehand. Moreover, the sewerage connection will be subject to the technical audit for which an audit fee will be charged;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, BD that:

- (i) if any existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any proposed 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 the 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 the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iv) 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 on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (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:

- (i) for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, 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 structure; and
- (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

[Professor K. C. Chau arrived to join the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/587 Redevelopment of New Territories Exempted House (NTEH - Small House) in “Green Belt” and “Village Type Development” zones, Lot 841 in D.D. 26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/587)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the redevelopment of house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received. A nearby land owner and an individual objected to the application mainly on the grounds of not in line with the planning intention of the “Green Belt” (“GB”) zone; access arrangement and potential drainage, environmental and noise impacts; the construction work of the proposed Small House might affect other nearby private lots; and there were unauthorised structures at the site; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. There was insufficient land available in the “Village Type Development” (“V”) zone of Wong Yue Tan to meet the future Small House demand. The proposed Small House was intended to replace the existing Small House at the site. The proposed development generally complied with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG - No. 10). The site was the subject of a previously rejected application (No. A/TP/580) for redevelopment of NTEH with building footprint entirely within the “GB” zone. The application had shifted the Small House footprint towards the “V” zone so that about 65% of the footprint

was within the “GB” zone. Since the subject application was for redevelopment of the existing Small House and no adverse impact on the surrounding area was expected, it could be considered as an exceptional circumstance that warranted sympathetic consideration. Regarding public comments, the planning assessment above were relevant. As for the suspected unauthorised structures at the site, they were subject to enforcement action by relevant departments including lease enforcement actions by the Lands Department.

37. Members had no question on the application.

Deliberation Session

38. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.8.2019, 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 tank, as proposed by the applicants, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that if the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by

LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto. An adjoining temporary structure is found straddling on Lots No. 741, 742 RP, 841(the site), 842 and 855 in D.D. 26. The subject temporary structure is not covered by any licence or permit and it would be subject to enforcement action;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no existing DSD maintained public drain available for connection in the area. Any existing flow path affected should be re-provided. The applicants/owners are required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants/owners shall also be liable for and shall indemnify claims and demands arising out of damage or nuisances caused by failure of the systems. For works to be undertaken outside the lot boundaries, prior consent and agreement from LandsD and/or relevant private lot owners should be sought. Public sewerage connection is available in the vicinity of the site;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comments of the Commissioner for Transport that the existing village access near the site is not under Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;

- (e) to note the comments of the Director of Fire Services that the applicants should observe ‘New Territories Exempted Houses – a Guide to Fire Safety Requirements’ published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (f) 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 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 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/588 Proposed Public Utility Installation (Package Substation) in “Village Type Development” zone, Government Land in D.D.12, Ha Hang, Tai Po

(RNTPC Paper No. A/TP/588)

40. The Secretary reported that the application was submitted by CLP Power Hong Kong Ltd. (CLP). Ms Christina M Lee and Dr W.K. Yau had declared interests in the item as Ms Lee was the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP while Dr Yau was a Member of the Education Committee and the Energy Resources Education Committee of CLP. As Ms Lee and Dr Yau had no involvement in the application, Members agreed that they should be allowed to stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (package substation);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. The proposed package substation was an essential public utility facility to enhance the electricity supply in the area. The Director of Electrical and Mechanical Services had no comment on the application as far as electrical safety and reliability were concerned. All concerned government departments had no objection to or no adverse comments on the application.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.8.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the applicant is required to apply for the necessary approval from LandsD concerning the installation for the proposed electricity package substation (ESS) with an area less than 12m² under the mechanism of Block Licence;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is an existing DSD maintained public drain in the vicinity of the site. For works to be undertaken outside the site, prior consent and agreement from LandsD and/or relevant private lot owners should be sought; and public sewerage connection is available in the vicinity of the site. The applicant should be reminded to follow the established procedures and requirements for the connecting sewers from the proposed site to the public sewerage system. A connection proposal should be submitted to DSD via LandsD for approval beforehand. Moreover, the sewerage connection will be subject to DSD’s technical audit which an audit fee will be charged. The relevant guidelines can be downloaded from DSD website;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that there is a stream course to the west of the site. The applicant should follow the Buildings Department Practice Note for the Authorised Persons and Registered Structural Engineers No. ADV-27 “Protection of Natural Streams/Rivers from Adverse Impacts arising from the Construction Works” in particular Appendix B on “Guidelines on Developing Precautionary Measures during the Construction Stage” so as to avoid disturbance to the stream and causing water pollution;
- (d) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department that the applicant should consider providing screen planting outside the site for screening purpose;

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standards;
- (f) 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. In addition, the arrangement of emergency vehicular access (EVA) shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department (BD);
- (g) to note the comments of the Chief Building Surveyor/New Territories West, BD that in case of change in land status to leased land, the applicant should note that before any new building works are to be carried out on the site, the prior approval and consent of the BD should be obtained. Otherwise they are Unauthorized Building Works. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. The site shall be provided with means of obtaining access from a street and EVA 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. Detailed consideration will be made at the building plan submission stage;
- (h) to note the comments of the Director of Health that the project proponent must ensure that the installation complies with the relevant International

Commission on Non-Ionising Radiation Protection guidelines or other established international standards. World Health Organization also encourages effective and open communication with stakeholders in the planning of new electrical facilities;

- (i) to note the comments of the Director of Electrical and Mechanical Services that for the design and operation of ESS, the applicant has to comply with the Electricity Ordinance and relevant statutory requirements. As the ESS is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substations as far as possible. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (j) to note that the permission is only given to the development under the application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/589 Proposed Two Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” zone, Lots 353 S.A, 353 S.B, 370 and 371 in D.D. 32 and adjoining Government land, Ha Wong Yi Au, Tai Po
(RNTPC Paper No. A/TP/589)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Major departmental comments were summarised below:
 - (i) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the proposed Small Houses fell outside the “Village Type Development” (“V”) zone and village ‘environs’ (‘VE’). The site was the subject of several complaints about suspected unauthorized development and cutting of slope at “GB” zone for a car park and site inspection revealed that several registered slopes nearby might be modified and paved;
 - (ii) the Commissioner for Transport (C for T) had reservation on the application and considered that Small House development should be confined within the “V” zone as far as possible; and
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation on the application. The approval of the application would encourage similar site modification prior to application, thus resulting in piecemeal developments destroying the tranquil nature of the rural area. It would also set an undesirable precedent for similar Small House applications in the area, resulting in further encroachment onto the green belt and loss of valuable landscape resources;

- (d) during the first three weeks of the statutory publication period, four public comments were received. Designing Hong Kong Limited, Green Sense and two individuals objected to the application mainly on the grounds that the proposed developments were not in line with the planning intention of “Green Belt” (“GB”) zone and did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No.10); no impact assessment had been carried out; possible adverse environmental, landscape and sewerage impacts; setting of undesirable precedent; unauthorized site formation works prior to application; and a lack of access and parking spaces in the area; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed Small House developments were not in line with the planning intention of the “GB” zone. Although there was insufficient land in the “V” zone of Ha Wong Yi Au to fully meet the future demand of village houses, there was still land available within the “V” zone of Ha Wong Yi Au. DLO/TP, LandsD did not support the application as the proposed Small Houses fell outside the ‘VE’/“V” zone of Ha Wong Yi Au. CTP/UD&L, PlanD had strong reservation on the application as clearance of vegetation and site formation prior to application had been involved. The approval of the application would set an undesirable precedent to similar Small House applications in the area, resulting in encroachment onto the green belt and loss of valuable landscape resources. The proposed Small House developments did not comply with the TPB PG-No.10 as the proposed developments would have adverse geotechnical and landscape impacts on the surrounding areas. The proposed developments did not comply with the Interim Criteria for Consideration of Application for NTHE/Small House in New Territories (the Interim Criteria) in that more than 50% of the footprint of the proposed Small Houses was located outside the ‘VE’ and the “V” zone and they would cause adverse landscape and geotechnical impacts on the surrounding areas. Regarding the public comments, the comments of government departments and planning assessment above were

relevant.

46. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. 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) the proposed development does not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development in that over 50% of the application site and the proposed Small House footprints are located outside both the village ‘environs’ and the “Village Type Development” zone of a recognized village, and would cause adverse landscape and geotechnical impacts on the surrounding areas;
- (c) the application does not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed developments would affect the existing natural landscape and adversely affect slope stability; 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 a general degradation of the natural environment in the area.”

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/568 Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years
in “Agriculture” zone, Lot 470 (Part) and Adjoining Government Land
in D.D. 83, Kwan Tei, Fanling
(RNTPC Paper No. A/NE-LYT/568A)

48. The Committee noted that replacement pages 8 and 9 of the Paper had been dispatched to Members on 5.8.2015.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (private cars) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application although the site was a piece of paved vacant land, as active agricultural activities could be found in the vicinity, and road access and water source were available to the site. The site possessed potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application for the reason that approval of the application might set an undesirable precedent of spreading undesirable uses to the “Agriculture” (“AGR”) zone and thus

eroded the rural landscape character;

- (d) the District Officer (North), Home Affairs Department (DO(N), HAD) had consulted the locals regarding the application. The two Indigenous Inhabitant Representatives of Kwan Tei supported while the Chairman of Fanling District Rural Committee (FDRC) had no comment on the application;
- (e) during the first three weeks of the statutory publication period, four public comments were received. The Chairman of FDRC had no comment on the application, while a North District Council member stated that he had no specific comment on the application and advised that the residents nearby should be consulted on the application. The other two public comments from Designing Hong Kong Limited and Kadoorie Farm and Botanic Garden Corporation objected to the application mainly on the grounds that the development was not in line with the planning intention of “AGR” zone; no impact assessments/information had been submitted to demonstrate that the development would not cause adverse traffic impact and safety risk to the residents nearby; planning permission from the Town Planning Board should have been obtained for using the site for the applied use; and the setting of undesirable precedent for similar applications; and
- (f) PlanD’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The temporary public vehicle park was not in line with the planning intention of the “AGR” zone. Whilst DAFC did not support the application as the site was of potential for agricultural rehabilitation, given the temporary nature and small scale of the development, the temporary public vehicle park was not considered incompatible with the surrounding land uses which were predominantly domestic structures, vacant/unused land, storage use and fallow agricultural land. To address the concern of CTP/UD&L, PlanD, approval conditions on the submission and implementation of landscape proposal were recommended. Regarding the public comments, government

departments' comments and planning assessment above were relevant.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (b) only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the site at any time during the planning approval period;
- (e) the boundary fence on the site should be maintained at all times during the planning approval period;
- (f) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;

- (g) in relation to (f) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2016;
- (h) 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 7.2.2016;
- (i) in relation to (h) above, the provision of the drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2016;
- (j) 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
- (k) if any of the above planning conditions (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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to note the comments of the District Lands Officer/North, Lands Department that the owner concerned should apply to his office for a Short Term Tenancy (STT), which will be considered by Government in its landlord’s capacity. There is no guarantee that the application for STT will be approved. If the STT is approved, it will be subject to such terms and conditions to be imposed including payment of rent and administrative fees as considered appropriate by his office;

- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the site is located within the flood pumping gathering ground;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access adjacent to the site is not maintained by HyD;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available; and
- (f) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.”

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/119 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 334 S.F and 334 S.G in D.D 37, Man Uk Pin,
Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/119)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the site possessed potential for agricultural rehabilitation, and hence the application was not supported from agricultural development point of view. The Commissioner for Transport (C for T) had reservation on the application and considered that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible ;
- (d) the District Officer (North), Home Affairs Department (DO(N), HAD) had consulted the locals regarding the application. All the respondents, including the Chairman of Sha Tau Kok District Rural Committee, the incumbent North District Council (NDC) member and the Indigenous Inhabitant Representative and Resident Representative of Man Uk Pin had no comment;
- (e) during the first three weeks of the statutory publication period, three public comments were received. A public comment from a NDC member supported the application as it would bring convenience to the villagers. The other two public comments from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of “Agriculture” (“AGR”) zone and agricultural land should be retained to safeguard local food supply; Small House should be developed within the “V” zone; approval of the case was in contravention with the Government’s new agricultural policy under consultation; no traffic, environmental, drainage and sewerage assessments had been submitted; and the setting of an undesirable precedent for similar applications in the area; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

The proposed Small House development was not in line with the planning intention of the “AGR” zone. Although DAFC did not support the application as the site had potential for agricultural rehabilitation, the proposed Small House was not incompatible with the surrounding rural landscape character. Relevant government departments consulted had no comment on or no objection to the application. The proposed Small House development generally complied with 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 House fell within the village ‘environs’ (‘VE’) of Man Uk Pin Village. Whilst land was still available within the “V” zone capable of meeting the outstanding Small House applications, it could not fully meet the future Small House demand. There had not been any major change in planning circumstances for the area since the approval of the previous application. Regarding the public comments, government departments’ comments and planning assessment above were relevant.

54. Members had no question on the application.

Deliberation Session

55. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.8.2019, 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 tank, as proposed by the applicants, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the

satisfaction of the Director of Planning or of the TPB.”

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

“(a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:

(i) for provision of water supply to the development, the applicants may need to extend the inside services to the nearest suitable government water mains for connection and to 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 lot to WSD’s standards; and

(ii) the site is located within flood pumping gathering ground;

(b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;

(c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access near the site is not maintained by HyD ;

(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 Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and

(e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the 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.”

[Ms Anita W.T. Ma left the meeting temporarily at this point.]

Agenda Item 20

Section 16 Application

[Open Meeting]

A/NE-TKL/514 Proposed Temporary Open Storage (Construction Materials and Equipments and Tools) for a Period of 3 Years in “Agriculture” zone, Lot 1097 in D.D. 82, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/514)

57. The Committee noted that the applicant’s representative requested on 14.7.2015 for deferment of the consideration of the application for two months in order to allow more time to address the comments of the Commissioner for Transport. This was the first time that the applicant requested for deferment of the application.

58. 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 Items 21 to 46

Section 16 Applications

[Open Meeting]

- A/DPA/NE-TT/31 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 854 S.B, 883 S.B, 884 S.A and 885 RP in D.D. 289 Uk Tau, Tai Po
- A/DPA/NE-TT/32 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 853 RP, 854 S.A, 885 S.B and 886 S.F in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/33 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 899 S.B, 900 S.A and 903 S.A in D.D 289, Uk Tau, Tai Po
- A/DPA/NE-TT/34 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 862 S.B and 864 RP in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/35 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 886 S.B and 893 S.F in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/36 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 897 S.A in D.D 289, Uk Tau, Tai Po
- A/DPA/NE-TT/37 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 898 S.E, 922 S.A, 923 S.A, 924 S.B, 924 RP, 925 S.C and 925 S.D in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/38 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 926 S.C, 926 RP, 927 S.H, 927 RP, 930 S.K, 930 S.L, 930 S.R, 930 S.S and 931 S.B in D.D. 289, Uk Tau, Tai Po

- A/DPA/NE-TT/39 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 900 RP, 901 S.C, 902 S.A, 903 RP and 904 S.B in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/40 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 858 S.A, 859 S.C, 860 S.D, 861 S.A, 879 S.B, 879 S.E, 880 S.B and 881 S.E in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/41 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 858 S.B, 861 S.B, 879 S.D, 880 RP and 958 S.A in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/42 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 894 S.E, 898 S.D, 899 S.C and 901 S.A in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/43 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 887 S.A, 888 S.A, 889 S.A, 890 S.B and 891 S.B in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/44 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 881 S.C and 930 S.G in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/45 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 853 S.B, 885 S.A and 886 S.E in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/46 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 925 S.E and 926 S.A in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/47 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 927 S.F, 930 S.E and 930 S.F in D.D. 289, Uk Tau, Tai Po

- A/DPA/NE-TT/48 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 923 RP, 925 RP, 926 S.B, 931 S.A, 932 S.A and 933 S.A in D.D 289, Uk Tau, Tai Po
- A/DPA/NE-TT/49 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 868 S.A, 870 S.B, 871 S.B and 873 S.A in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/50 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 867 S.A, 876 S.D and 877 in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/51 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 921 S.A, 921 S.B, 922 S.B, 922 S.C, 923 S.B and 925 S.F in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/52 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 854 S.E in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/53 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 854 S.C, 883 RP and 884 S.B in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/54 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 854 S.G, 857 S.C and 858 S.D in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/55 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 854 S.D in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/58 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 867 S.B, 868 RP, 873 S.C and 876 S.C in D.D. 289, Uk Tau, Tai Po
-
- (RNTPC Paper No. A/DPA/NE-TT/31 to 55 and 58)

59. The Committee noted that the 26 applications for deferral were similar in nature (Small House) and the application sites were located in close proximity to one another and

within the same “Unspecified Use” area and presented in one paper. The Committee agreed that the applications could be considered together.

60. The Committee noted that the applicants’ representative requested on 21.7.2015 and 30.7.2015 for further deferment of the consideration of the applications for two months in order to allow more time for the preparation of further information (including environmental assessment report, detailed topographical survey and tree survey) to address the comments of relevant government departments. This was the applicants’ second request for deferment.

61. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the applications could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicants that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the applications, the Committee agreed to advise the applicants that the Committee had allowed a total of four months for preparation of further information, and no further deferment would be granted unless under very special circumstances.

[Ms Anita W.T. Ma returned to join the meeting at this point.]

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

Fanling, Sheung Shui and Yuen Long East District

[Mr Otto K.C. Chan, Mr Kevin C.P. Ng and Mr Kepler S.Y. Yuen, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), and Miss Helen H.Y. Chan and Mr Simon C.K. Cheung, STPs/FSYLE (Atg), were invited to the meeting at this point.]

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/233 Proposed Shop and Services/Eating Place (in Wholesale Conversion of an Existing Building) in “Industrial” zone, Nos. 35-37 On Lok Mun Street, Fanling
(RNTPC Paper No. A/FSS/233A)

62. The Secretary reported that AECOM Asia Co. Ltd. (AECOM) and Environ Hong Kong Ltd. (Environ) were two of the consultants of the applicant. The following Members had declared interests in the item:

| | |
|---------------------|--|
| Mr Ivan C.S. Fu |] having current business dealings with |
| |] AECOM and Environ |
| |] |
| Ms Janice W.M. Lai |] |
| |] |
| Professor S.C. Wong | - having current business dealings with |
| | AECOM and being the Chair Professor |
| | and Head of Department of Civil |
| | Engineering of the University of Hong |
| | Kong (HKU) where AECOM had |
| | sponsored some activities of the |
| | Department |

63. The Committee noted that Professor S.C. Wong, Mr Ivan C.S. Fu and Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

64. Mr Otto K.C. Chan, STP/FSYLE, drew Members’ attention that there was a typographical error in paragraph 11.2 of the RNTPC paper (i.e. the number of comments indicating no comment on the application should be five instead of two). Mr Chan then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed shop and services/eating place (in wholesale conversion of an existing building);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) the District Officer (North), Home Affairs Department (DO(N), HAD) consulted the locals regarding the application. The Chairman of Fanling District Rural Committee (FDRC) raised objection to the proposal whereas the Chairman of Fanling Industrial Centre Owners' Corporate (OC) supported the proposal. The North District Council (NDC) member of the subject constituency and the Chairman of New Territories North District Manufacturers Association (Fanling) had no comment on the application. The Chairman of On Tai Industrial Centre OC, On Hing Industrial Centre OC and Techno Centre OC did not reply to the consultation and the Chairman of FDRC had no comment on the further information submitted;
- (e) during the first three weeks of the statutory publication period, a total of ten comments were received from Kerry Warehouse (HK) Limited, Chairman of FDRC, a member of NDC and a member of the general public. Out of the ten comments, five comments indicated no comment on the application. The member of the general public suggested that sufficient car parking spaces should be provided in order not to overload the local road network. The remaining four comments (including Kerry Warehouse Limited and the Chairman of FDRC) objected to the application. The major views of the public comments were summarised as follows:
 - (i) the proposed commercial uses were not in line with the planning intention of the "Industrial" ("I") zone; and the proposed eating place/shop and services uses might attract parallel traders and

shopping tours into that part of the Fanling district, hence worsening the congestion problem in the area;

- (ii) there was no urgent need to provide additional commercial floor spaces in On Lok Tsuen Industrial Area as there were sufficient eating place/shop and services being provided in the adjacent residential cluster;
 - (iii) there were insufficient provision of public transport services and limited highway capacity (i.e. narrow one-way streets in On Lok Tsuen) to accommodate the additional pedestrian and vehicular flow generated by the proposed development. There were insufficient car parking spaces and illegal on-street parking in the industrial area. Without resolving the issues, the proposed development would only worsen the congestion problem in the area;
 - (iv) the potential aggregation of traffic along On Lok Mun Street generated by the proposed development might block the ingress/egress point of the nearby warehouses and affect their operation; and
 - (v) government policy on revitalisation of industrial buildings led to a consistent reduction of industrial/godown floor spaces. While there was no new supply of industrial land, the rising rent for warehouse/godown premises had adverse impacts on the logistic industry; and
- (f) 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 uses would not be incompatible with the neighbouring industrial buildings/uses which are mainly used as warehouses, small-scale workshops and open-air car park. The proposed conversion would help to provide additional shop and services/eating places to meet the demands of workers in the industrial area and the residents in the vicinity. In order

not to jeopardise the potential long-term planning intention of the site (which was recommended in the 2009 Area Assessment to retain the area for “I” zone), it was recommended that the approval would be for the lifetime of the buildings. Regarding the local and public comments, the planning assessments and government departments’ comments above were relevant.

65. The Chairman asked DPO to update Members on the progress of the 2014 Area Assessments of Industrial Land in the Territory (2014 Area Assessments), which also covered On Lok Tsuen Industrial Area, undertaken by PlanD; and the arrangement of parking/loading/unloading facilities of the proposed development.

66. Mr Otto K.C. Chan said that a briefing on the findings and recommendations of the 2014 Area Assessments would be given to the Town Planning Board in August/September 2015. With regard to the traffic aspect, the Transport Department (TD) was mainly concerned about the junction of Ma Sik Road with Sha Tau Kok Road and On Kui Street. With the junction improvement works of Sha Tau Kok Road/Ma Sik Road/On Kui Street to be completed in 2019, the traffic condition in the area would be improved. TD had no objection to the application as the applicant had confirmed that the proposed development would operate in 2021 or later subject to the completion of the junction improvement works of Sha Tau Kok Road/Ma Sik Road/On Kui Street. In addition, the provision of 48 private car parking spaces and 12 loading/unloading spaces for goods vehicles to serve the proposed development complied with the Hong Kong Planning Standards and Guidelines requirement.

Deliberation Session

67. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.8.2019, 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 and the approval should be for the life-time of the buildings. The permission was subject to the following conditions :

- “(a) the submission and implementation of proposals for water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the design and provision of car parking spaces and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approval should be for the lifetime of the buildings. Upon redevelopment, the subject site would need to conform with 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 buildings;
- (b) to apply to the District Lands Officer/North, Lands Department for the grant of a special waiver to permit the applied uses;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) the applicant should appoint an Authorised Person to submit building plans for the proposed change in use/alteration and addition works to demonstrate full compliance with the current provisions of the Buildings Ordinance;
 - (ii) detailed consideration will be made at the building plan submission stage. The applicant’s attention is also drawn to Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the Building Authority has no

powers to give retrospective approval or consent for unauthorised building works; and

- (iii) in case there is a pre-requisite in exempting or disregarding green/amenity features and non-mandatory/non-essential plant rooms and services from Gross Floor Area (GFA) and/or site coverage calculations (GFA concessions) in the proposed alteration and addition works which will constitute a new building, the sustainable building design requirements and the pre-requisites under PNAP APP-151 and 152 for GFA concessions would be applicable to the proposed works;
- (d) to note the comments of the Commissioner for Transport that the operation of the development should be on 1.1.2021 or later subject to the completion of the junction improvement works of Sha Tau Kok Road / Ma Sik Road / On Kui Street;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the applicant should be reminded that the proposed run-in/out shall comply with Highways Department Standard Drawing No. H1113B and H1114A;
- (f) to note the comments of the Director of Environmental Protection that the applicant should provide central air-conditioning system as proposed in the Environmental Assessment;
- (g) to note the comments of the Director of Fire Services that the applicant is advised to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD;
- (h) to note the comments of the Director of Electrical and Mechanical Services Department that:

- (i) there is a synthetic natural gas pipeline running along the Sha Tau Kok Road – Lung Yeuk Tau. In this connection, the project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited; and
 - (ii) the project proponent is required to observe the requirements of the Electrical and Mechanical Services Department ‘Code of Practice on Avoiding Danger from Gas Pipes’ for reference; and
- (i) to note the comments of the Director of Food and Environmental Hygiene that if a food business is carried out at the premises, a food business licence is required to be obtained from the Food and Environmental Hygiene Department under the Public Health and Municipal Services Ordinance (Cap. 132). Licence will only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions are confirmed.”

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/235 Proposed Concrete Batching Factory in “Industrial” zone, No. 11 On Chuen Street, Fanling
(RNTPC Paper No. A/FSS/235A)

69. The Secretary reported that Environ Hong Kong Ltd. (Environ) and Masterplan Ltd. (Masterplan) were the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in the item as Mr Fu had current business dealings with Environ and Masterplan while Ms Lai had current business dealings with Environ. The Committee noted that Mr Fu and Ms Lai had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

70. 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) the proposed concrete batching factory;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) could not lend support to the application from the environmental point of view as the Environmental Assessment and related further information which included an air quality impact assessment failed to demonstrate that the air quality impacts caused by the operation of the concrete batching plant and emissions from the concrete mixer trucks were acceptable. Under the worst case scenario, there would be a peak hour traffic flows (two-way) of 84 vehicles per hour entering and leaving the plant per hour. The proposed development and the heavy vehicular traffic generated could have adverse air quality impacts on the sensitive receivers such as residential developments, schools, offices, sitting-out area and playground located in the vicinity within 500m. The Commissioner for Transport had no objection to the Traffic Impact Assessment (TIA) provided that the proposed traffic management measures were implemented. Other government departments had no objection to or no adverse comments on the application;
- (d) the District Officer(North), Home Affairs Department (DO(N), HAD) had consulted the locals regarding the application. The Chairman of Fanling District Rural Committee (FDRC), Fanling Industrial Centre Owners' Corporation (OC) and On Hing Industrial Centre OC raised objections to the application. The North District Council (NDC) member of the subject constituency, the Chairman of Techno Centre OC and the NT North District Manufacturers Association (Fanling) had no comment on the application while the Chairman of On Tai Industrial Centre OC had no

response;

(e) during the first three weeks of the statutory publication periods, a total of 14 public comments were received from a member of NDC, the Chairman of FDRC, Horstrong Logistics Ltd., Botanica International Company Ltd., Kwong Tai Food Trading Company Ltd., Kwong Tai Agency Company Ltd., the Chairman of Sheung Shui District Rural Committee (SDRC), the tenant of 8 On Kui Street and DAB Asia Ltd. A member of the public indicated that he had no comment on the application while the Chairman of Sheung Shui District Rural Committee (SDRC) suggested that a traffic impact assessment (TIA) was required to ensure that no adverse traffic impacts would be generated by the proposed use. The remaining 12 public comments objected to the application, which were summarised below :

- (i) the proposed concrete batching factory was incompatible with the surrounding land uses such as light industrial uses which were predominately of warehouse and industrial-office uses;
- (ii) there were insufficient provision of parking spaces within the site to accommodate the concrete mixer trucks;
- (iii) there was limited capacity in the local road network to accommodate the additional traffic brought about by the concrete batching plant, hence worsening the traffic congestion in the On Lok Tsuen area and the adjacent Sha Tau Kok Road;
- (iv) the environmental nuisance (including noise and air pollution) to be generated from the development would bring adverse environmental impact on the surrounding areas. Particularly, the proposed concrete batching factory would create environmental interface problem to adjoining environmentally sensitive users, which were predominately of food processing/storage and/or manufacturing uses; and

- (v) there was doubt on the need of having two concrete batching factories in an already polluted, congested and densely populated On Lok Tsuen Industrial Area; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The site was located at the centre of the On Lok Tsuen Industrial Area and abutting Lok Ming Street which was a major pedestrian access from the Luen Wo Hui residential neighbourhood to On Lok Tsuen and the local open spaces along Ma Wat River. A primary school was located to the north-west of the site. The proposed concrete batching plant, which would generate heavy traffic flow of concrete mixer trucks, was not entirely compatible to the surrounding uses. DEP did not lend support to the application as the applicant failed to demonstrate that air quality impacts arising from the operation of the concrete batching plant and traffic emissions from the concrete mixer trucks on nearby sensitive receivers would be acceptable. The proposed development and the heavy vehicular traffic generated would have adverse air quality impacts on the sensitive receivers in the vicinity within a distance of 500m. Although a similar application (No. A/FSS/109) for concrete batching plant within the same “I” zone was approved by the Committee in 1998, the approved development was of a smaller scale and located further away from Lok Ming Street. Regarding the public comments, the planning assessments and the comments of government departments above were relevant.

71. The Chairman asked DPO to provide information on the routes of heavy vehicles entering and leaving the site; the surrounding land uses; the distance between the nearby primary school (Pui Ling School of the Precious Blood) and the application site in comparison to that of the approved application; and a comparison of the production capacity and the resulting traffic generation of the two applications.

72. Referring to the location plan and site plan of the Paper, Mr Otto K.C. Chan, STP/FSYLE, briefly explained the local context of the proposed development. He said that the concrete mixer trucks would enter the site via Jockey Club Road and Lok Yip Road and

would pass through open spaces, government, institution or community (GIC) sites and Cheung Wah Estate along the routes. The trucks would leave the site via On Kui Street to Fanling via Lok Yip Street and pass through Luen Wo Hui and the surrounding GIC sites, or turn right to Lung Yeuk Tau and the North East New Territories New Development Areas via Sha Tau Kok Road.

73. Mr Otto K.C. Chan further said that the distance between the primary school and the sites under the current application and the approved application were 100m and 120m respectively. The scale of the approved concrete batching plant was about 1/3 that of the proposed plant under the current application, with daily concrete production capacity of 300m³ for the former and 2880m³ for the latter. The estimated peak hour traffic flows (two-way) would be 84 vehicles per hour with daily operation of 16 hours under the current application, but there was no such information for the approved application.

Deliberation Session

74. A Member noted that in paragraph 12.1 of the Paper, the application was not supported by PlanD solely on environmental grounds. He asked whether the application would be recommended for approval if the applicant could address the environmental issues. Another Member expressed concern on the adverse air emissions that might be generated by the concrete mixer trucks to sensitive receivers in On Lok Tsuen and in the wider New Town area given the central location of the site. Moreover, the heavy vehicles would pose threats to pedestrian safety in the area. The same Member asked whether the 2014 Area Assessments of Industrial Land in the Territory (2014 Area Assessments) currently undertaken by PlanD might have a bearing on the consideration of the application. The Chairman said that the findings and recommendations of the 2014 Area Assessments would either recommend rezoning of the On Lok Tsuen Industrial Area to non-industrial uses or retaining it as "I". If the area was recommended for rezoning to other non-industrial uses, the proposed concrete batching plant at the site would not be suitable in terms of land use compatibility. Even if the area was to be retained as "I", the Committee would still need to consider whether the proposed concrete batching plant was suitable given that the site was located in the centre of On Lok Tsuen Industrial Area and within the boundary Fanling/Sheung Shui New Town. The Committee should also take into account that there were major pedestrian activities along Lok Ming Street, which the site abutted, connecting

people to and from Luen Wo Hui, and that the proposed use would generate adverse air quality impact on the nearby sensitive receivers. He said that there were no strong justifications for deferring the consideration of the application pending the availability of the findings and recommendations of the 2014 Area Assessments.

75. A Member did not support as the traffic emissions from the concrete mixer trucks would have adverse air quality impacts on the sensitive receivers in the vicinity of the site; and on the traffic aspect, the site was located in the middle part of On Lok Tsuen where additional heavy vehicular traffic would worsen the traffic condition in the area. Another Member considered that as the site fell within an “I” zone, heavy goods vehicles were expected to travel through the area, the additional traffic might not be an appropriate reason to reject the application.

76. Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department pointed out that his department was not only concerned about the air quality impact generated by operation of the plant itself, but also the emissions from the concrete mixer trucks travelling along the road on sensitive receivers. In that regard, the rejection reason should be strengthened to indicate clearly the environmental concern involved. A Member agreed to the suggestion.

77. Mr Kelvin Siu, Chief Traffic Engineer/New Territories West, Transport Department supplemented that TD had no objection to the TIA and all critical junctions would still operate within their capacities with the proposed development. There would be peak hour traffic flows of about 42 vehicles per hour (one-way) entering/leaving the site, which would not constitute a substantial portion to the traffic of Lok Yip Road.

78. Members generally considered that the site was not a suitable location for the proposed development and went through the rejection reason as stated in paragraph 12.1 of the Paper. Whilst agreeing to revise the environmental ground by incorporating the concern on the adverse environmental impact during the operation of the proposed development, Members had different views on whether land use compatibility should also be included as a rejection reason given that the site fell within an industrial area. After further discussion, Members generally agreed that the application site, which was located within the Fanling/Sheung Shui New Town and in the centre of On Lok Tsuen Industrial Area, was not

a suitable location for the proposed development in view of its adverse impact on the surrounding land uses.

79. After further deliberation, the Committee decided to reject the application and the reasons were :

- “(a) the applicant fails to demonstrate that the proposed development and its operation would not have adverse environmental impact on the surrounding area; and
- (b) the application site, which was located within the Fanling/Sheung Shui New Town and in the centre of On Lok Tsuen Industrial Area, was not a suitable location for the proposed development in view of its adverse impact on the surrounding land uses.”

[The meeting was adjourned for a break of 10 minutes.]

[Ms Anita W.T. Ma, Ms Christina M. Lee, Dr W.K. Yau and Professor Eddie C.M. Hui left the meeting at this point.]

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/236 Minor Relaxation of Maximum Gross Floor Area and Building Height Restrictions for permitted Residential Development in “Residential (Group A) 1” zone, Government Land at Choi Yuen Road, Sheung Shui

(RNTPC Paper No. A/FSS/236)

80. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) with Ove Arup & Partners Hong Kong Ltd. (Ove ARUP) as one of the consultants of the applicant. The following Members had declared interests in this item:

- | | |
|---|--|
| Mr K.K. Ling (the Chairman) as Director of Planning | - being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA |
| Mr Martin W.C. Kwan as Chief Engineer (Works) of Home Affairs Department | - being an alternate member for the Director of Home Affairs who is a member of the SPC and Subsidized Housing Committee of HKHA |
| Mr H.F. Leung | - being a member of the Tender Committee of HKHA |
| Ms Janice W.M. Lai | - having current business dealings with HKHA |
| Mr Ivan C.S. Fu | - having current business dealings with Ove ARUP |
| Professor S.C. Wong | - having current business dealings with Ove ARUP |

81. The Committee noted that Professor S.C. Wong, Ms Janice W.M. Lai and Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting. As the interests of Mr Martin W.C. Kwan and Mr H.F. Leung were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item.

[Mr Martin W.C. Kwan, Mr H.F. Leung and Mr Edwin Chan left the meeting temporarily at this point.]

82. Although the Chairman had declared an interest in the item, Professor S.C. Wong, the Vice-chairman, had tendered apologies for being unable to attend the meeting and could not take up the chairmanship. Since the application was subject to a statutory time limit, as a matter of necessity, the Committee agreed that the Chairman should continue to assume the chairmanship but a conscious effort should be made to contain his scope of involvement in an administrative role.

Presentation and Question Sessions

83. 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) minor relaxation of maximum gross floor area (GFA) and building height (BH) restrictions for permitted residential development;
- (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 some reservation on the application, and advised that at-grade greenery should be maximized as far as possible, and sufficient green buffer between the development and the surrounding area should be provided to soften the bulky building mass. 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, three public comments were received. A member of North District Council (NDC) supported the application. Mass Transit Railway Corporation Limited (MTRCL) raised concern on the implementation of the proposed environmental mitigation measures whilst a member of the general public raised concern on the possible ‘wall effect’ and the setting of an undesirable precedent; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposal was in line with the 2014 Policy Address in boosting housing supply by increasing the development intensity by 20% where feasible. The application would allow flat production to increase by 260 flats (from 900 to 1,160 flats) to meet the acute demand for public housing. The proposed minor relaxation to increase flat supply could help optimize scarce land resources and meet

the community's imminent demand for housing. The site was located at the centre of Sheung Shui New Town where the Sheung Shui MTR Station was located to the immediate south-east of the site. The proposed minor relaxation of gross floor area (GFA) from 69,500 m² to 83,400 m² (resulting in a non-domestic plot ratio (PR) of 1.81 and a domestic plot ratio of 4.92) was considered acceptable for the subject location and site context; and the proposed minor relaxation of the GFA and building height would not have adverse impacts on visual, air ventilation, landscape, environmental and infrastructural aspects. The concern on landscape impacts could be addressed by including an approval condition on the submission and implementation of a landscape proposal.

84. A Member asked whether the GFA of 69,500 m² stipulated under the "Residential (Group A)1" ("R(A)1") zone had already included the 20% GFA increase as stated in the Chief Executive's 2014 Policy Address; the proposed number of car parking spaces noting that the site was currently used for a temporary Park-and-Ride open car park; and the shadow effect of the proposed development on the adjacent public housing estates.

85. Mr Otto K.C. Chan, STP/FSYLE, advised that the site was rezoned from "Government/Institution or Community" and "Open Space" to "R(A)1" in 2013 and the maximum total GFA of 69,500 m² stipulated under the "R(A)1" zone, which was equivalent to a PR of about 5, had not included the 20% increase. As for car parking spaces, a total of 221 spaces, which were more than the minimum as requested by the Transport Department, would be provided. As regards the shadow effect, whilst there was no information on such aspect, CTP/UD&L, PlanD considered the visual impact assessment acceptable. The proposed building height of not more than 35 storeys was considered not incompatible with the surrounding area.

86. The Chairman enquired on the difference in the height profile of the proposed scheme as compared with the compliance scheme. Mr Otto K.C. Chan, STP/FSYLE, by referring to Plan A-5a of the Paper, said that the proposed scheme under the current application would not result in adverse visual impact and the stepped building height profile of the three proposed residential blocks could still be maintained, though less distinctive than that of the compliance scheme.

Deliberation Session

87. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.8.2019, 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 design and provision of car parking spaces and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission and implementation of traffic improvement measures to the satisfaction of the Commission for Transport or of the TPB;
- (c) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (d) the submission and implementation of environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB.”

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

- “(a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that appropriate architectural articulation, or any other appropriate design measures, should be employed to enliven the façade; and
- (b) to note the comments of the Commissioner for Transport that the applicant should submit a consolidated Traffic Impact Assessment report which incorporates all previous comments, responses and associated calculations for his retention and information.”

[Mr Martin W.C. Kwan, Mr H.F. Leung and Mr Edwin Chan returned to join the meeting at this point.]

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/403 Temporary Private Car Park (Private Cars and Light Goods Vehicles)
for a Period of 3 Years in “Village Type Development” zone, Lots 369
(Part) and 372 (Part) in D.D. 94, Hang Tau Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/403)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary private car park (private cars and light goods vehicles) 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 comments on the application;
- (d) the District Officer (North), Home Affairs Department (DO(N), HAD) had consulted the locals regarding the application. The Vice-chairman of the North District Council (NDC) cum the incumbent NDC member, the Chairman of the Sheung Shui District Rural Committee, the two Indigenous Inhabitant Representatives (IIRs) and the Resident Representative (RR) of Hang Tau had no comment on the application.

The representative of the Owners' Corporate of Ka Fu Garden raised objection to the application on the grounds that the car park use would lead to an increase in vehicular flow adjoining the residential development; there was concern on public safety; and travelling of vehicles along the narrow access road might cause destruction to the fence wall of the residential development;

- (e) during the first three weeks of the statutory publication period, a total of five public comments were received from five members of the general public. All the five public comments objected to the application on the following grounds:
 - (i) there was concern on public safety as there were domestic uses near the site, but the access to the site was too narrow for fire trucks;
 - (ii) the car park would generate air and noise pollution to the nearby domestic uses;
 - (iii) the access to the site was via a narrow local access road and pedestrian-vehicular conflict would be resulted;
 - (iv) the car park would affect the rural character; and
 - (v) there was demand of land for Small House and approval of the application would set precedent for other land uses on land zoned for residential use; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Village Type Development” (“V”) zone. According to the applicant, the applied private car park was to serve the parking needs of Hang Tau Village. Given its temporary nature and there was no Small House application

underway, the development would not frustrate the long-term planning intention of the “V” zone. The applied temporary car park was considered not incompatible with the surrounding land uses and was unlikely to generate significant adverse environmental, traffic, drainage, landscape or water quality impacts on the surrounding areas. Relevant departments consulted had no objection to or adverse comment on the application. In order to closely monitor the situation of the site with a view to minimizing the impact on the local residents, it was suggested that a temporary approval of one year should be granted instead of three years as proposed under the application. Regarding the local objection and public comments, the planning assessments and the comments of government departments above were relevant.

90. Members had no question on the application.

Deliberation Session

91. A Member noted that no parking fee would be charged for the temporary private car park, and asked whether fees charging was a factor in considering the application. The Chairman replied in the negative and said that in considering such type of application, the nature of use (i.e. whether the car park was for private use or to cater for the need of other villagers) and the vehicle types (i.e. whether they were private cars, light goods vehicles or heavy goods vehicles) would be taken into account. Parking of heavy goods vehicles in villages was generally not accepted as it would generate air and noise pollution to the nearby residential areas and the access to the car park might not be wide enough.

92. Members noted that according to the applicant, the temporary private car park would provide 13 parking spaces for private cars and 2 light goods vehicles while heavy goods vehicles were not included.

93. Members also noted that as there were public comments objecting to the application with domestic structure only about 10m away, a temporary approval of one year was recommended to closely monitor the situation of the site. The Chairman said that it was not uncommon that car parks were located close to the village due to parking need. To

address the concern, an approval condition on the provision of fencing could be imposed to minimise the impact on the local residents.

94. In response to a Member's query on the meaning of the approval condition (b) as recommended in paragraph 12.2 of the Paper, the Chairman said that the said approval condition was imposed to avoid storage of vehicles without valid licence, which could not address the parking need of the local villagers. The same Member expressed concern that vehicles with valid licences might also be stored on the site for selling purpose. The Chairman said that non-compliance with the approval condition would result in the revocation of the planning permission.

95. A Member said that similar applications were normally approved for a period of three years, and had no objection to granting a 3-year approval as requested by the applicant subject to the imposition of suitable approval conditions to address the local residents' concern. After further discussion, Members agreed to grant a 3-year approval for the proposed development and to add an approval condition on the provision of boundary fencing for the site. The compliance periods for the relevant approval conditions should also be suitably revised.

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, 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) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) a vehicular access of 3.7m in width within the site, as proposed by the applicant, shall be maintained at all times during the planning approval period;
- (g) the submission of proposals 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 7.2.2016;
- (h) in relation to (g) above, the implementation of proposals of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2016;
- (i) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (j) in relation to (i) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2016;
- (k) 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 7.2.2016;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) the permission is given to the use/development under application. It does not condone any other use/development which currently exists on the application site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (d) to note the comments of the District Lands Officer/North, Lands Department as follows:
 - (i) the actual occupation area is larger than the application site. Some other portions of Lots 369 and 372 in D.D. 94 have also been occupied. Moreover, there are unauthorized structures erected on the lots concerned and the adjoining government land without prior approval from his office. The aforesaid structures are not acceptable under the concerned Lease. His office reserves the right

to take lease enforcement and land control actions against the irregularities;

- (ii) the proposed vehicular access would be routed through various lots and necessary consent from the relevant lot owners may be required; and
 - (iii) the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) covering all the actual occupation area and a Short Term Tenancy (STT) for the illegal occupation of government land, which will be considered by the Government in its landlord's capacity. There is no guarantee that the applications for STW/STT will be approved. If the STW and STT are approved, they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
- (e) to note the comments of the Commissioner for Transport that the local access road connected to Hang Tau Road is not managed by his department. The land status of the local access road leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Director of Environmental Protection to properly manage the car park to minimize environmental nuisance to the nearby receivers;
- (g) to note the comments of the Director of Fire Services as follows:
- (i) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department; and

- (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department as follows:
- (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards;
 - (ii) existing water mains as shown in Plan A-2 of the RNTPC Paper are inside the site and will be affected. The applicant is required to either divert or protect the water mains found on the site;
 - (iii) if diversion is required, existing water mains inside the site are needed to be diverted outside the site boundary of the subject development to lie in with government land. A strip of land of minimum 1.5m in width should be provided for the diversion of the existing water mains. The cost of diversion of existing water mains upon request will have to be borne by the applicant, and the applicant shall submit all the relevant proposal to his department for consideration and agreement before the works commence;
 - (iv) if diversion is not required, the following conditions shall apply:
 - (a) existing water mains are affected as indicated on the mains record plan and no development which requires resitting of water mains will be allowed;

- (b) details of site formation works shall be submitted to the Director of Water Supplies (DWS) for approval prior to commencement of works;
- (c) no structures shall be built or materials stored within 1.5 metres from the centre line(s) of water main(s). Free access shall be made available at all times for staff of DWS or their contractor to carry out construction, inspection, operation, maintenance and repair works;
- (d) no trees or shrubs with penetrating roots may be planted within the Waterworks Reserve or in the vicinity of the water main(s). No change of existing site condition may be undertaken within the aforesaid area without the prior agreement of DWS. Rigid root barriers may be required if the clear distance between the proposed tree and the pipe is 2.5m or less, and the barrier must extend below the invert level of the pipe;
- (e) no planting or obstruction of any kind except turfing shall be permitted within the space of 1.5m around the cover of any valve or within a distance of 1m from any hydrant outlet;
- (f) tree planting may be prohibited in the event that DWS considers that there is any likelihood of damage being caused to water mains; and
- (v) the site is located within the flood pumping gathering ground; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within

or in the vicinity of the site, the applicant shall carry out the following measures:

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

Agenda Items 51, 52 and 54

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/469 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 607 S.L in D.D. 109, Shui Tau Tsuen, Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTN/469)

A/YL-KTN/470 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 607 S.P in D.D. 109, Shui Tau Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/470)

A/YL-KTN/472 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 607 S.Q RP in D.D. 109, Shui Tau Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/472)

98. The Committee noted that the three applications for three Small Houses were similar in nature and the application sites were located in close proximity to one another and within the same “Agriculture” (“AGR”) zone. The Committee agreed that they could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (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 applications;
- (d) the District Officer (Yuen Long) had consulted the locals regarding the applications. Local objection was received from the villagers on traffic and drainage grounds;

- (e) during the first three weeks of the statutory publication period, nine public comments objecting to applications No. A/YL-KTN/469 and A/YL-KTN/470 while six public comments objecting to application No. A/YL-KTN/472 were received. They were Kam Tin Shui Tau Tsuen Indigenous Villager's Representative, a group of 15 villagers, two local residents, members of the general public and Designing Hong Kong Limited. The adverse comments were summarised as below :
- (i) the commenters objected to the applications on traffic, fire safety and drainage grounds as the entrance of the village and local roads were narrow, fire hydrant might not be able to reach the area due to the narrow roads and there were a few clubs and recreation sites in the area aggravating the traffic load problem. Flooding might occur in rainy days leading to inconvenience to villagers and vehicles. The proposed NTEHs would adversely affect the village's fung shui. The site fell outside the 300 feet boundary of Shui Tau Tsuen and was not zoned "Village Type Development" ("V"). Previous applications at the site and the adjoining lots were rejected by the District Lands Officer/Yuen Long on traffic ground. The applicants were not an indigenous villagers of Shui Tau, Shui Mei and Kam Hing Wai villages. Approval of the applications would invite similar applications for development of Small Houses; and
- (ii) the other commenter, Designing Hong Kong Limited, objected to the application on contravention of planning intention of "Agriculture" ("AGR") zone. The applicants also failed to confirm there was appropriate access, right of way and parking; and the road and parking areas in the area were substandard, unsafe and inadequate. There was adequate land in adjacent "V" zone and no public gain or justifications to alter the existing land use had been given. Similar applications (No. A/YL-KTN/284-286) had been rejected, the Town Planning Board should follow through and by rejecting this application; and

- (f) the Planning Department (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 “AGR” zone. Applications no. A/YL-KTN/470 and 472 did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that the sites fell entirely outside the village ‘environs’ (‘VE’) of Shui Tau Tsuen and Shui Mei Tsuen. For application No. A/YL-KTN/469, whilst there was a general shortage of land in meeting the demand for Small House development in the “V” zone for Shui Tau Tsuen, Shui Mei Tsuen and Kam Hing Wai, the proposed Small House development was considered not supported in that piecemeal and haphazard development of Small Houses outside “V” zone should not be encouraged. Although there were existing Small House to the west of the site, they were approved by the Committee in 1999 before the first promulgation of the Interim Criteria. A total of seven similar applications for Small House development near Shui Tau Tsuen, Shui Mei Tsuen and Kam Hing Wai were considered by the Committee or the Board between 2003 and 2012. All except Application No. A/YL-KTN/380 were rejected. Sympathetic consideration was given to application No. A/YL-KTN/380 as the majority of the site and the footprint, i.e. 75% of the application fell within the “V” zone and there was a shortage of land in meeting the demand for Small House development in the “V” zone. For the subject applications, there were no strong justification in the submission that might warrant sympathetic consideration. Regarding the public comments, the planning assessments above were relevant.

100. Members had no question on the applications.

Deliberation Session

101. The Chairman said that the sites under applications No. A/YL-KTN/470 and 472 fell entirely outside the 'VE' of Shui Tau Tsuen and Shui Mei Tsuen and did not comply with the Interim Criteria. As for application No. A/YL-KTN/469, a total of eight similar

applications for Small Houses in proximity to the site were previously approved by the Committee.

102. A Member was of a view that application No. A/YL-KTN/469 should not warrant the same planning consideration as the approved similar applications as they were considered before the promulgation of the Interim Criteria; and approval of the application might set an undesirable precedent for similar applications in the area, resulting in further encroachment onto the "AGR" zone. A Member shared the same views and said that the application should be rejected based on the prevailing Interim Criteria.

103. Members generally agreed that the applications should not be supported. A Member considered that rejection reason (a) as stated in paragraph 13.1 of the Papers should be suitably amended to delete the reference to good potential for agricultural rehabilitation, noting that the Director of Agriculture, Fisheries and Conservation had no strong view on the applications as the potential for agricultural rehabilitation for the sites was low. Members agreed.

104. After deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejections as stated in paragraph 13.1 of the Papers and considered that they were appropriate except reason (a) which should be suitably amended. The reasons for each of the applications were :

Application No. A/YL-KTN/469

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention; and
- (b) land is still available within the “Village Type Development” zone of Shui Tau Tsuen, Shui Mei Tsuen and Kam Hing Wai where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing

village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services.”

Application No. A/YL-KTN/470

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the site falls outside the “Village Type Development” (“V”) zone and village ‘environs’ (“VE”) and there is no exceptional circumstances that merit approval of the application; and
- (c) land is still available within the “V” zone of Shui Tau Tsuen, Shui Mei Tsuen and Kam Hing Wai where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services. ”

Application No. A/YL-KTN/472

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted

House/Small House in New Territories in that the site falls outside the “Village Type Development” (“V”) zone and village ‘environs’ (‘VE’) and there is no exceptional circumstances that merit approval of the application; and

- (c) land is still available within the “V” zone of Shui Tau Tsuen, Shui Mei Tsuen and Kam Hing Wai where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services. ”

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/471 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 58 S.B in D.D. 110, Tai Kong Po Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/471)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five public comments were received from a villager, three members of the general public and Designing Hong Kong Limited objecting to the application. Their comments were summarised as below:
- (i) the villagers and the general public objected to the application on the grounds that the applicant was not an indigenous villager eligible for Small House grant. Approval of the application outside “Village Type Development” (“V”) zone would invite similar applications for development of Small Houses leading to cumulative adverse impact on the environment. The development of houses on shrinking agricultural land would aggravate destruction on local rural environment. The application outside “V” zone and despoiling agricultural land should be rejected which was in line with the Committee’s previous decision. The local roads and other infrastructures were not adequate for increasing developments and residents in the area. Sewage generated would pollute the nearby stream; and
 - (ii) the other commenter, Designing Hong Kong Limited, objected to the application on contravention of planning intention of “AGR” zone. The applicant failed to confirm there was appropriate access, right of way and parking; and the road and parking areas in the area were substandard, unsafe and inadequate; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment set out in paragraph 12 of the Paper. The application met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that the site was located entirely within the village ‘environs’ (‘VE’) of Tai Kong Po and there was no “V” zone for Tai Kong Po to meet the outstanding applications and 10-year demand for Small Houses of the village. Sympathetic consideration could be given to the application. Although

the proposed Small House development was not in line with the planning intention of the “Agriculture” zone, the Director of Agriculture, Fisheries and Conservation had no objection to the application and the site was located within a cluster of village houses. A planning application (No. A/YL-KTN/467) for development of Small House to the immediate east of the site was approved by the Committee on 17.7.2015. Relevant departments consulted had no adverse comment on the application. Approval of the application would be in line with the Committee’s previous decisions on similar applications in Tai Kong Po. Regarding the public comments, the planning assessments and the comments of government departments above were relevant.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.8.2019, 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 tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) to note the comments of the Director of Fire Services that the applicant

should follow the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department;

- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should take appropriate measures to prevent polluting or disturbing the pond in the vicinity of the site during construction;
- (c) to note the comments of the Director of Environmental Protection that the proposed development is outside water gathering grounds, and the area and its vicinity are not served by public sewers. In view of the small population and nature of the proposed development, septic tank and soakaway system is considered a suitable treatment system provided that its design and operation follows the requirements in the Environmental Protection Department’s (EPD) Practice Note for Professional Person (ProPECC) PN 5/93 ‘Drainage Plans subject to Comment by the EPD’, including percolation test and certification by Authorised Person; and
- (d) 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.”

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

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/474 Proposed Temporary Hobby Farm for a Period of 3 Years in
“Agriculture” zone, Lots 926 RP and 957 in D.D. 107, Fung Kat Heung
Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/474)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary hobby farm for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a member of the public and Designing Hong Kong Limited. The commenters objected to the subdivision of farm into small plots for reasons that the applied use would cause increase in the price of agricultural land rendering real farming unprofitable. It would encourage speculative and short-term investments that pushed farmers out of rural land markets. The broad layout plan of the development also failed to show the operational details, especially the drainage and sewerage aspects. The temporary application, if permitted, would be renewed regularly and last for a long period. A clear definition of ‘leisure farming’ should be provided and the standards for uses of leisure farming land should be reviewed; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary hobby farm could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The proposed temporary hobby farm was generally in line with the planning intention of the “Agriculture” (“AGR”) zone since the proposed development would involve the use of the site for farming purpose and no filling of land would be involved. The proposed development was considered not incompatible with the surrounding land uses. A similar Application No. A/YL-KTN/465 for temporary hobby farm within the same “AGR” zone at Tai Kong Po was recently approved with conditions by the Committee. Approval of the application was in line with the Committee's previous decision. Considering the nature and scale of the proposed development, it would unlikely cause significant adverse environmental, traffic, landscape or drainage impacts on the surrounding areas. Relevant departments consulted had no objection to or no adverse comment on the application. Regarding the public comments, the planning assessments and the comments of government departments above were relevant.

110. The Chairman asked DPO to indicate on a plan the area proposed to be covered with concrete paving. Referring to Drawing A-1 of the Paper, Mr Kepler S.Y. Yuen, STP/FSYLE, pointed out that there would be hard paving for the structures, the access road and the 19 parking spaces within the site.

Deliberation Session

111. The Chairman expressed concern on the excessive hard-paved area proposed within the site. Same as similar application (No. A/NE-TK/553) in Tai Po considered by the Committee at the same meeting, the Chairman suggested and Members agreed that an approval condition requiring the applicant to reduce the paving of the site to should be added. The Chairman also requested PlanD to be alert in processing future similar applications on the need to minimize hard-paving of the sites.

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation of the proposed development from 6:00 p.m. to 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (c) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (d) in relation to (c) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2016;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2016;
- (f) in relation to (e) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2016;
- (g) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2016;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the

Director of Fire Services or of the TPB by 7.5.2016;

- (i) the submission of a revised layout plan with a reduced paved area within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (j) in relation to (i) above, the implementation of the revised layout plan with a reduced paved area within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2016;
- (k) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (b), (c), (d), (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; and
- (m) 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.”

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

- “(a) to resolve any land issues relating to the development with the concerned owners of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that 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 prior approval of the Government. The site is accessible to Fung Kat Heung Road via government land (GL) and private land. LandsD does not provide maintenance work for the GL involved and does not guarantee any

right-of-way. The lot owners concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (c) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that since the two proposed structures are not solely used for agricultural purpose, the applicant should apply for a short term waiver from LandsD for the proposed structures. The applicant should also minimize disturbance (e.g. hard paving) to the land allocated for non-farming purposes;
- (e) to note the comments of the Director of Environmental Protection that the applicant should follow the Hong Kong Planning Standards and Guidelines requirements that abstraction of water and discharge of effluents should not be carried out in a manner that will cause detrimental effects on downstream agricultural uses, if any. The applicant should also observe the statutory requirements under relevant pollution control ordinances and provide adequate supporting infrastructure including waste/wastewater collection and disposal facilities for the proper collection, treatment and disposal of waste/wastewater generated from the proposed hobby farm;

- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains will be affected. The developer shall bear the cost of any necessary diversion work affected by the proposed development. In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m measuring from the centerline of the affected water mains shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have the 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. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;

- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structure, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs 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; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that 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. In this connection, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

[Mr H.F. Leung, Mr Edwin W.K. Chan and Mr Martin W.C. Kwan left the meeting at this point.]

Agenda Item 56

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/719 Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” zone, Lots 1864 RP (Part), 1865 (Part), 1866 (Part), 1867 (Part), 1868 (Part) , 3047 (Part) and 3048 (Part) in D.D. 111, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/719)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) temporary open storage of construction materials for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major departmental comments were summarised below:
- (i) the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings in the vicinity of the site (the nearest one being about 20m away to the northwest), and environmental nuisance was expected. No environmental complaint had been received for the site in the past three years;
 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the potential for agricultural rehabilitation of the site was high. The site was entirely within the “Agriculture” (“AGR”) zone and agricultural use in the vicinity of the site was active; and
 - (iii) other government departments had no objection to/adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a district councillor and a member of the public. The commenters objected to or raised concerns on the application for reasons that no consent from the lot owners or tenants had been obtained; the proposed development perpetuated inefficient land use as a large surface area was used to accommodate a relatively small enterprise; and approval of the application would set an undesirable precedent, leading to further deterioration of the rural landscape resources; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although the development was not in line with the planning intention of the “AGR” zone

and DAFC did not support the application as agricultural use in the vicinity of the site was active and the site had high potential for agricultural rehabilitation, there was no agricultural activity within the site and the site had been granted with approval for temporary composting/open composting or open storage uses since 1997. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. The applied use was considered not incompatible with the surrounding areas. The application generally complied with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) in that the site fell within the Category 3 areas in that the site was the subject of previous planning approval under Application No. A/YL-PH/659 for the same applied use. As there was no major change in planning circumstances since the last planning approval, sympathetic consideration could be given to the application. While DEP did not support the application as there were residential structures located in the vicinity of the site (with the nearest one being about 20m away to the northwest) and environmental nuisance was expected, there was no environmental complaint received by DEP in the past three years. To address the concern of DEP on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles; and prohibiting dismantling, maintenance, repairing, cleansing, paint-spraying or workshop-related activities are recommended. The applicant will also be advised to adopt the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to alleviate any potential impact. Regarding the public comment, the applicant was advised to resolve any land issue relating to the proposed development with the concerned owner(s) of the site and concerned departments consulted had no adverse comment on the application.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-PH/659 shall be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.11.2015;
- (g) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.11.2015;
- (h) 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 7.11.2015;

- (i) in relation to (h) 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 7.2.2016;
- (j) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2015;
- (k) the submission of a fire services installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2015;
- (l) in relation to (k) above, the implementation of the fire services installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2016;
- (m) 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;
- (n) if any of the above planning conditions (f), (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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

the applied use at the site;

- (b) to resolve any land issue relating to the development with the concerned owners of the site;
- (c) shorter compliance periods are imposed to monitor the progress of the compliance. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (f) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that 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. The site is accessible to Kam Tin Road via government land (GL) and private land. LandsD does not provide maintenance work for the GL involved and does not guarantee any right-of-way;
- (g) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of 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;

- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that there are watercourses to the north and south of the site. Should the application be approved, the applicant should be advised to adopt good site practice and necessary measures to avoid polluting and disturbing these watercourses during operation;
- (i) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to alleviate any potential environmental nuisance;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that 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 shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (k) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should provide updated photo record of existing trees within the site;
- (l) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. 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 Sites in Appendix V of the RNTPC paper should be adhered to. To address the approval condition on provision of the fire extinguisher, the applicant should submit a valid fire certificate (FS 251) to his department for approval. 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; and

- (m) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any use under the subject 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 Buildings Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by the 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. 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 Items 57 and 58

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/239 Renewal of Planning Approval for Temporary “Container Tractors/Trailers Park” for a Period of 1 Year in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 1212 S.A ss.2 and 1212 S.A ss.3(Part) in D.D. 115 and Adjoining Government Land, Chung Yip Road, Nam Sang Wai, Yuen Long

(RNTPC Paper No. A/YL-NSW/239)

A/YL-NSW/240 Renewal of Planning Approval for Temporary “Private Car Park” for a Period of 1 Year in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lot 1212 S.A ss.3 (Part) in D.D. 115, Chung Yip Road, Nam Sang Wai, Yuen Long

(RNTPC Paper No. A/YL-NSW/240)

118. The Committee noted that the two applications for temporary container tractors/trailers park or private car park were similar in nature and the application sites were located in close proximity to each other and within the same “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone. The Committee agreed that they could be considered together.

Presentation and Question Sessions

119. Miss H.Y. Chan, Helen (STP/FSYLE)(Atg.), presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the renewal of planning approval for temporary container tractors/trailers park or private car park for a period of 1 year;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers. The Director of Environmental Protection (DEP) did not support the application under application No. A/YL-NSW/239 as there were sensitive uses in the vicinity of the site (the closest one being about 50m away to its northwest) and environmental nuisance was expected; and other government departments had no objection to or no adverse comments on the applications;

- (d) during the first three weeks of the statutory publication period, 13 public comments were received. One was from a member of the Yuen Long District Council (YLDC) which had no comment on the application. There were 12 objecting comments, one of which was from the resident representative of Shan Pui Tsuen who objected to the application mainly on the grounds that the site fell within the Wetland Buffer Area (WBA) and the container tractor/trailer park was incompatible with the WBA. Another objecting comment was received from the previous applicant/operator of the container tractor/trailer park stating that he had ceased operation and the site was vacated on 1.7.2015. The remaining 10 objecting comments were from private individuals. Their grounds of objection were that residential developments were being constructed nearby, and the area was already congested by traffic from the Tung Tau Industrial Area (TTIA) and driving school. Technical assessments in respect of the environment, traffic, drainage and landscape, and FSI proposal should be submitted; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Papers. The applications were not in line with the planning intention of the “OU(CDWRA)” zone. When considering the previous applications at the subject application sites, the Committee noted that there would be residential development proposals in the “Residential (Group E) 1” (“R(E)1”) zone in the adjacent TTIA. The transformation of the adjacent area to residential use was beginning to take place. Two planning applications No. A/YL/191 and 194 for residential use had been approved

by the Committee on 21.12.2012 and 11.1.2013 respectively, and one government site for residential use would be disposed of in 2013/14 in the “R(E)1” zone to the immediate south of the subject application sites. To avoid undesirable interface issues with the proposed residential developments and to facilitate the early implementation of the subject “OU(CDWRA)” zone, the Committee approved the previous applications with conditions on a temporary basis for a further period of 1 year and the applicants were advised that further renewal would not be granted. The current applications for renewal of the permissions for the same uses for 1 more year was submitted by different applicants. To facilitate the implementation of the planning intention of restoring the degraded wetlands through comprehensive residential and/or recreational development to include wetland restoration area, the current renewal planning application was not supported. This was in line with the Committee’s previous decision. The applications also did not comply with the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within the Category 3 areas and there were adverse departmental comments. DEP did not support the application under application No. A/YL-NSW/239 as there were sensitive uses in the vicinity of the site (the closest one being about 50m away to its northwest) and environmental nuisance was expected. Regarding the public comments, the planning assessments and the comments of government departments above were relevant.

120. Members had no question on the applications.

Deliberation Session

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

Application No. A/YL-NSW/239

- “(a) the temporary container tractor/trailer park on the site is not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone which is intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands and there is no strong planning grounds to justify a departure from the planning intention even on a temporary basis; and
- (b) the previous planning approval (No. A/YL-NSW/230) was granted for the applicant to relocate his business to other suitable locations so as to enable early realization of the planning intention of the “OU(CDWRA)” zone. There is no strong planning justification for allowing the continuation of the non-conforming use at the site.”

Application No. A/YL-NSW/240

- “(a) the temporary private car park on the site is not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone which is intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands and there is no strong planning grounds to justify a departure from the planning intention even on a temporary basis; and
- (b) the previous planning approval (No. A/YL-NSW/229) was granted for the applicant to relocate his business to other suitable locations so as to enable early realization of the planning intention of the “OU(CDWRA)” zone. There is no strong planning justification for allowing the continuation of the non-conforming use at the site.”

Agenda Item 59

Section 16 Application

[Open Meeting]

A/YL-NTM/322 Proposed Social Welfare Facility (Residential Care Home for the Elderly) in “Green Belt” zone, Lot 316 in D.D. 104, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/322)

122. The Committee noted that the applicant requested on 15.7.2015 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

123. 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 60

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/323 Proposed Temporary Vehicle Repair Workshop with Ancillary Vehicle Stripping Yard for a Period of 3 Years in “Open Storage” zone, Lots 434 and 444 in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-NTM/323)

Presentation and Question Sessions

124. Miss H.Y. Chan, Helen (STP/FSYLE)(Atg.), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary vehicle repair workshop with ancillary vehicle stripping yard for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive receivers in the vicinity of the site, and environmental nuisance was expected. Other government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The applied uses were

generally in line with the planning intention of the “Open Storage” (“OS”) zone. They were not incompatible with the surrounding uses which were characterized by mixed uses including storage, warehouse, car repairing uses and some domestic structures. The applied uses were in line with the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within the Category 1 areas. DEP did not support the application as there were sensitive receivers in the vicinity of the site (closest residential dwelling being 7m away to its immediate southwest), but no complaints about the site had been received in the past three years. According to the applicant, the proposed vehicle repairing and ancillary vehicle stripping work would be conducted within the proposed one-storey enclosed structure. To address DEP’s concern and mitigate any potential environmental impacts, approval conditions on restriction on operation hours and prohibition of medium and heavy goods vehicles (i.e. vehicle exceeding 5.5 tonnes) and container tractor/trailer entering the site had been recommended. The applicant would also be advised to follow the DEP’s latest Code of Practice to minimize the possible environmental impacts on the adjacent areas.

125. Members had no question on the application.

Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no medium or heavy goods vehicle (exceeding 5.5. tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no operation between 7:00 p.m. and 9:00 a.m. on Mondays and Saturdays,

as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no operations on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) the fencing implemented on the site should be maintained properly at all times during the planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2016;
- (g) 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 7.2.2016;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2016;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2016;
- (j) in relation to (i) 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 7.5.2016;
- (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.”

127. 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) the site should be kept in a clean and tidy condition at all times;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of government land (GL) (about 270m² subject to verification) included in the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Ka Lung Road through GL. His office provides no maintenance works for the GL involved and does not guarantee any right-of-way. The site does not fall within any Airfield Height Restriction Area. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularity 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(s) will be considered by

LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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 comments of the Commissioner for Transport (C for T) that the application site is connected to an unknown local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that if the proposed run-in is agreed by the C for T, the applicant should construct a run in/out at the access point at Ka Lung Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. HyD is not and shall not be responsible for the maintenance of any access connecting the site and Ka Lung Road. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (g) to note the Comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD that the site would fall within the area of influence of the proposed Northern Link (NOL). Although the programme and the alignment of the proposal NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL;
- (h) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to 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 potential environmental impacts on the surrounding areas;

- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the drainage proposal 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 the applicant 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. 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. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant should consult DLO/YL regarding all the proposed drainage works outside the site 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 shall ensure and keep all drainage facilities on site under proper maintenance at all times;

- (j) to note the comments of the Chief Engineer/Construction Division, Water Supplies Department that the existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected

water mains within the site, a Waterworks Reserve within 1.5metres from the centerline of the water main shall be provided. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;

- (k) to note the comments of the Director of Fire Services that Fire Service Installations (FSIs) are 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 applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without the approval of the BD, they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers and open storage sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are 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.”

Agenda Item 61

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/470 Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 2 Years in “Village Type Development” zone, Lots 3071 S.A, 3071 RP, 3072, 3073 and 3076 in D.D.102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/470)

Presentation and Question Sessions

128. Mr C.K. Cheung, Simon (STP/FSYLE)(Atg.), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary public vehicle park (excluding container vehicle) for a period of 2 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 first three weeks of the statutory publication period, one public comment objecting to the application was received. The commenters stated that they were indigenous villagers of Fan Tin Tsuen, and owners of Lot 161 in D.D. 102. They pointed out that the applicant would use part of the land of Lot 161 in D.D. 102 as the main vehicular access. As they were not notified and had not allowed the applicant to use their land, the application should not be approved; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 2 years based on the assessments set out in paragraph 12 of the Paper. The applied use was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone. However, it could meet some of the local demand in the vicinity. The District Lands Officer/Yuen Long, Lands Department (DLO/YL of LandsD) commented that whilst five Small House applications at the site were approved in the year 2009 and 2010, an extension of time for completion of these Small House developments had been approved. The applicants of the Small Houses could not commence construction of their Small Houses within 2 years due to funding issue. In this regard, approval of the application on a temporary basis for a period of 2 years would not frustrate the long-term planning intention of the “V” zone. Moreover, the applied use was not incompatible with the surrounding land uses which comprised village houses and car parks. Although the site fell within the Wetland Buffer Area, according to the Town Planning Board Guidelines on ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No.12C), planning applications for temporary uses were exempted from the requirement of an Ecological Impact Assessment. The Director of Agriculture, Fisheries and Conservation had no comment on the application. Given that the site was located at some distance from the fish

ponds and wetlands in the Deep Bay area, significant negative off-site disturbance impact on the ecological value of the wetlands and fish ponds was not envisaged. The application was also in line with the Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses (TPB PG-No.13E). The site was located in the vicinity of the cross-boundary bus terminus in San Tin and the Lok Ma Chau Control Point. Apart from meeting some parking demand of local villagers/residents, the applied use could satisfy some of the parking demand for cross-boundary travellers. Concerned government departments had no objection to or no adverse comment on the environmental, traffic, fire safety, drainage and landscape aspects. The site (in whole or in part) was the subject of 7 previously approved applications. Approval of the current application was in line with the previous decisions of the Committee. Regarding the public comment on use of private land as main vehicular access without the landowner's consent, it should be noted that Lot 161 in D.D. 102 was outside the site and the matter was related to dispute on private land. In this regard, the applicant was advised to resolve any land issue relating to the development with the concerned owner(s) of the site and the access to the site.

129. Members had no question on the application.

Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 7.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance is allowed

- to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
 - (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
 - (e) the existing trees within the site shall be maintained at all times during the planning approval period;
 - (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
 - (g) the submission of as-built drainage plans and photographic records 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 7.11.2015;
 - (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2016;
 - (i) in relation to (h) 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 7.5.2016;
 - (j) 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 7.2.2016;

- (k) 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;
- (l) if any of the above planning conditions (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; and
- (m) 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.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the application site and the access to the site;
- (b) the planning permission is given to the development/use(s) and structures under application. It does not condone any other development/use(s) and structure(s) which currently occur(s) on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use(s) and remove such structure(s) not covered by the permission;
- (c) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lot held under Block Government Lease under which no structures are allowed to be erected without prior approval of the Government. The site is accessible from Castle Peak Road - San Tin through government land (GL). LandsD provides no maintenance works for the GL involved and does not guarantee any right-of-way. The lot owners concerned will still need to apply to his Office to permit any additional/excessive structures to be erected or regularize any irregularities on site. 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 the payment of premium or fee, as may be imposed by LandsD;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Castle Peak Road – San Tin should be commented by the Commissioner for Transport (C for T). If the proposed run-in is agreed by C for T, the applicant should construct a run in/out at the access point at the Castle Peak Road – San Tin in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. HyD is not and shall not be responsible for the maintenance of any access connecting the site and Castle Peak Road – San Tin. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;

- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) 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 applicant should also be advised that: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

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

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage

Services Department (DSD) that all the drainage facilities should be maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during the planning approval period. 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 drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL, LandsD, regarding all the drainage works outside the site boundary in order to ensure the unobstructed discharge from the site in future;

- (i) to note the comments of the Commissioner of Police that no parallel trading related activities should occur at the site; 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 Mr Otto K.C. Chan, Mr Kevin C.P. Ng, Mr Kepler S.Y. Yuen STPs/FSYLE, Miss Helen H.Y. Chan and Mr Simon C.K. Cheung, STPs/FSYLE (Atg), for their attendance to answer Members’ enquires. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Item 62

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/955 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot 1119 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/955A)

132. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in D.D.125, Ha Tsuen. Members noted that Ms Lai had tendered apologies for being unable to attend the meeting.

133. The Committee noted that the replacement pages (pages 11 to 14) of the Paper to add a new Advisory Clause (h) were tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. A local resident of Villa Oasis in Tseung Kong Wai objected to the application on the grounds that the proposed access

road could not support the additional traffic and the proposed use would cause law and order issues; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although the temporary shop and services was not in line with the planning intention of the “Village Type Development” (“V”) zone, the District Lands Officer/Yuen Long, Lands Department (DLO/YL of LandsD) advised that no Small House application had been received for the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The proposed temporary shop and services use (real estate agency) was of a small scale and was meant to serve the local residents in the neighbourhood. It was not incompatible with the planned land use for the area. Given the small-scale of the proposed development, it would not cause significant adverse environmental, visual, landscape, traffic or drainage impact on the surrounding areas. There was no adverse comment from the concerned government departments. The Committee had approved seven similar applications within the “V” zone since 2005. In this regard, the approval of the current application was in line with the Committee's previous decisions. Regarding the public comment on the traffic and law and order aspects, concerned departments including the Commissioner for Transport and Commissioner of Police had no objection to or no adverse comment on the application. Approval conditions had been recommended to restrict the operation hours and prohibit vehicle from queuing back to public road or reverse onto/from the public road to minimize any possible impacts on the surrounding areas.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, on the terms of the application as

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

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to public road or reverse onto/from the public road at all times during the planning approval period;
- (c) 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 7.2.2016;
- (d) in relation to (c) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (f) in relation to (e) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2016;
- (g) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2016;
- (h) in relation to (g) 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 7.5.2016;
- (i) if any of the above planning conditions (a), (b) or (d) 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;

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

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. The site is accessible to San Sik Road via other private lots and a local road on government land (GL). His office provides no maintenance works to the GL involved and does not guarantee right-of-way. The lot owner(s) concerned would still need to apply to his Office to permit any structures to be erected or regularize any irregularities on site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and no guarantee that such application will be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and adjacent areas. 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;

- (d) to note the comments of the Director of Environmental Protection that the applicant is reminded to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisance;
- (e) to 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 San Sik Road;
- (f) to 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) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted Houses), they are unauthorized under the 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 application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be

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

Agenda Item 63

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/964 Proposed Temporary Open Storage of Construction Materials and Equipments for a Period of 3 Years in "Recreation" zone, Lots No. 228, 229, 230, 231 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/964)

138. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in D.D.125, Ha Tsuen. Members noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and equipments 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 uses along the access road (Kai Pak Ling Road) and environmental nuisance was expected, but there was no environmental complaint pertaining to the site received over the past 3 year. Other government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and a member of the public. They objected to and raised concerns on the application on the grounds that it was not in line with the planning intention of the “Recreation” (“REC”) zones, the site should be reserved for recreational uses; the proposed use might adversely affect the environment, landscape and traffic, and the application was not in line with the government policy to introduce multi-storey towers to accommodate storage and parking so as to release brownfield and other sites for redevelopment; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The proposed use was not in line with the planning intention of the “REC” zone. However, there was not yet any programme/known intention to implement the zoned use. The Director of Leisure and Cultural Services (DLCS) had no comment on the application and advised that the site was not reserved for use of the department and there was no plan to acquire the site for any use. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “REC” zone. The

applied use for open storage of construction materials and equipment was not incompatible with the surrounding areas which were predominantly used for open storage and logistics uses. The development was in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within the Category 2 areas and there was no adverse comment from concerned government departments. Although DEP did not support the application as there were sensitive uses along the access roads and environmental nuisance was expected, there was no environmental complaint against the site over the past 3 years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours and the types of activity on site had been recommended. The applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the adjacent areas. Since granting the previous approval, there had been no material change in the planning circumstances. The Committee had also approved a number of similar applications for various open storage uses within the subject "REC" zone. Approval of the subject application was therefore in line with the Committee's previous decisions. Regarding the public comments, the planning assessments above were relevant.

140. Members had no question on the application.

Deliberation Session

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 5:00 p.m. to 9:00 a.m. from Monday to Saturday is allowed on the site, as proposed by the applicant, 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) no cutting, cleansing, melting, dismantling or any other workshop activity is allowed to be carried out on the site during the planning approval period;
- (d) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (e) the 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 7.2.2016;
- (f) the implemented drainage facilities on site shall be maintained at all times during the planning approval period;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (h) in relation to (g) 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 7.5.2016;
- (i) the provision of the fire extinguisher(s) and the submission of 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 18.9.2015;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.2.2016;

- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.5.2016;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d) 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 (e), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and;
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before continuing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings

Ordinance (BO). The applicant should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (e) to note the comment from the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for the occupation of government land (GL) (about 159.73m² subject to verification) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Kai Pak Ling Road through a local track on other private lots and GL. He provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owners would need to apply to him to permit any additional/excessive 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 would be considered by the LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application would be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by LandsD;
- (f) to 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) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that as the final discharge path is in other private lands outside the site, consent should be sought from the respective lot

owners (or the District Officer/Yuen Long for village drainage maintained by his department) before the commencement of the proposed drainage works;

- (h) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the subject site is not under Transport Department (TD)'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;
- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the access arrangement of the site should be commented and approved by TD. HyD shall not be responsible for the maintenance of any access connecting the site and nearby public roads;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that as per the planning statement, it is noted that the proposed storage area and guardhouse is in conflict with the proposed tree planting, and the applicant should consider revising the storage area. Furthermore the tree planting in the submitted landscape proposal appears too sparse. As the drawing is not to scale, there is inadequate information to ascertain the distance between the trees. Hence an updated landscape proposal should be submitted. As the proposed trees are located in the storage area, the applicant should propose measures to prevent damage to the trees; hence a comprehensive tree preservation program should be submitted;
- (k) to 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 good practice guidelines for open storage in Appendix V of the RNTPC Paper should be adhered to. The applicant is advised to submit a valid fire certificate (FS251) to his department for approval. However, the applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without the approval of BD, they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including converted containers and open shed) 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 the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations ((B(P)R)) 5 and 41D respectively. If the site does not abut on a specified street having a width of not less than 4.5m, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage;
- (m) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to avoid affecting the existing wooded area and pond in the vicinity of the site; and
- (n) to note the comments of the Chief Engineer/Construction of Water Supplies

Department that water mains in the vicinity of the site cannot provide the standard pedestal hydrant.”

Agenda Item 64

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/965 Temporary Recyclable Collection Centre (Including Plastics, Paper and Metals) with Ancillary Workshop and Site Offices for a Period of 3 Years in “Undetermined” zone, Lots 1842 (Part), 1844 (Part), 1845 (Part) and 1846 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/965)

143. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in D.D.125, Ha Tsuen. Members noted that Ms Lai had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary recyclable collection centre (including plastics, paper and metals) with ancillary workshop and site offices 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 uses along the access road (Ping Ha Road) and environmental nuisance was expected. However, no environmental complaint pertaining to the site had been received in the past three years;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The site fell within an area zoned “Undetermined” (“U”) which denoted areas affected by the West Rail alignment and would be reviewed upon completion of the Planning and Engineering Study on the Hung Shui Kiu New Development Area. The temporary use for a period of 3 years would not jeopardize the long term development of the site. The proposed development was considered not incompatible with the surrounding uses which were predominately occupied by various open storage, warehouse, workshop and logistics uses in the subject “U” zone. The development was in general in line with the Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within the Category 1 areas and there was no adverse comment from concerned government departments. Although DEP did not support the application because there were sensitive receivers along the access road (Ping Ha Road) and environmental nuisance was expected, there was no environmental complaint against the site in the past three years. To mitigate any potential environmental impacts, approval conditions on the restriction on the operation hours, types of materials stored and types of vehicles used had been recommended. The applicant would be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ in order to minimize the possible environmental impacts on the adjacent areas. The Committee had approved three previous applications for similar use and 31 similar applications for various temporary open storage and port back-up uses within the same “U” zone. The approval of the current application was in line with the Committee’s previous decisions.

145. Noting that planning permission for the previous application had lapsed in December 2013 and the site was currently being used for the applied use without valid planning permission, a Member asked whether penalty would be given to the application for undertaking the unauthorized development (UD). Mr Vincent T.K. Lai, STP/TMYLW, said that the applicant had complied with all the approval conditions for the previous application but had not submitted an application to renew the planning permission. The site was currently subject to planning enforcement action and an Enforcement Notice had been issued.

Deliberation Session

146. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 8:00 p.m. to 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading, storage and dismantling) of electrical/electronic appliances, as proposed by the applicant, during the planning approval period;
- (d) no handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment is allowed on the site during the planning approval period;
- (e) no container vehicle is allowed to be used for the operation of/parked/stored on the site, as proposed by the applicant, during the planning approval period;

- (f) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.11.2015;
- (i) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 7.2.2016;
- (j) in relation to (i) 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 7.5.2016;
- (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 7.2.2016;
- (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 7.5.2016;
- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

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

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

- “(a) prior planning permission should have been obtained before continuing the development on site;
- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The site is accessible to Ping Ha Road through a local track on other private lots and on Government land (GL). His Office provides no maintenance works to the GL involved and does not guarantee right-of-way. The lot owner(s) would need to apply to his Office to permit the structures to be erected or regularize any irregularities on site. Such application(s) would be considered by the 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(s) is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fees, as may be imposed by LandsD;

- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (g) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under Transport Department's purview. The 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;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that The proposed access arrangement of the site from Ping Ha Road should be commented and approved by the Transport Department. 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 Ping Ha Road;
- (i) to 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (j) to note the comments of the Chief Town Planning Officer/Urban Design and Landscape, Planning Department that with reference to the planning statement, there is further opportunity for tree planting along the south western corner and an updated landscape proposal should be submitted; and

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

Agenda Item 65

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL- Proposed Temporary Logistic Centre, Open Storage of Construction Machinery and Material, Brand-new Trailer with Ancillary Canteen and Trailer Park for a Period of 3 Years in “Residential (Group E)” zone, Lots 2177 (Part), 2193 (Part), 2194 (Part), 2195, 2196, 2197, 2198, 2199 (Part), 2200, 2201 (Part), 2203, 2204 S.A (Part), 2219 RP (Part), 2225 (Part), 2228 S.A (Part), 2228 S.B (Part), 2334 (Part), 2336 S.A (Part), 2336 S.B (Part), 2337 (Part), 2338, 2339 S.A (Part), 2340, 2341, 2342, 2343, 2344 S.A (Part), 2344 S.B (Part), 2344 S.C, 2349 (Part), 2350, 2351 (Part), 2352 (Part), 2353 (Part), 2364 (Part), 2365 (Part), 2366 S.A (Part), 2366 RP (Part), 2367, 2368, 2369, 2370, 2371, 2373 S.A, 2373 RP (Part), 2374, 2375, 2376 S.A, 2376 S.B (Part), 2376 S.C (Part), 2377, 2378 RP (Part) and 3450 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/276)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary logistic centre, open storage of construction machinery and material, brand-new trailer with ancillary canteen and trailer park 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 uses in the vicinity of the site (the closest one being about 4m away) and the access

road (Lau Fau Shan Road). Environmental nuisance was expected. Although two complaints on noise were received in 2012 and 2013 regarding the loading/unloading activities of construction materials, no excessive noise was noted during site inspections. Therefore, no substantiated complaints had been received in the past three years;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of “Residential (Group E)” (“R(E)”) zone, there was no known development proposal for the site and the applied use was temporary in nature which could be tolerated in the interim. Apart from a few residential dwellings, the areas adjacent to the site were predominantly occupied by vehicle parks, workshops and open storage yards. The development was therefore not incompatible with the general character of the area. The development was generally in line with the Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within the Category 2 areas and there were previous planning approvals at the site and there was no adverse comment from concerned government departments. DEP did not support the application as there were sensitive receivers in the vicinity of the site (the closest one being about 4m away) and the access road (Lau Fau Shan Road). However, no substantiated environmental complaint at the site had been received in the past 3 years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours, the stacking height of materials, prohibition of workshop activities and provision of fencing on site had been proposed. The applicant would be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimize the possible environmental impacts on the nearby

sensitive receivers. The Committee had approved 18 previous applications for open storage uses at the site. Due to the demand for open storage and port back-up uses in the area, the Committee had also approved 10 similar applications within the same “R(E)” zone. As there had been no material change in the planning circumstances since granting the previous and similar approvals, approval of the current application was therefore in line with the Committee’s previous decisions.

149. Members had no question on the application.

Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the 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) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of 2.5m of the boundary fence, as proposed by the applicant, at all times during the planning approval period;
- (d) no storage of recyclable material, dismantling, assembling, repairing or other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no structure shall be erected over the Waterworks Reserve and such area shall not be used for storage purposes at all times during the planning approval period;

- (f) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (g) the existing drainage facilities implemented shall be maintained at all times during the planning approval period;
- (h) 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 7.11.2015;
- (i) the provision of fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (j) the implementation of the accepted landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2016;
- (k) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.9.2015;
- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2016;
- (m) in relation to (l) 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 7.5.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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 (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the site should be kept in a clean and tidy condition at all times;
- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government and a New Grant Lot No. 3450 in D.D. 129 which held under New Grant No. 843 for private residential purpose only. The private land of Lot Nos. 2225 and 2378 RP in D.D. 129 are covered by Short Term Waiver (STW) Nos. 3675 and 3556 which permit structures for the purpose of “ancillary use to open storage of construction material and metal ware” and “temporary open storage of construction materials” respectively. The private land of Lot No. 2368 in D.D. 129 is covered by Building Licence No. 247 which permits one small house for non-industrial

purpose. The site is accessible to Lau Fau Shan Road through government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The site does not fall within any Airfield Height Restriction Area. The STW holders will need to apply to his office for modification of the STW conditions to regularize any irregularities on site. Besides, the lots owner(s) without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by the Lands Department acting in the capacity of the landlord and its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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 the Lands Department;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection (DEP) to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, of Highways Department (HyD) that the access arrangement to the site from Lau Fau Shan Road should be submitted and approved by the Transport Department (TD). If the proposed run-in is agreed by TD, the applicant should construct a run-in/out at the access point at Ping Tong Street East in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the site and Lau Fau Shan Road;

- (g) to 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 to be installed should be clearly marked on the layout plans; and the good practice guidelines for open storage (Appendix V of the RNTPC Paper) should be adhered to. To address this approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to his Department for approval. However, the applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without the 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 application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D

of the Building (Planning) Regulations (B(P)R) respectively. 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 66

Section 16 Application

[Open Meeting]

A/TSW/61 Proposed Comprehensive Residential and Commercial Development with Flat, Eating Place, Shop and Services and Public Vehicle Park in “Comprehensive Development Area” zone, Tin Shui Wai Planning Area 112 (Tin Shui Wai Town Lot 33)
(RNTPC Paper No. A/TSW/61)

152. The Secretary reported that the application was submitted by Jet Group Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). The following Members had declared interests in the item:

- | | |
|---------------------|---|
| Mr Ivan C.S. Fu |] having current business dealings with |
| |] SHK |
| Ms Janice W.M. Lai |] |
| Ms Christina M. Lee | - being the Secretary - General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK |
| Dr W.K. Yau | - being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK |

153. The Committee noted that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting, and Ms Lee had already left the meeting.

As the applicant had requested for a deferment of consideration of the application, Members agreed that Dr Yau should be allowed to stay in the meeting.

154. The Committee noted that the applicant requested on 24.7.2015 for further deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. This was the applicant's second request for deferment.

155. 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. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of four months for preparation of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 67

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/484 Temporary Container Storage with Ancillary Repair Workshops for Container Vehicles and Trailers for a Period of 3 Years in "Open Storage" zone, Lots 664 (Part), 669 (Part), 670 (Part), 671 (Part), 672, 673, 714 (Part), 715 (Part), 716 (Part), 717 (Part), 723 S.A (Part), 724, 727 (Part), 728 (Part), 731 (Part), 734 (Part), 762 S.D (Part) and 768 in D.D. 123, Lots 558 (Part) and 562 (Part) in D.D. 126, and adjoining Government land, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/484)

Presentation and Question Sessions

156. 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) temporary container storage with ancillary repair workshops for container vehicles and trailers 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) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The development for container storage with ancillary repair workshops for container vehicles and trailers was considered broadly in line with the planning intention of the “Open Storage” (“OS”) zone and was not incompatible with the surrounding uses which were predominantly vehicle parks, repair workshops, logistics centres, warehouses, and open storage yards. The application was generally in line with the Town Planning Board Guidelines on 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 1 areas where favourable consideration would normally be given; relevant government departments had no objection to or no adverse comments on the application and their concerns could be addressed through imposing approval conditions; and there was no public comment or local

objection. There were two previous applications at the site for the same use approved since 2009. Within the same “OS” zone, two similar applications had been approved since 2004. Approval of the current application was in line with the previous decisions of the Committee.

157. Members had no question on the application.

Deliberation Session

158. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operations between 7:00 p.m. and 7:00 a.m. for the repair workshops and between 11:00 p.m. and 7:00 a.m. for all other operations from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of containers stored within the site shall not exceed 8 units during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of condition record of the existing drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.11.2015;

- (g) the provision of fire extinguisher(s) and the submission of 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 18.9.2015;
- (h) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2016;
- (i) in relation to (h) above, the implementation of a fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2016;
- (j) the submission of a landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

of the site;

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department's (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. The government land (GL) of the site is covered by Short Term Tenancy (STT) No. 2622 that permits structures for the applied purpose. The private land of Lot No. 727 in D.D.123 is covered by Short Term Waiver (STW) No. 3561 that permits structures for the applied purpose. The site is accessible to Fuk Hi Street via a local track on both GL and other private lots. His Office provides no maintenance works to the GL involved and does not guarantee right-of-way. The site does not fall within any Airfield Height Restriction Area. The STT and STW holder will need to apply to his Office for modification of the STT and STW conditions, and the lot owner(s) of the lots without STW will need to apply to his Office for permission of the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by his Department acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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 his Department;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open storage sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW

erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with the BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. 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 the potential environmental impact on the surrounding area. In particular, as the temporary use involving ancillary repair workshops for container vehicles and trailers will likely cause land contamination issue, the applicant is advised to implement the following environmental measures as specified in the Code of Practice: (i) Drainage channels and an oil interceptor should be installed to reduce pollutants from the site run-off; and (ii) Materials stored in the open area which may leak out oil or chemical waste should be placed on the non-slip heavy duty membrane and properly covered with water proofing sheet to avoid any soil contaminations;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to ensure that the proposed uses would not affect the nearby wooded area in "Conservation Area" zone at the west of the site;
- (f) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under TD'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;

- (g) to 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 Fuk Hi Street;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend 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. Water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition

of cable plans (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 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: (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 published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary; (ii) prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; (iii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines; and

- (k) to note the comments of the Director of Food and Environmental Hygiene that no sanitary nuisance shall be generated from the site or activities."

Agenda Item 68

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/485 Renewal of Planning Approval for Temporary Public Vehicle Park for Medium Size Buses (24 seats) and Private Cars for a Period of 3 Years in "Village Type Development" zone, Lots 449 RP (Part), 450 (Part) and 452 RP (Part) in D.D. 122 and adjoining Government Land, Hang Mei Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/485)

Presentation and Question Sessions

160. 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 public vehicle park for medium size buses (24 seats) and private cars 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) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The temporary public vehicle park for medium size buses (24 seats) and private cars was not in line with the planning intention of the “Village Type Development” (“V”) zone. However, according to the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), there was no Small House application at the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The continued use of the site for temporary vehicle park for medium size buses (24 seats) and private cars was considered not incompatible with the surrounding land uses which were mainly surrounded by vehicle parks. The application was generally in line with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that there was no material change in planning

circumstances since the previous temporary approval had been granted; adverse planning implications arising from the renewal of the planning approval were not envisaged; all approval conditions under the previous approval had been complied with; and the approval period sought was the same as that of the previous approval. Relevant government departments had no objection to or no adverse comment on the application. The site was the subject of 4 previous planning approvals and 13 similar applications approved by the Committee. Approval of the current application was in line with the previous decisions of the Committee.

161. Members had no question on the application.

Deliberation Session

162. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 25.8.2015 to 24.8.2018, 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) only medium size buses (24 seats) and private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that only medium size buses (24 seats) and private cars as defined in the Road Traffic Ordinance, are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) warning signs shall be provided at the access road, as proposed by the applicant, at all times during the planning approval period;

- (e) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (f) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (i) the existing trees on the site shall be maintained at all times during the planning approval period;
- (j) the submission of record of the 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 25.11.2015;
- (k) 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 25.2.2016;
- (l) in relation to (k) above, the implementation of the fire service installations proposal with 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 25.5.2016;
- (m) 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;

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

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department’s (LandsD) that 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 from the Government. According to the application, no structure is proposed to be erected on the site. No permission is given for occupation of government land (GL) (about 32m² subject to verification) included in the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible through an informal track on both GL and private land extended from Tsui Sing Road. His Office provides no maintenance work for the track and does not guarantee any right-of-way. 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(s) will be considered by the LandsD acting in the capacity of landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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 the LandsD;

- (c) 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 nuisance to the surrounding area;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that there are some trees to the south of the site. The applicant is advised to adopt appropriate measures to avoid impacts on these trees during operation;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department's (TD) comment that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under the purview of the TD. 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) to note the comments of 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; and
- (g) to note the comments of the Director of Food and Environmental Hygiene that no sanitary nuisance shall be generated from the subject site/activity."

Agenda Item 69

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/736 Proposed Temporary Hydroponics Farm for a Period of 3 Years in “Residential (Group C)” and “Undetermined” zones, Lots 1318 RP (Part), 1319 (Part), 1320 S.A, 1320 RP, 1321 S.A, 1321 S.B, 1322, 1323 (Part), 1325 (Part), 1326 and 1327 in D.D. 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/736)

Presentation and Question Sessions

164. Ms Bonita K.K. Ho, STP/TMYLW, said that a replacement page (page 13) of the Paper was tabled at the meeting. Ms Ho then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary hydroponics farm 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, i.e. residential structures located to the immediate south and southeast and in the vicinity of the site and residential dwellings within 50m of the access road to the site, and environmental nuisance was expected. However, no environmental complaint concerning the site had been received in the past three years;
- (d) during the first three weeks of the statutory publication periods, 19 public comments were received from green groups, village representatives of Shan Ha Tsuen and private individuals all raising objection to the application mainly on ecological, land use, fung shui and environmental hygiene

grounds. Some of the commenters (including Conservancy Association, Hong Kong Bird Watching Society and Designing Hong Kong Limited) pointed out that the existing egretty in the vicinity of the site was an important breeding ground for ardeids and were concerned that the proposed development would generate noise and human disturbance and affect the egretty and bird's flight path. There were allegations that the site was subject to illegal dumping (i.e. destroy first, develop later actions). There were also concerns on fung shui grounds in view of the proximity to existing graves and on the potential environmental hygiene impacts arising from infestation of pest; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the aforementioned Study had yet to be completed. Approval of the application on a temporary basis could be tolerated and would not jeopardize the long-term planning intention of the “Residential (Group C)” (“R(C)” zone. Although DEP did not support the application as there were sensitive receivers located to the immediate south and southeast and in the vicinity of the site and there were residential dwellings within 50m of the access road to the site, there was no environmental complaint concerning the site received in the past 3 years. To address DEP's concern and minimize the possible nuisance/disturbance that might be generated, approval conditions restricting the operation hours and the types of vehicles allowed to be used for site operation and prohibiting the erection of structures within 10m from the existing trees and bamboos of the existing egretty, as proposed by the applicant, were recommended. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact. The Committee had approved a similar application for proposed temporary agricultural use (mushroom shed and greenhouse) with ancillary domestic structure in the same “Undetermined”

("U") zone. Approval of the application was in line with the Committee's previous decision. Regarding the public comments which were mainly on ecological, land use, fung shui and environmental hygiene grounds, it should be noted that the site was zoned "R(C)" and "U" which were development zones. As regards the concerns on the disturbance to the existing egret in the locality, the Director of Agriculture, Fisheries and Conservation had no adverse comment on the application and relevant approval conditions would be imposed to minimize the disturbance to the egret and the existing bamboos and trees.

165. In response to a Member's query, Ms Bonita K.K. Ho said that the breeding season of ardeids would be from March to August every year, and no construction works including scaffolding were allowed on the site during the aforementioned period.

Deliberation Session

166. A Member had no objection to the application but suggested that an approval condition forbidding the use of synthetic insecticide should be imposed should the application be approved. That would help protect the existing egret located to the southwest of the site. In response to the Chairman's concern on how the approval condition could be enforced, the same Member said that field evidence such as empty bottles of synthetic insecticide identified during site inspection could help check compliance with the suggested approval condition. The Committee agreed to the Member's suggestion.

167. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, 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. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the

applicant, at any time during the planning approval period;

- (c) no structures within 10m from the existing bamboos and trees of the egretty at the southwestern corner of the site are allowed to be erected, as proposed by the applicant, at any time during the planning approval period;
- (d) the existing bamboos and trees at the southwestern corner of the site shall be preserved at all times during the planning approval period to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) no works, including site formation, land excavation, and construction of the proposed rainproof and shading sheds, are allowed on the site at any time within the breeding season of ardeids from March to August inclusive in order to protect the egretty nearby to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (f) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (g) the existing natural stream at the site shall be maintained at all times during the planning approval period;
- (h) no synthetic insecticides is allowed in the operation of the hydroponics farm at any time during the planning approval period;
- (i) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2016;
- (j) in relation to (i) 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 7.5.2016;

- (k) in relation to (j) above, the implemented drainage facilities shall 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 7.2.2016;
- (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 7.5.2016;
- (n) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2016;
- (o) in relation to (n) 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 7.5.2016;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (i), (j), (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 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.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. No permission is given for occupation of the government land (GL) (about 443m² subject to verification) included into the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The lot owner(s) concerned will need to apply to his office to permit the structures to be erected or regularize any regularities 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(s) 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(s) 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 track on GL and private land extended from Kung Um Road. His office provides no maintenance work for the track and does not guarantee any right-of-way;
- (c) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road shall be checked with the Lands Authority. The management and maintenance responsibilities of the same access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the site for manoeuvring of vehicles and no parking of vehicles on public road is allowed;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided

to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the southwestern corner of the site next to a stream and knoll to the west is covered with some bamboos and trees where an egret (i.e. breeding ground of ardeids) is located (Plan A-2 of the RNTPC Paper). The applicant is reminded that all wild birds, including their nests and eggs, are protected under the Wild Animals Protection Ordinance (Cap. 170) and is advised to minimize night-time lighting as far as possible and install lighting facilities, if any, at proper locations to avoid direct shining on the egret. The applicant is also advised to approach his extension office for early advice on the matter relating to application for Letter of Approval when the relevant design of the proposed structures is available;
- (f) to note the comments of the Director of Environmental Protection that all wastewaters from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance. The applicant is reminded to implement good site practices and good housekeeping to avoid causing environmental impacts to the surrounding areas. In addition, the applicant is advised 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 any potential environmental nuisances;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department’s comments that the submitted layout plan (Drawing A-2 of the RNTPC Paper) has not recorded one row of mature *Ficus benjamina* at the northeastern part of the site;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that as part of the site will be covered, the applicant should provide his own drainage facilities to collect the runoff generated

from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities;

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. 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. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including container converted structures) are to be carried out on lease 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 building works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of

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

Agenda Item 70

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/746 Temporary Warehouse for Storage of Advertising Materials, Construction Materials and Household Products for a Period of 3 Years in “Undetermined” zone, Lots 1399 (Part), 1401 S.A to S.D (Part), 1402 (Part) and 1403 (Part) in D.D. 119, Kung Um Road, Yuen Long (RNTPC Paper No. A/YL-TYST/746)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of advertising materials, construction materials and household products 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 use in the vicinity (with the nearest ones located less than 5m to the immediate southwest and south of the site), and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use but was designated with the zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, the Commissioner for Transport (C for T) had no adverse comment on the application. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the aforementioned Study had yet to be completed. Approval of the application on a temporary basis would not frustrate the long-term use of the area. The development was not incompatible with the surrounding uses in the subject “U” zone comprising similar uses. DEP did not support the application as there were residential uses in the vicinity of the site (with the nearest ones located less than 5m to the immediate south and southwest) and environmental nuisance was expected. However, there had been no environmental complaint concerning the site in the past 3 years and the development was mainly for storage purpose within covered warehouse structure. It was therefore not expected that the development on the site would generate significant environmental impact on the surrounding areas. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and type of vehicles used; and prohibiting workshop and open storage activities on the site and storage of electronic waste and electrical appliances, as proposed by the applicant, were recommended. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact. Other government departments consulted had no adverse comment on the application. Planning permissions for similar temporary warehouse use at the site had been granted since 2004. All the associated approval

conditions of the last application had been complied with by the applicant. Given that the Committee had also approved similar applications for warehouse use in the concerned part of the “U” zone, approval of the subject application was in line with the Committee’s previous decisions.

170. Members had no question on the application.

Deliberation Session

171. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., 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 workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no storage of electronic waste and used electrical appliances, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no open storage activities, 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 tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (g) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (h) all existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.11.2015;
- (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 7.2.2016;
- (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 7.5.2016;
- (m) 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;
- (n) if any of the above planning conditions (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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize the irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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 track on government land (GL) and private lots extended from Kung Um Road. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way;
- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within the site for manoeuvring of vehicles and no parking of vehicles is allowed on public road;
- (e) to note the comments of the Chief Highway Engineer/New Territories West,

Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (f) to 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;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy, and 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 in Appendix IV of the RNTPC Paper should be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorized under the 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 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 Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 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 71

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/747 Proposed Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years in "Undetermined" zone, Lot 1495 (Part) in D.D. 119 and Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/747)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of exhibition materials for a

period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter claimed to represent a group of residents nearby and raised concerns on the potential danger posed by the vehicles going in/out of the site to the users of the minibus stop near the site entrance, aggravation of traffic problems along Kung Um Road and flooding risks generated by the applied use; and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although the use of the area was currently being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the aforementioned Study had yet to be completed. Approval of the application on a temporary basis would not frustrate the long-term use of the area. The development was not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone comprising similar warehouse uses. DEP did not support the application as there were residential uses in the vicinity of the site (with the nearest ones located less than 5m to the immediate south). However, there had been no environmental complaint concerning the site in the past 3 years and the development was mainly for storage purpose within covered warehouse structure. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and type of vehicles used and prohibiting workshop activities on the site, as proposed by the applicant, were recommended. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact. Other

government departments consulted had no adverse comment on the application. The site was involved in 7 previous applications and given that the Committee had approved similar applications for temporary warehouse use in the vicinity of the site, approval of the application was in line with the Committee's previous decisions. Regarding the public comments, relevant departments had been consulted and had no adverse comments on the application.

174. Members had no question on the application.

Deliberation Session

175. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 7.8.2018, 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 dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) 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 site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;

- (f) the implementation of the accepted tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2016;
- (g) the submission of run-in/out proposal at the access point at Kung Um Road within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.2.2016;
- (h) in relation to (g) above, the provision of run-in/out at the access point at Kung Um Road within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.5.2016;
- (i) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2016;
- (j) in relation to (i) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2016;
- (k) in relation to (j) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2016;
- (m) in relation to (l) 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 7.5.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice;

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

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department’s (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of government land (GL) (about 157m² subject to verification) included in the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize the 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(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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 track on GL extended from Kung Um Road. His office provides no maintenance work

for the track and does not guarantee any right-of-way;

- (c) to note the comments of the Commissioner of Transport that sufficient space should be provided within the site for manoeuvring of vehicles and no parking of vehicles is allowed on public road;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out at the access point at Kung Um Road should be constructed in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Also, adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that during the site inspection on 3.2.2015, some trees which were deteriorating had been observed;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments on the submitted drainage proposal (Drawing A-3 of the RNTPC Paper). The applicant should advise how the runoff collected at the existing warehouse will be discharged to the proposed drainage facilities. The existing drainage facilities, to which the stormwater of the development from the subject site would discharge, are not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposed

works. In case that it is a local village drain, District Officer/Yuen Long (DO/YL) should be consulted. The applicant should check and ensure that the hydraulic capacity of the existing drainage facilities would not be adversely affected by the subject development. Also, the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy, and 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) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorized under the 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 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 Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 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 72

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/748 Renewal of Planning Approval for Temporary "Open Storage of Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities" for a Period of 3 Years in "Undetermined" and "Village Type Development" zones, Lots 324 (Part), 325, 326 (Part), 327 S.E RP (Part), 1420 RP and 1421 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/748)

Presentation and Question Sessions

177. 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) renewal of planning approval for temporary open storage of recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary packaging activities for a period of 3

years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity (with the nearest one located about 20m west of the site), and environmental nuisance was expected. However, there was no environmental complaint concerning the site received in the past 3 years; and other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although the use of the areas, which was mainly zoned “Undetermined” (“U”), was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the aforementioned Study had yet to be completed. As for the remaining minor portion of the site (about 6.4%) falling within the “Villae Type Development” (“V”) zone, the portion of land had been included in 6 previously approved applications and the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that there was currently no Small House application within the part of the “V” zone. The development was not incompatible with the surrounding uses in the subject “U” zone comprising similar uses. The application was generally in line with the Town Planning Board Guidelines for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) in that there had been no material change in planning circumstances since the granting of the previous approval; the approval conditions of the previous approval had been complied with; and the 3-year approval period sought

was of the same timeframe as the previous approval. The application was also generally in line with the Town Planning Board Guidelines on “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) in that the concerns of relevant government departments were technical in nature which could be addressed through the implementation of approval conditions; and there were similar applications in the “U” zone that had been approved. Although DEP did not support the application as there were sensitive receivers of residential uses in the vicinity of the site (with the nearest one located about 20m to the west), the residential structure was fenced off by a boundary wall and was buffered from the site by a local track. Besides, there had been no environmental complaint against the site in the past 3 years. To minimize possible environmental concerns, relevant approval conditions on the restriction of the operation hours and prohibition of the carrying out of noise/air polluting activities among others were recommended. The applicant would be advised to keep the site in a clean and tidy condition at all times and to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact. The site was the subject of 6 previously approved applications and all the associated approval conditions under the last application had been complied with. Approval of the renewal application was in line with the Committee’s previous decisions.

178. Members had no question on the application.

Deliberation Session

179. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 25.8.2015 to 24.8.2018, 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 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 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 outside the concrete-paved covered structures on the site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, except ancillary packaging activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no loading/unloading activities are allowed at Structures No. 1 and 2 on the site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the application 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 25.11.2015;
- (i) the implementation of the accepted tree preservation and landscape proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 25.2.2016;

- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.10.2015;
- (k) 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 25.2.2016;
- (l) in relation to (k) 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 25.5.2016;
- (m) 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;
- (n) if any of the above planning conditions (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.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (b) the site should be kept in a clean and tidy condition at all times;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department's (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lots No. 325 and 326 in D.D.119 are covered by Short Term Waivers (STWs) Nos. 3134 and 3135 respectively which permit the structures erected thereon for the purpose of storage and ancillary use. Lot 324 in D.D.119 is covered by STW 3457 which permits the structure erected thereon for the purpose of construction materials, scrap metal and furniture (with ancillary site office). The lot owner(s) will need to apply to his office to permit any additional/excessive structure to be erected or regularize the irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) 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 track on both government land (GL) and private land extended from Shan Ha Road. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way;

- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Shan Ha Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the site for manoeuvring of vehicles and no parking is allowed on public road;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His Department shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;

- (f) to 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. The measures considered appropriate in preventing soil and ground water contamination to the surrounding environment, including loading/unloading, processing and storing of all used electrical/electronic appliances and used batteries under shelter and on paved area, should be properly implemented;
- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The good practice guidelines for open storage (Appendix VI of the RNTPC Paper) should be adhered to. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (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 containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are 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 Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 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 73

Section 16 Application

[Open Meeting]

A/YL/213

Proposed Institutional Use (Community and Recreation Centre) in “Village Type Development” zone, Wong Uk Tsun Lots 103 and 104, Lots 195 S.E. (Part), 197, 198, 201 (Part), 203 (Part) and 205 (Part) in D.D. 115 and Adjoining Government Land, Tai Wai Tsuen, Shap Pat Heung, Yuen Long (Ex- Ng Wo School)
(RNTPC Paper No. A/YL/213)

181. The Committee noted that the applicant requested on 27.7.2015 for deferment of the consideration of the application for two months in order to allow time to prepare further information. This was the first time that the applicant requested for deferment of the application.

182. 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.

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

Agenda Item 74

Any Other Business

[Confidential Item. Closed Meeting]

183. This item was recorded under confidential cover.

184. There being no other business, the meeting closed at 6.30 p.m..