

TOWN PLANNING BOARD

Minutes of 516th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 8.8.2014

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Mr F.C. Chan

Ms Anita W.T. Ma

Professor K.C. Chau

Mr Ivan C.S. Fu

Dr Eugene K.K. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

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

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

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

Assistant Director/Regional 1,
Lands Department
Ms Doris M.Y. Chow

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

Secretary

Absent with Apologies

Professor S.C. Wong

Dr W.K. Yau

Mr Lincoln L.H. Huang

Ms Christina M. Lee

Mr H.F. Leung

Ms Janice W.M. Lai

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
Mr Dennis C.C. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 515th RNTPC Meeting held on 25.7.2014

[Open Meeting]

1. The Secretary said that subsequent to the circulation of the draft minutes of the 515th RNTPC meeting to Members, an editorial error was found in paragraph 103. It was proposed to amend paragraph 103 of the draft minutes, which was tabled at the meeting and highlighted as follows:

“103. After deliberation, the Committee decided to approve the application, *on a temporary basis for a period of 3 years until 25.7.2017*, on the terms of the application as submitted to the Town Planning Board (TPB).—~~The permission of each of the applications should be valid until 25.7.2018 and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permission was~~ and subject to the following conditions :”

2. The Committee agreed that the draft minutes of the 515th RNTPC meeting held on 25.7.2014 were confirmed subject to the above amendments.

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

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Amendments to Confirmed Minutes of 511th RNTPC meeting held on 23.5.2014

3. The Secretary reported that on 23.5.2014, the Committee decided to approve a section 16 application No. A/YL/201. The minutes were confirmed at the meeting on 13.6.2014 and sent to the applicant together with the approval letter on the same date. Subsequently, a typographical error was found in the approval condition (a) in paragraph 161

of the minutes. To avoid any confusion, it was proposed to amend the relevant sentence of the minutes, which was tabled at the meeting and highlighted as follows:

“~~the submission and implementation of a revised Master Layout Plan,~~ the design and implementation of environmental mitigation measures, as proposed by the applicant, in the Noise Impact Assessment report, to the satisfaction of the Director of Environmental Protection or of the TPB;”

4. The Secretary said that the replacement page of page 160 was sent to Members on 7.8.2014 which was also tabled at the meeting. Members agreed to the rectification of the confirmed minutes and noted that the amended minutes and revised approval letter would be sent to the applicant after the meeting.

(ii) [Confidential item. Closed Meeting]

5. This item was recorded under confidential cover.

Tuen Mun and Yuen Long West District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM-SKW/3 Application for Amendment to the Approved So Kwun Wat Outline Zoning Plan No. S/TM-SKW/11, to add ‘The always permitted uses would not preclude the right of application for permission from the Town Planning Board’ after the first sentence in paragraph (1) of the covering Notes of the Outline Zoning Plan
(RNTPC Paper No. Y/TM-SKW/3)

Presentation and Question Sessions

6. Mr W.S. Lau, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), and Mr C.C. Lau, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYLW), and Mr K.K. Sit, the applicant's representative, were invited to the meeting at this point.

7. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mr C.C. Lau, STP/TMYLW, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr Lau presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) to add "The always permitted uses would not preclude the right of application for permission from the Town Planning Board" after the first sentence in paragraph 1 of the covering Notes of the So Kwun Wat Outline Zoning Plan (OZP);

Departmental Comments

- (b) the departmental comments were detailed in paragraph 8 of the Paper and highlighted as follows:
 - (i) the District Lands Officer/Tuen Mun, Lands Department queried whether it was legally in order that the public could make application under section 16 of the Town Planning Ordinance (the Ordinance) to the Town Planning Board (the Board) for the uses always permitted under Column 1 of the OZP; and
 - (ii) the Department of Justice commented that where the subject Outline Zoning Plan (OZP) provided that the always permitted uses did not require a permission to be granted by the Town Planning Board (the Board) upon application, section 16(1) of the Town Planning Ordinance did not apply. Section 16(1) applied where the subject OZP provided for the grant of permission for any purpose. The

Board was bound by its own plans. If there was no basis in the approved OZP to enable the Board to process a section 16 application for permission of a use which was always permitted, the Board was bound not to process it. However, should the Board accept the proposed revision under the current section 12A application which would give any person including the applicant a discretion to submit section 16 application for any of the always permitted uses provided in the subject OZP, the Board would be bound to process such application if any was made in the future; and

- (iii) other government departments had no objection to or adverse comments on the application;

Public Comments

- (c) during the first three weeks of the statutory publication period of the application, one public comment supporting the application from Designing Hong Kong Limited was received for the reason that by allowing application for Column 1 uses to the Board, it could provide a procedure for evaluation and mitigation of conflicts in a fair manner open to public scrutiny.

Planning Department (PlanD)'s Views

- (d) PlanD did not support the application based on the assessments made in paragraph 10 of the Paper, which were summarised as follows:
 - (i) Allowing an applicant the discretion of submitting an application for Column 1 uses to the Board for consideration was against the original intention of the Schedule of Notes and would create uncertainty and confusion to the planning application system. It would also result in unnecessary procedures leading to possible delay in the development process;

- (ii) paragraph (2) of the covering Notes of the Master Schedule of Notes to Statutory Plans (MSN) had clearly stated that ‘Any use or development which was always permitted or might be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.’ With regard to the applicant’s intention of having the Board to resolve departmental and public objections for developments, there were existing administrative mechanisms within the concerned departments for resolving conflicts in the development process; and
- (iii) the covering Notes of the So Kwun Wat OZP were consistent with the MSN endorsed by the Board. Should the Committee approve the subject section 12A application, similar amendment would have to be made to all other 140 statutory plans.

8. The Chairman then invited Mr K.K. Sit to elaborate on the application. Mr Sit made the following main points:

- (a) the application was to restore the applicant’s rights to apply for planning permission under section 16 of the Ordinance;
- (b) there might be conflicting views and public objections in the development of Column 1 uses. Those conflicting departmental views as well as public objections would effectively be resolved by the Board;
- (c) there was no change in uses under Column 1 and the proposed amendment would not involve any amendments to the Ordinance and other ordinances; and
- (d) regarding PlanD’s concern on the corresponding amendments to all other statutory plans should the current application be approved, there were previous cases of en bloc amendments to statutory plans. The proposed amendment would facilitate development of uses under Column 1 of the

Notes.

9. In response to a Member's question, Mr K.K. Sit said that the proposed amendment was to provide a mechanism for the applicant to submit applications to the Board to solve problems in implementing Column 1 uses.

10. As the applicant's representative had no further points to make and Members had no questions to raise, the Chairman informed them that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representative and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

11. The Chairman said that any use or development which was always permitted must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government departments' requirements. In seeking the Town Planning Board (the Board) to take up the role to resolve departmental comments and public objections in implementing Column 1 uses, the applicant had mixed up the authorities of the Board and other Government departments' responsibilities. Members generally agreed that there was no justification to support the application.

12. The Chairman then invited Members to go through the suggested rejection reasons on page 6 of the Paper. In response to a Member's comments, the Chairman said that the suggested rejection reasons should be refined to better reflect the Committee's views and in particular, rejection reason (c) (i.e. 'approval of the application would have far reaching implications on the remaining 140 statutory plans covering the urban areas and the new Territories') should be replaced by focussing on the different functions between the Board and other government departments. The implementation of the applicant's proposal would need to conform with other relevant legislation and Government requirements. The function of the Board was not to resolve problems of implementation encountered by the applicant. The Chairman's proposal was agreed by the Members.

13. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- “(a) the intention of specifying uses always permitted (i.e. Column 1 uses) and uses that required permission from the Town Planning Board (i.e. Column 2 uses) is to balance between the need to provide certainty and flexibility of development in respective land use zones. The request for amendment to Covering Notes to make provision for Column 1 use to apply for planning permission is not in line with this intention;
- (b) the use and/or development that is always permitted or has obtained planning permission must also conform with other relevant legislation, conditions of Government land lease concerned, and other Government requirements; and
- (c) the function of the Board is not to resolve problems in the implementation of proposal encountered by the applicant.”

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

Sai Kung and Islands District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-CWBS/15 Proposed Filling of Land and Excavation of Land for a Permitted
2-storey On Farm Domestic Structure in “Green Belt” Zone, Lot No.
30 (Part) in D.D. 233, East of Clear Water Bay Road, Sai Kung
(RNTPC Paper No. A/SK-CWBS/15B)

14. The Secretary reported that the application was submitted by Vision Planning

Consultants Limited, with Select Force Consultants Limited and Kenneth Ng & Associates Limited (KNA) as consultants of the applicant. Ms Janice W.M. Lai had declared an interest in this item as she had current business dealings with KNA. Members noted that Ms Janice Lai had tendered apologies for being unable to attend the meeting.

15. The Secretary also reported that the application had been deferred twice for a total of three months. Since the last deferment, the applicant had submitted a Geotechnical Planning Review Report and responses to comments of concerned government departments. On 23.7.2014, the applicant wrote to the Town Planning Board to request for further deferment of the consideration of the application for two months in order to allow sufficient time for preparation of the Natural Terrain Hazard Study and for concerned government departments to review the further information.

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

[Ms Donna Y.P. Tam, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Items 5 and 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/I-LWKS/1 Proposed House in “Unspecified Use” zone, Lots No. 489, 491, 492 and 493 in D.D. 311, Keung Shan, Lantau Island
(RNTPC Paper No. A/DPA/I-LWKS/1)

A/DPA/I-LWKS/2 Proposed House in “Unspecified Use” zone, Lot No. 484 in D.D. 311, Keung Shan, Lantau Island
(RNTPC Paper No. A/DPA/I-LWKS/2)

17. The Committee noted that the two applications, which were submitted by the same applicant, were similar in nature. The sites were located in close proximity to each other and within the same “Unspecified Use” zone. The Committee agreed that the applications should be considered together. The Committee also noted that after the issue of the Papers, the applicant’s representative requested on 6.8.2014 for a deferment of the consideration of the applications for two months in order to prepare information including additional tree location survey and tree assessment along the access path connecting to the application sites to address the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department.

18. The Secretary said that the request for deferment met the criteria for deferment as set out in TPB Guidelines No. 33 on Deferment of Decision on Applications made under the Town Planning Ordinance in that the applicant needed more time to consult with relevant government department to resolve major issue associated with the application, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

19. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicant pending the submission of further information from the applicant. 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 applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would

be granted unless under very special circumstances.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/I-TCTC/48 Proposed Holiday Camp in “Government, Institution or Community”
and “Green Belt” zones and an area shown as “Road”, Lot 175 in D.D.
4 Tung Chung and adjoining Government Land, Lantau Island
(RNTPC Paper No. A/I-TCTC/48)

20. The Secretary reported that the applicant requested on 23.7.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to respond to departmental comments. This was the first time that the applicant requested for deferment.

21. 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 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/135 Proposed Temporary Swimming Pool and Garden Ancillary to an Existing House for a Period of 5 Years in “Green Belt” Zone, Lot No. 131 in D.D. 321, Tai Long Wan Tsuen, Lantau Island
(RNTPC Paper No. A/SLC/135)

Presentation and Question Sessions

22. Ms Donna Y.P. Tam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed swimming pool and garden ancillary to an existing house on a temporary basis for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department commented that there was a slope/retaining wall at the north-eastern boundary of the subject lot that could affect or be affected by the proposed swimming pool development. If the proposal proceeded to the development stage, the stability of this slope/retaining wall should be assessed and checked up to current safety standards;
- (d) during the first three weeks of the statutory publication period, three public comments objecting to the application from the Kadoorie Farm and Botanic Garden Corporation, an Islands District Council Member and a Vice Village Representative of Tai Long Wan Tsuen were received. The main grounds of objection were the proposal was not in line with the planning intention of the “Green Belt” (“GB”) zone; there were plenty of

recreational spaces in the area and the proposed development was not an essential facility; the proposed swimming pool would pollute the water of the Tai Long Wan beach; and the proposed swimming pool for private recreation was a waste of fresh water;

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The proposed private swimming pool and private garden were not in line with the planning intention of the “GB” zone. There was no strong justification for approving such application even on a temporary basis. The proposed development did not comply with the Town Planning Board Guidelines No. 10 (TPB PG-No.10) for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development within the “GB” zone would only be considered in exceptional circumstances and must be justified with very strong planning grounds. The proposed swimming pool and ancillary garden were for private recreation use. There was no strong justification provided in the submission to warrant the approval of this application under exceptional circumstances even on a temporary basis. The surrounding areas of the site were predominantly rural in character covered with well-grown vegetation and some abandoned agricultural land. There were some trees and shrub planting within the site. The proposed swimming pool would reduce greenery in the site. The proposal and development parameters of the application were largely the same as the previous application No. A/SLC/126 which was rejected by the Committee on 20.7.2012. There had been no change in planning circumstances since the rejection of the previous case. There was also no similar application within the “GB” zone approved by the Committee. Approval of the application would set an undesirable precedent for other similar applications and the cumulative impacts of approving such applications would affect the intactness of the “GB” zone and lead to a general degradation of the environment of the area.

23. Members had no question on the application.

Deliberation Session

24. A Member noted that the Chief Town Planner/Urban Design & Landscape, PlanD did not anticipate any adverse visual impact of the proposed swimming pool but if the application was approved, it would reduce the area to be covered by vegetation.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of development areas, to preserve existing well-wooded hill-slopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. There is a general presumption against development within this zone. The applicant fails to provide strong planning justifications in the submission for a departure from this planning intention even on a temporary basis;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 (TPB PG-No.10) for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that there is a general presumption against development within the “GB” zone and there is no strong justification provided in the submission to warrant the approval of this application under exceptional circumstances; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative impacts of approving such applications would affect the intactness of the “GB” zone and lead to a general degradation of the environment of the area.”

[The Chairman thanked Ms Donna Y.P. Tam, STP/SKIs, for her attendance to answer

Members' enquires. Ms Tam left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr Willy L.F. Pang, Mr Wallace W.K. Tang and Mr C.T. Lau, Senior Town Planners/Shu Tin, Tai Po and North (STPs/STN) and Ms Bonnie K.C. Lee, Town Planner/Shu Tin, Tai Po and North (TP/STN), were invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

26. The Secretary reported that the application was submitted by the City University of Hong Kong (CityU). Mr H.F. Leung had declared an interest in this item as he was a part-time lecturer of CityU. Members noted that Mr H.F. Leung had tendered apologies for being unable to attend the meeting.

27. With the aid of a PowerPoint presentation, Mr Willy L.F. Pang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed residential institution (student hostel) with minor relaxation of non-domestic gross floor area restriction for ancillary facilities serving the

student hostel;

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Secretary for Education supported the application as the proposed project was a necessary step forward to alleviating the acute student hostel shortfall faced by CityU and the use of the site for student hostel purpose would not lead to a shortage of kindergarten, primary or secondary schools in Ma On Shan;

- (d) during the statutory public inspection periods of the application, a total of 1,192 public comments were received, including 1,105 opposing comments, and 87 public comments supported or had no objection to the application. The public comments against the application were mainly on grounds that there was no justification of selecting such a waterfront location which was far away from the main campus for the proposed student hostel; the site should be developed for alternative uses such as primary/secondary schools or other community uses to serve the needs of Ma On Shan residents; the proposed development intensity and building height were too high and was not in line with the planning concept of stepped height profile and would bring about wall effect and adverse air ventilation and visual impacts; the proposed building disposition and design layout was incompatible with that of the adjoining residential development (i.e. Double Cove) and the natural setting of To Tau area and Starfish Bay; the addition of 2,000 students travelling from/to Wu Kai Sha Station would put an additional burden on the Ma On Shan Rail Line; the students might likely create noise nuisances to the nearby residents; and the proposed student hostel development constituted a departure from the intended school use and deviated from the planning intention in the approved planning brief or OZP. The supporting comments were mainly on grounds that there was inadequate hostel spaces to meet the genuine needs of local and non-local students and there was difficulty in identifying a site in urban area for developing student hostels. The student hostel project was discussed at the meeting of the Development and Housing Committee (DHC) of the Sha Tin District Council (STDC) on 3.7.2014. DHC noted the progress of the student hostel project since July

2010 when support was given to the project. Some members expressed concerns on traffic, environment, building height, potential nuisance generated by students and pressure on community facilities, and suggested to enhance local engagement during construction and after inauguration of the student hostel; 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 student hostel was not incompatible with the existing and planned residential developments in the surrounding areas and was in line with the planning intention of the “Comprehensive Development Area (1)” (“CDA(1)”) zone. The Education Bureau had given policy support to the proposed development considering that the site was suitable for the student hostel development, it could better utilise land resources to address the substantial shortfall in student hostel places, and making use of the site for student hostel development would not lead to a shortage of kindergarten, primary or secondary schools in Ma On Shan. The proposed student hostel development complied with the statutory height restrictions, the statutory requirement of maintaining a stepped height profile, all major planning criteria set out in the Notes of the Outline Zoning Plan, the latest approved Master Layout Plan and the Planning Brief for the “CDA(1)” zone and the proposed development would not have any significant impacts on air ventilation, traffic, sewerage, drainage, visual, environment and geotechnical aspect. In response to STDC's request raised in the course of DC consultation in 2010 and 2014, the applicant agreed that some facilities such as canteen, meeting venues, and outdoor space might be open to the local community at specified times and dates. Given the proximity to the Wu Kai Sha Station, majority of the students were expected to rely on rail transport for commuting to campus and the traffic generated by the proposed student hostel was minimal. With the introduction of noise mitigation measures such as podium structures, 19m building setback from Yiu Sha Road, disposition of non-sensitive portion towards carriageway, the proposed student hostel can comply with the noise standard as recommended in the Hong Kong Planning Standards and

Guidelines. Although 12 existing trees would be felled, they were of common species. Regarding the public comments against the application, it was noted that concerned government departments had no objection to or no adverse comment on the application. The proposed students hostel was supported by STDC and the proposed development did not constitute a departure from the approved planning brief which served to provide guidelines for the “CDA(1)” development.

28. In response to the Chairman’s questions, Mr Willy L.F. Pang, STP/STN, said that the proposed scheme met the requirements of the Planning Brief and “CDA” zone in that building heights of the residential blocks on the eastern side of the “CDA(1)” zone ranged from 58.5 mPD to 127.5 mPD from north to south incorporating the stepped height design concept, provision of a minimum 15m for building separation, provision of the breezeway and view corridor, and setbacks from the two roads on the western and northern sides of the site. Students would have access to the Wu Kai Sha Station via a 24-hour grade separated public walkway.

[Dr C.P. Lau arrived to join the meeting at this point. Ms Anita W.T. Ma returned to join the meeting at this point.]

29. In response to a Member’s questions, Ms Bonnie K.C. Lee, TP/STN, said that the commercial centre, which had already been completed, was located in close proximity to the Wu Kai Sha Station. The walking distance from Wu Kai Sha Station to the student hostel was about 10 to 15 minutes. She said that Double Cove (Sha Tin Town Lot 502) would have about 2,000 flats and another residential development (under construction) in Sha Tin Town Lot 574 would produce about 470 flats.

Deliberation Session

30. 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 8.8.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan (MLP) taking into account conditions (b) to (i) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a landscape master plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the implementation of the noise mitigation measures identified in the revised traffic noise impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the implementation of the ecological mitigation measures identified in the revised ecological impact assessment to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) the provision of parking facilities, loading/unloading spaces, lay-bys, vehicular access arrangement and vehicular run-in/run-out to the application site at the cul-de-sac of Choi Sha Street identified in the revised traffic impact assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the provision of emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (g) the implementation of the drainage facilities identified in the drainage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (h) the implementation of the sewerage facilities identified in the sewage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB; and

- (i) the diversion of water mains to be affected by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) the approved MLP, together with a set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) to note the comment of the Project Manager/New Territories East, Civil Engineering and Development Department that liaison with his office is required if there is any change/update on the traffic forecast and traffic noise impact assessment; and
- (c) to continue with local engagement and inform the local community or owners’ committees of the surrounding developments about the details of the opening up of the facilities as proposed by the applicant.”

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/849 Renewal of Planning Approval for temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Industrial” zone, Portion of Unit C4, G/F, Block 1, Kin Ho Industrial Building, Nos.14-24 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/849)

Presentation and Question Sessions

32. Mr Willy L.F. Pang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned 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
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed renewal application complied with the Town Planning Board Guidelines No. 34B (TPB PG-No.34B) on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ in that the current application was the same as the previously approved application in terms of use and area of the premises and there had been no material change in planning circumstances since the previous temporary approval was granted. The use under application was considered not incompatible with the industrial and industrial-related uses in the same industrial building and surrounding developments. Similar applications had been approved for other units on the ground floor of the subject industrial building and its vicinity. The real estate agency under application generally complied with the relevant considerations set out in Town Planning Board Guidelines No. 25D for Use/Development within “Industrial zone, including the fire safety and traffic aspects.

33. Members had no question on the application.

Deliberation Session

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.8.2014 to 18.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the provision of fire service installations within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2015; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) that the proposed use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining premises shall not be adversely affected. The subdivision of the unit/premises should comply with the provisions of Buildings Ordinance/Building (Minor Works) Regulations. The applicant should engage a registered building professional under the Buildings Ordinance to co-ordinate the building works, if any;
- (b) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and means of escape completely separated from the industrial portion should be available for the subject unit. Regarding matters in

relation to fire resisting construction for the subject premises, the applicant is advised to comply with the requirements as stipulated in the Code of Practice for Fire Safety in Buildings which is administered by the BD; and

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

[Mr Ivan C.S. Fu returned to join the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/850 Proposed Private Residential Development with Public Car Park in
“Residential (Group B)” and “Green Belt” zones, Government Land at
Tai Po Road, Tai Wai, Sha Tin, N.T. (to be known as Sha Tin Town
Lot No. 587)
(RNTPC Paper No. A/ST/850)

Presentation and Question Sessions

36. The Secretary reported that the application, which involved a land sale site, was submitted by the Lands Department (LandsD). The Committee agreed that Ms Doris M.Y. Chow, Assistant Director/Regional 1, Lands Department, had direct interest and should be invited to leave the meeting temporarily.

[Ms Doris M.Y. Chow left the meeting temporarily at this point.]

37. Mr Willy L.F. Pang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed private residential development with public car park;
- (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, a public comment objecting to the application was received. The main grounds of the objection were that there were inadequate car parking facilities in the development and the road capacity of the area could not cope with the additional traffic generated from the development. There was also inadequate public transport services to cater for the needs of the areas; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The site was partly zoned “Green Belt” (“GB”) and partly zoned “Residential (Group B)” (“R(B)”). The “GB” portion located at the eastern end of the site abutting Tai Po Road was required to provide road access to the inner part of the site zoned “R(B)”, contributing to a flat production of around 180 flats to meet the acute demand for housing. The proposed plot ratio (PR) of 2.1 and building height (BH) of 85mPD were compatible with the surrounding developments at Sha Tin Heights and along Tai Po Road. The Chief Town Planner/Urban Design and Landscape, PlanD, considered that it was unlikely that the future development would induce significant visual impact on the surrounding areas. Regarding the public comment objecting to the application mainly on traffic grounds, the Commissioner for Transport commented that the traffic generated by the proposed residential development was acceptable.

38. In response to the Chairman's question on potential visual impacts, Mr Willy L.F. Pang, STP/STN, said that the site was located between two headlands. The proposed development intensity of PR 2.1 and BH of 85mPD were not incompatible with the

surrounding developments at Sha Tin Heights and along Tai Po Road with PR and BH ranging from 0.58 to 1.47 and 3 to 7 storeys respectively, and with the adjacent residential development, Godi at about 99mPD. Given the surrounding topography and valley setting, the proposed residential developments would mostly be screened off by the adjoining headlands.

39. In response to a Member's question, Mr Willy L.F. Pang, STP/STN, said that based on the information of the Transport Department, the users of the proposed public car park, which formed part of the application site, were mainly residents of Tai Wai New Village.

Deliberation Session

40. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.8.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

41. 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 the future developer has to carry out landscaping, greenery and tree preservation proposals and incorporate such requirement in the lease conditions of the site;
- (b) to note the comments of the Director of Fire Services that fire service installations and water supplies for firefighting, emergency vehicular access arrangement should be submitted under lease and 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/Development (2), Water Supplies Department that there are existing water mains in the vicinity of

the site. The developer shall bear the cost of any necessary diversion and may have to install, operate and maintain private sump-and-pump facilities within the site to provide the water pressure required; and

- (d) to note the comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department that the covered public car parking spaces to be provided within the site is gross floor area (GFA) accountable irrespective of whether they are relocated below or above ground, and attention should be drawn to the policy on the 10% overall cap of GFA concessions under the Practice Note for Authorised Persons (PNAP) APP-151 and, where appropriate, the sustainable building design requirements under PNAP APP-152 in particular on the compliance of the “Permeability” requirements under Design Requirement (2) of the Building Separation Requirements.”

[Ms Doris M.Y. Chow returned to join the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting]

A/ST/851 Proposed Residential Development with Club House and Car Parking Facilities in “Comprehensive Development Area” and “Green Belt” zones, Lots 698 S.B, 698 S.C, 698 S.D, 698 S.E, 698 S.F, 698 S.G, 698 S.H, 698 S.I, 698 S.J, 698 S.L, 698 S.M, 698 S.N, 698 S.O, 698 RP (part) and adjoining Government land in D.D. 181, Heung Fan Liu, Sha Tin
(RNTPC Paper No. A/ST/851)

42. The Secretary reported that the application was submitted by Top Atlantic Limited, a subsidiary of Sun Hung Kai Properties Limited (SHK), and Llewelyn - Davies Hong Kong Limited, P & T Architects & Engineers Limited, AECOM Asia Company Limited (AECOM), Black & Veatch Hong Kong Limited, Environ Hong Kong Limited

(Environ) and Furgo Hong Kong Group as consultants of the applicant. Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Professor S.C. Wong had declared interests in this item:

- Mr Ivan C.S. Fu - having current business dealings with SHK, AECOM and Environ
- Ms Janice W.M. Lai - having current business dealings with SHK and AECOM
- Professor S.C. Wong - having current business dealings with AECOM

43. The Committee noted that the applicant had requested for deferment of consideration of the application. As Mr Ivan C.S. Fu had no involvement in this application, the Committee agreed that he could stay in the meeting. Members noted that Ms Janice W.M. Lai and Professor S.C. Wong had tendered apologies for being unable to attend the meeting.

44. The Secretary reported that the applicant requested on 24.7.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant Government departments. This was the first time that the applicant requested for deferment.

45. 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 13 to 16

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/59 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1588 S.D in D.D. 91, Kai Leng, Sheung Shui

A/NE-PK/60 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1588 S.E in D.D. 91, Kai Leng, Sheung Shui

A/NE-PK/61 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1588 S.B in D.D. 91, Kai Leng, Sheung Shui

A/NE-PK/62 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1588 S.C in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/59, 60, 61 and 62)

46. The Committee noted that the four applications were similar in nature and the sites were located in close proximity to each other and within the same “Agriculture” (“AGR”) zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from

agricultural development point of view as the potential for agricultural rehabilitation for the sites was high. However, he had no comment on the applications from the nature conservation point of view. The Chief Town Planner/Urban Design & Landscape, Planning Department (PlanD) commented that when compared with the aerial photo taken in 2012, it was noted that some trees located in the sites had been removed. Significant impact on existing landscape resources and character had taken place. Nevertheless, as it was noted that the uncovered areas would be proposed for garden use, the landscape impact could be minimised by planting trees within the sites. Therefore, he had no objection to the applications from the landscape planning point of view. Other concerned departments had no objection to or no adverse comment on the applications;

- (d) during the first three weeks of the statutory publication period, eight public comments against applications No. A/NE-PK/59 and 60, six public comments against application No. A/NE-PK/61 and four public comments against application No. A/NE-PK/62 were received. The main grounds of the objections were that the proposed developments were not in line with the planning intention of the “AGR” zone; the agricultural land should be retained to safeguard the food supply for Hong Kong and the sprawl of Small House development should be limited to the existing “Village Type Development” (“V”) zone; no traffic, drainage or environmental assessments had been included in the submissions; and approval of the cases would set undesirable precedents for similar applications; and
- (e) PlanD’s views – PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Paper. The applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprints of the proposed Small Houses fall within the village ‘Environs’ (‘VE’) of Kai Leng and there was insufficient land within the “V” zone of Kai Leng to meet the Small House demand. The proposed Small Houses were considered not incompatible with the surrounding area of rural landscape character dominated by temporary structures, farmland and tree

groups and Small Houses, and the village proper of Kai Leng was located to their north. A total of 35 similar applications within the same “AGR” zone in the vicinity of the sites were approved with conditions by the Committee between 2001 and 2014. There had not been any material change in planning circumstances for the area since the approval of these applications. Although DAFC did not support the applications in view that the potential for agricultural rehabilitation for the sites was high, he had no comment on the applications from the nature conservation point of view. Regarding the adverse public comments, most concerned government departments had no objection to or no adverse comment on the application. With respect to the allegation of some local villagers that the sites were situated within the village expansion area of Ping Kong, according to the record of the District Lands Office/North, Lands Department (DLO/N, LandsD), there was no such development programme and the sites fell solely within the ‘VE’ of Kai Leng Village.

48. In response to the Chairman’s question, Mr Wallace W.K. Tang, STP/STN, said that about 0.91 ha (equivalent to about 36 Small House sites) of land were available within the “V” zone of Kai Leng. Based on DLO/N, LandsD’s records, the total number of outstanding Small House applications for Kai Leng was 89 while the 10-year Small House demand forecast for the same village was 50. There was insufficient land in the “V” zone of Kai Leng for the development of 139 Small House sites.

Deliberation Session

49. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 8.8.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. Each of the permissions is 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

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

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

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/472 Further consideration of Application No. A/NE-TKL/472
Proposed Two Houses (New Territories Exempted Houses - Small
Houses) in “Agriculture” and “Village Type Development” Zones, Lots
531 S.F & S.G in D.D. 77, Ping Che, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/472A)

Presentation and Question Sessions

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

Background

- (a) on 25.4.2014, the applicants sought planning permission to build two New Territories Exempted Houses – Small Houses (NTEHs (Small Houses)) on the site in Ping Che, Ta Kwu Ling. The site fell within an area largely zoned “Agriculture” (“AGR”) with a small portion zoned “Village Type Development” (“V”) on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14;

- (b) on 13.6.2014, the Committee considered the application. Noting that there were vacant sites in the subject “V” zone, there were questions on whether these vacant sites could meet the Small House demand and that the proposed Small House development should be confined within the “V” zone. Members also enquired about the progress of the six similar applications (No. A/NE-TKL/348 to 353) within or largely within the same “AGR” zone that were approved by the Committee in 2011;

- (c) the Committee decided to defer making a decision on the application pending the submission of further information by the Planning Department (PlanD) on the situation of vacant land in the two “V” zones to the north and south of Ng Chow Road, the number of Small House applications that were being processed or already approved by the Lands Department (LandsD) within the two “V” zones, and the progress of the six similar applications approved by the Committee in 2011;

Further Information

- (d) PlanD had obtained further information from the District Lands Officer/North (DLO/N), LandsD on the number of Small House applications being processed or approved by LandsD in Ping Che Village, the locations of the sites and the progress of the six similar applications approved by the Committee in 2011:

Estimation of Supply of Land for Small House Development

- (i) the number of new Small Houses that could be accommodated within a “V” zone was calculated based on the net developable area, which would exclude land occupied by the existing village houses and permanent buildings (e.g. village office, temple, church, Tsz Tong, ancestral hall, etc.), road / footpath and track, and areas not suitable for development, such as steep slope, tree clusters (especially ‘fung-shui’ woodland), ‘fung-shui’ pond, existing heritage site, burial ground, stream, NTEH cases already approved

by DLO/N, LandsD, and planned public facilities. A uniform rate of 40 houses per ha was assumed for the remaining areas within the “V” zone;

Small House Applications in the “V” Zones

- (ii) according to the information provided by DLO/N, LandsD, there were four approved Small House applications and 12 Small House applications were being processed in the “V” zone to the north of Ng Chow Road, and three Small House applications were being processed in the “V” zone to the south of Ng Chow Road. Out of these 15 Small House applications currently being processed by DLO/N, LandsD, four of them were on government land;
- (iii) the “V” zone to the north of Ng Chow Road comprised mainly formed land on the western part, an open storage yard of construction materials in the middle, and shrub land and tree patches in the remaining areas at the northern, eastern and southern parts of the “V” zone. There were four Small Houses approved by DLO/N, LandsD. There were also 12 Small House applications being processed by DLO/N, LandsD;
- (iv) the western part of the “V” zone to the south of Ng Chow Road had largely been developed for village settlements with a Tin Hau Temple adjoined by a village office in the middle part. There were three Small House applications currently being processed by DLO/N, LandsD. Tree clusters extended from the wooded hill zoned “Green Belt” to the south of this “V” zone were found at its southern fringe. The vacant land available for Small House developments were mainly found at the land parcels sandwiched between the existing village house clusters in the west and some temporary structures for domestic/workshop uses in the east intermixed with shrub land and trees/slopes;

- (v) excluding the four approved Small Houses, the remaining area within the two “V” zones covered about 1 ha (equivalent to 40 Small Houses). However, as there were already 15 Small House applications being processed by DLO/N, LandsD, only about 25 additional Small Houses could be accommodated;

Land Available for Small House development in Ping Che Village

- (vi) Ping Che Village comprised Ping Che, Ping Che Yuen Ha and Ping Che Kak Tin. According to DLO/N, LandsD, the outstanding Small House applications for Ping Che Village as a whole was 52 and the 10-year Small House demand forecast for the same village was 180. Given that only about 3.9 ha (equivalent to about 153 Small House sites) of land was available within the “V” zones of Ping Che Village, there was insufficient land to meet the demand of Small House of about 232 which was equivalent to about 5.8 ha of land in the long run; and

Progress of the Six Similar Small House Applications Approved by the Committee in 2011

- (vii) the six similar applications (No. A/NE-TKL/348 to 353) for Small House development situated to the further south of the current application were all approved with conditions by the Committee on 4.3.2011 with the validity of their planning permission up to 4.3.2015. According to the information provided by DLO/N, LandsD, the Small House grants for these six similar applications were approved in December 2013.

PlanD's Views

- (e) PlanD had no objection to the application based on the assessments made in paragraph 3 of the Paper which were summarised as follows;

- (i) the net developable area available for Small House development in the two “V” zones to the north and south of Ng Chow Road was about 1 ha, which was equivalent to about 40 Small House sites. After deducting the 15 Small House applications currently being processed by DLO/N, LandsD, the net developable land in the two “V” zones of Ping Che could only accommodate an additional 25 Small Houses;
- (ii) according to DLO/N, LandsD, the outstanding Small House applications for Ping Che Village was 52 and the 10-year Small House demand forecast was 180. Notwithstanding that land appeared to be available for development of 25 additional Small Houses in the “V” zones on both sides of Ng Chow Road, only about 3.9 ha (equivalent to about 153 Small House sites) of land was available within the “V” zones of Ping Che Village, and there was insufficient land in the “V” zone to meet the demand of Small House (i.e. about 5.8ha of land which was equivalent to about 232 Small House sites) in the long run; and
- (iii) the application generally met the Interim Criteria in that more than 50% of the footprint of each of the proposed Small Houses fell within the ‘VE’ of Ping Che and there was insufficient land within the “V” zones of Ping Che Village to meet the Small House demand.

52. A Member said that based on the further information provided by PlanD, there was still sufficient land within the concerned “V” zones for Small House development and considered that there was no need to extend any Small House development beyond the “V” zones at this stage. In response to the Chairman’s question on how land available for Small House development in Ping Che Village was calculated, Mr Wallace W.K. Tang, STP/STN, said that the 10-year forecast and outstanding Small House demands provided by the Lands Department comprised the total demand for Ping Che, Ping Che Kat Tin and Ping Che Yuen Ha which made up Ping Che Village.

53. Members noted that there was no information on whether the villagers of the three parts of Ping Che Village were of the same family, and LandsD considered these three areas as one single recognised village. Referring to Plan FA-2a of the TPB Paper, Members also noted the current situation of development and land available for Small House development within Ping Che and the applicants' claim that the sites were the only land they could buy for developments of the two Small Houses.

54. The Secretary said that Members might focus on whether the land available for the development of 25 Small Houses within the "V" zone of Ping Che to the north and south of Ng Chow Road could be used by the applicants. Members noted most of the land available was privately owned and some had been used for open storage yards. The Chairman remarked that the sites were adjoining the "V" zone and fell entirely within the "VE" of Ping Che, and six applications for Small Houses in an area adjoining the "V" zone were approved in 2011. He said that sympathetic consideration to the current application might be given taking into account the Committee's previous decision to approve the six applications.

[Ms Anita W.T. Ma left the meeting at this point. Mr F.C. Chan left the meeting temporarily at this point.]

55. In response to the Chairman, Ms Doris M.Y. Chow, Assistant Director/Regional 1, LandsD said that the applicants should develop the Small House on his own land and applications on government land would only be considered if the applicant did not have any private land within the "VE".

56. The Chairman said that for this case, although there was government land available within the "V" zones of Ping Che, LandsD might not consider any application if the applicant owned a piece of land. In view of the applicants' claim that they were not able to acquire any private land within the "V" zones for the development of Small Houses, a Member considered that permission could be granted to the application.

57. 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 8.8.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

58. 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) on the following:
 - (i) for provision of water supply to the development, the applicants may need to extend their inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and
 - (ii) the site is located within the 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 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;

- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicants should adopt appropriate measures to avoid disturbing and polluting the watercourse to the immediate north of the site;
- (e) to follow the requirements as set out in the Professional Persons Environmental Consultative Committee Practice Note No. 5/93 published by the Director of Environmental Protection on the design, construction and operation of the septic tank and soakaway pit system for the proposed Small Houses;
- (f) to strictly confine the construction works of the proposed Small Houses within the site and implement good site practices and other appropriate measures to avoid disturbance to the adjoining watercourse;
- (g) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Ping Che Road to the site is not maintained by HyD; and
- (h) 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 Board where required before carrying out the road works."

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

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

Agenda Items 18 and 19

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/478 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 854 S.D, 854 S.I RP, 854 S.J, 855 S.F and 855 S.G in D.D. 9, Yuen Leng Village, Tai Po

A/NE-KLH/479 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 867 S.B and 867 RP in D.D. 9, Yuen Leng Village, Tai Po

(RNTPC Paper No. A/NE-KLH/478 and 479)

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

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural point of view as the sites had high potential for rehabilitation of agricultural activities. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD)

did not support the applications as the sites were located within upper indirect water gathering grounds (WGG). As the planned public sewerage works in the vicinity was degazetted on 29.10.2010, the proposed development could not comply with item b(i) of the 'Interim Criteria for Consideration of Applications for NTEH/Small House in the New Territories'. The Director of Environmental Protection did not support the applications from the protection of potable water quality perspective as the sites fell within the WGG;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Paper. The proposed developments were not in line with the planning intention of the "AGR" zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. DAFC did not support the proposed Small House developments as the sites had high potential for rehabilitation of agricultural activities. The sites were located within the upper indirect WGG. Since the sewerage scheme planned for Yuen Leng Village was degazetted on 29.10.2010, there was no fixed programme at this juncture for the concerned public sewerage works. The proposed developments did not comply with the Interim Criteria in that the proposed Small Houses located within the WGG would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture.

61. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed Small Houses located within the water gathering ground could not be able to be connected to the existing/planned sewerage system in the area as there is no fixed programme for implementation of such system at this juncture; and
- (b) the applicant fails to demonstrate that the proposed development located within the water gathering ground would not cause adverse impact on the water quality in the area.”

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/511 Proposed Temporary Private Car Park for a Period of 3 Years in
“Village Type Development” zone, Lots 692 RP (Part) and 693 (Part)
in D.D. 19, She Shan Village, Tai Po
(RNTPC Paper No. A/NE-LT/511)

63. The Secretary reported that replacement pages 12 and 13 of the RNTPC Paper were to add a suggested approval condition (s); and to revise condition (o). The replacement pages were tabled at the meeting.

Presentation and Question Sessions

64. 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 private car park for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the application as landfilling was observed at the site in January 2013 to form a paved platform for car parking. The filling was also seen encroaching onto She Shan River, which might affect its flow during heavy rain. The Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD) had reservation on the application as a fill platform formed at the site by unauthorised filling works was reported in January 2013. Loose fill slopes and a concrete block retaining wall were formed along the edge of the fill platform. Failure of the concrete block retaining wall was also reported in May 2013. The stability of the fill slopes and concrete block retaining wall was of concern. Collapsing of these features might pose danger to the users of the fill platform. While the Commissioner for Transport (C for T) had no objection to the application in view of its temporary nature, he considered that such development in the “Village Type Development” (“V”) zone if permitted might set an undesirable precedent case for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The temporary open-air private car park was not in line with the planning intention of the “V” zone which was to designate both existing recognised villages and areas of land considered suitable for village expansion. C for T considered that such development in the “V” zone, if permitted, might set an undesirable precedent case for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. H(GEO), CEDD had reservation on the application from geotechnical safety

perspective. CE/MN, DSD did not support the application as there had been report of concrete blocks and fill materials being washed into She Shan River after heavy rain and the applicant failed to demonstrate that the filled platform was structurally stable and safe and would not increase the risk of flooding in the area.

65. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Village Type Development” zone which is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for the development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. There is no strong planning justification in the submission to justify a departure from the planning intention; and
- (b) the applicant fails to demonstrate that the proposed development would not cause adverse geotechnical and drainage impacts on the surrounding areas.”

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/512 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” zone, Lot 1302 S.A in D.D. 19, Pak Tin Kong, Tai Po
 (RNTPC Paper No. A/NE-LT/512)

Presentation and Question Sessions

67. 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 V of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site fell wholly outside the village ‘Environs’ (‘VE’) of any recognised village. The Director of Environmental Protection (DEP) did not support the application as the proposed Small House fell within the Water Gathering Grounds (WGG) and the proposed septic tank arrangement was considered not acceptable. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) did not support the application as the site was located within upper indirect WGG. There was no information to demonstrate the feasibility of connection to the planned sewer. It was considered that compliance with item B(a), (b) and (i) of the Interim Criteria could not be established and he objected to the application. The Director of Agriculture, Fisheries and

Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for rehabilitation of agricultural activities;

- (d) during the first three weeks of the statutory publication period, a public comment against the application was received from Designing Hong Kong Limited mainly on grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; potential sewerage impact as the proposed Small House could not be connected to the public sewer; the construction and habitation of the Small House might impose adverse impact on the surrounding area; and there was no submission of impact assessments on traffic, drainage, sewerage and environment in the application; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC did not support the application as the site had high potential for rehabilitation of agricultural activities. The application did not comply with the Interim Criteria as more than 50% of the proposed Small House footprint fell outside the “V” zone and ‘VE’ of any recognised villaget. DLO/TP, LandsD did not support the application as the site fell entirely outside the ‘VE’ of any recognised village. DEP did not support the application as the site fell within the WGG. Although public sewerage system would be laid in the vicinity of the site, the applicant failed to demonstrate in the submission that the proposed development could be connected to the planned sewerage system and would not create adverse impact on the water quality in the area. Although there were approved applications for Small House developments in the vicinity of the site, the current application did not warrant exceptional or sympathetic consideration as the proposed Small House footprint was entirely outside

both the “V” zone and ‘VE’ of any recognised village.

68. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” in that more than 50% of the footprint of the proposed Small House falls outside both “Village Type Development” zone and the ‘environs’ of any recognized village; and
- (c) the proposed development is located within the Water Gathering Ground. The applicant fails to demonstrate that the proposed development can be connected to the planned sewerage system and would not create adverse impact on the water quality in the area.”

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/513 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” and “Village Type Development” zones, Lot 1129 RP in
 D.D. 7, Kau Liu Ha, Lam Tsuen, Tai Po
 (RNTPC Paper No. A/NE-LT/513)

Presentation and Question Sessions

70. 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 Chief Engineer/Project Management, Drainage Services Department commented that public sewers would be laid in the vicinity to the proposed development under the DSD’s project 4373DS. The applicant could extend the sewers to the nearest connection point of the proposed sewerage system by himself via other private/government land if he would like to discharge the sewage into the planned public sewerage system subject to the site situation. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a public comment against the application was received mainly on grounds that the applicant was not an indigenous villager of his village; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The site was the subject of a previous planning application (No. A/NE-LT/382) for Small House development submitted by the same applicant of the current application. The application was approved with conditions by the Committee on 4.7.2008 and the validity of planning permission was extended once up to 4.7.2016. Compared with the previous application, there was no change in the site area and gross floor area in the current proposal except that the disposition of the proposed Small House had been shifted to the southwest closer to the existing village house in the “Village Type Development” (“V”) zone. Although the proposed Small House development was not in line with the “Agriculture” zone, the Director of Agriculture, Fisheries and Conservation had no strong view against the application as the site had low potential for rehabilitation of agricultural activities. Although the site fell within the WGG, DSD advised that it was feasible for the applicant to connect the proposed Small House to the public sewerage system being constructed in Kau Liu Ha. The Director of Environmental Protection and the Chief Engineer/Development(2), Water Supplies Department, had no in-principle objection to the application. The proposed Small House was not incompatible with the surrounding environment which was rural in character consisting of mainly village houses, scattered tree groups and agricultural land. The proposed Small House was in compliance with the Interim Criteria in that more than 50% of the proposed Small House footprint fell within the village “Environs”; there was general shortage of land in meeting the future demand for Small House development in the “V” zone; and the proposed Small House within WGG would be able to be connected to the planned public sewerage system. Regarding the concern on whether the applicant was an indigenous villager of Kau Liu Ha, as advised by the District Lands Officer/Tai Po, Lands Department, the applicant was an indigenous villager of Kau Liu Ha.

71. Members had no question on the application.

Deliberation Session

72. 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 8.8.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape and tree preservation 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.”

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

- “(a) to note the comments of the Director of Environmental Protection that the actual construction of the proposed Small House shall only begin after the completion of the public sewerage network; adequate land should be reserved for the proposed Small House for future sewer connections; and the applicant should proceed with the future sewer connection work at his own cost;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that after planning approval has been given by the TPB, LandsD will process the Small House application. If the 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 Houses concerned or approval of the Emergency Vehicular Access thereto;

- (c) 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, 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. Public sewerage system is currently not available for connection in the vicinity of the Site. However public sewer will be laid in Kau Liu Ha under DSD's project "Lam Tsuen Valley Sewerage"; and
 - (ii) the village sewerage works in Kau Liu Ha are now being carried out under DSD's project 4373DS "Lam Tsuen Valley Sewerage – Stage 1". The works of the project have started in 2011 for completion in end of 2015 tentatively subject to land acquisition progress. The applicant could extend the sewers to the nearest connection point of the proposed sewerage system by himself via other private/government land if he would like to discharge the sewage into the planned public sewerage system subject to the site situation. It should be noted that the above information is preliminary and will be subject to revision due to actual site situation;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access adjoining the site is not maintained by HyD;

- (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 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 construction, operation and maintenance of the inside services within the private lots to WSD's standard;

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

- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the Site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the Site, the applicant shall carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;

 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of

the proposed structure;

- (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (iv) there are high pressure town gas pipelines running along Lam Kam Road as well as Lam Kam Piggling Station in the vicinity of the Site. The project proponent/consultant shall liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the proposed study area and any required minimum set back distance away from them during the design and construction stages of development; and
- (v) the project proponent/consultant is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes";
- (h) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant is reminded to make necessary submission to LandsD to verify if the Site satisfies the criteria for the exemption for site formation works as stipulated in Practice Note for Authorised Persons APP-56. If such exemption is not granted, the applicant shall submit site formation plan to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (i) 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 23

Section 16 Application

[Open Meeting]

A/NE-TK/512 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 611 S.C in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/512)

74. The Secretary reported that the applicant requested on 21.7.2014 for deferment of the consideration of the application for one month in order to allow time for preparation of further information on sewerage arrangement to address the comments of the Drainage Services Department. This was the first time that the applicant requested for deferment.

75. 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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr Willy L.F. Pang, Mr Wallace W.K. Tang and Mr C.T. Lau, STPs/STN, and Ms Bonnie K.C. Lee, TP/STN, for their attendance to answer Members’ enquires. Messrs Pang, Tang and Lau and Ms Lee left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 24

Section 16 Application

[Open Meeting]

A/FLN/1 Proposed temporary Vehicle Park for Rehabuses for a Period of 3
Years in “Open Space” zone and an area shown as “Road”,
Government Land in D.D. 51, Tin Ping Shan, Sheung Shui
(RNTPC Paper No. A/FLN/1)

76. The Secretary reported that the applicant requested on 29.7.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Transport Department. This was the first time that the applicant requested for deferment.

77. 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 Kevin C.P. Ng, Mr C.K. Tsang and Mr Ernest C.M. Fung, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/370 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Agriculture” zones, Lots 1294 S.B, 1294 S.C ss.1 (Part) and 1295 S.I (Part) in D.D. 92, Kam Tsin Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/370)

Presentation and Question Sessions

78. 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) 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. 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 public comment objecting to the application was received from Designing Hong Kong Limited mainly on grounds that the proposed Small House was incompatible with the planning intention of the “Agriculture” (“AGR”) zone in which the site was located and approval of the application would set an undesirable precedent of similar applications; the supply of farmland should be safeguarded; no environmental, traffic, drainage and sewage assessments had been submitted; and Small Houses with only septic tanks without connection to sewerage system would pollute the environment and create hygiene problems. An objection from the first Vice-chairman of

the Sheung Shui District Rural Committee (SSDRC) cum Indigenous Inhabitant Representative of Kam Tsin against the application was received by the District Officer (North), Home Affairs Department. The objection was mainly on grounds that the development intensity of Kam Tsin was too high and it was not suitable for further Small House development. However, the Vice-chairman of the North District Committee, and the Chairman of the SSDRC, one of the Indigenous Inhabitant Representatives and Resident Representatives of Kam Tsin had no comment on the application;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Although the proposed development was not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation had no adverse comment on the application as the site was a piece of abandoned land with low potential for agricultural rehabilitation. The application generally met the Interim Criteria in that more than 50% of the footprint of the proposed Small House and the application site fell within the “Village Type Development” (“V”) zone of Kam Tsin Village and there was insufficient land within the “V” zone of the same village to meet the Small House demand. It was not anticipated that the proposed development would have significant adverse traffic, drainage, environmental and landscape impacts on the surrounding area. Concerned government departments had no objection to or no adverse comment on the application.

79. Members had no question on the application.

Deliberation Session

80. 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 8.8.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of septic 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 drainage proposals to the satisfaction of the Director of Drainage Services 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.”

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

- “(a) to resolve the any land issue relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Kam Tsin Road to the Site is not maintained by his department;
- (c) 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. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of a septic tank;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and

maintenance of the inside services within the private lots to his department's standards; and

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/644 Renewal of Planning Approval for Temporary "Open Storage (Vehicles (Including New/Used Left Hand or Right Hand))" for a Period of 3 Years in "Agriculture" zone, Lots 512 RP (Part) and 515 (Part) in D.D. 103 and Adjoining Government Land, Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/644)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “open storage of vehicles (including new/used left hand or right hand vehicles) for sale” under Application No. A/YL-KTS/547 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Although the site fell within the consultation zone of Au Tau Water Treatment Works, which was a Potential Hazard Installation (PHI), the Director of Environmental Protection (DEP) commented that the development under application would not be subject to unacceptable risk from the PHI. 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
- (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. The development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. Nevertheless, the Director of Agriculture, Fisheries and Conservation had no adverse comment on the application as the site had been paved and used for open storage purpose for a number of years and the potential for agricultural rehabilitation was low. Similar applications for various temporary open storage use had also been approved in the adjacent “AGR” zone. The application was in line with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance and Town Planning Board Guidelines No. 34B (TPB PG-No.34B) on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development in that three previous approvals (Applications No. A/YL-KT/126, 423 and 547) for the same/similar applied use were granted since 1998 and all the

approval conditions under the last Application No. A/YL-KTS/547 had been complied with. Although DEP did not support the application as there were residential structures/dwellings located to the immediate north and east and in the vicinity of the site, and environmental nuisance was expected, no local objection had been received during the statutory publication period and there was no environmental complaint on the site received by DEP in the past three years. Besides, the site was located close to Kam Tin Road with access to the road. The traffic generated from the site would not pass through major village settlement in the area. The applicant also indicated that no workshop activity would be carried out and he would restrict the operation hours. To address the concern of the DEP on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and prohibiting storage/sales of vehicle parts and repairing, dismantling, cleansing, paint-spraying and workshop activities were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to adopt the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to alleviate any potential impact.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, from 27.9.2014 until 26.9.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 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 statutory holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage/sales of vehicle parts and no repairing, dismantling, cleansing, paint-spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue outside the site at any time during the planning approval period;
- (e) the existing landscape plantings/vegetation on 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 a record of the existing drainage facilities on the 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 26.12.2014;
- (h) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2014;
- (i) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.3.2015;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.6.2015;

- (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 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.”

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the private land involved comprises Old Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. No permission has been given for the occupation of the additional Government land (GL) within the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible from Kam Tin Road via GL Land and private land. Lands Department (LandsD) does not provide maintenance works to the GL nor guarantee right-of-way;
- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;

- (d) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of the 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;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid polluting the nearby watercourse by controlling site run-offs during operation as far as practicable;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposals, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant should also observe the good practice guidelines for open storage sites in Appendix VI of the paper. If the proposed structure(s) is required to comply with the Building Ordinance (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. To address the approval condition related to the provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) to his department for approval; and
- (g) to note the comments of the Director of Electrical and Mechanical Services' comments that the applicant/working party shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/695 Proposed temporary Open Storage of Metals with Ancillary Office for a Period of 3 Years in “Residential (Group D)” zone, Lots 78S.A (Part) and 93 (Part) in D.D. 108, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/695)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of metals with ancillary office for a

period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located to the north and southwest (the nearest one about 15m to the north) and in the vicinity of the site, and environmental nuisance was expected.
- (d) during the first three weeks of the statutory publication period, two public comments against the application were received. The main grounds of objection were that the proposed development was not compatible with the “Residential (Group D)” (“R(D)”) zone and would worsen the shortfall of housing supply; there was already sufficient supply of space for storage of machinery and materials to satisfy the demand; the approval of the temporary open storage use would lead to renewals making it more difficult for other suitable use to take place; the cumulative impact of the development should be considered and the supply of farmland should be safeguarded; the proposed development would generate noise and attract illegal workers; and no impact assessment on traffic, noise, sewerage, drainage has been conducted ; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “R(D)” zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The proposed development was not compatible with the surrounding land uses which were rural in character, mixed with residential structures/dwellings, a horse riding school, an orchard, a parking lot, open storage/storage yards, a warehouse, workshops and vacant/unused land.

The application did not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no previous approval for open storage use granted at the site; the site fell within Category 3 areas but DEP did not support the application as there were residential structures/dwellings located to the north and southwest and in the vicinity of the site, and environmental nuisance was expected. Approval of the current application, even on temporary basis, would set an undesirable precedent for similar applications within this part of the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area. Two public objections against the application were received mainly on grounds that the proposed development was not in line with the planning intention of the “R(D)” zone; it would worsen the shortfall of housing supply; approval of the temporary open storage use would lead to renewals making it more difficult for other suitable use; the proposed development would generate noise and attract illegal workers; and no relevant impact assessment had been conducted.

87. Members had no question on the application.

Deliberation Session

88. 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 “Residential (Group D)” (“R(D)”) zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification has been given in the submission for a departure from the planning intention,

even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that no previous approval has been granted at the site and there is adverse departmental comment on the application. The proposed development is also not compatible with the surrounding land uses which are rural in character mixed with residential structures/dwellings, an orchard and a horse riding school;
- (c) the applicant fails to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/696 Proposed Temporary Horse Riding School for a Period of 3 Years in “Agriculture” zone, Lots 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842(Part), 2843 (Part), 2846 (Part), 2847, 2848, 2849 S.A, 2849 S.B (Part), 2849 S.C (Part), 2850 (Part) , 2853 (Part), 2855 S.A (Part) and 2855 S.B (Part) in D.D. 111 and Adjoining Government Land, Wang Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/696)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary horse riding school for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments against the application were received mainly on grounds that the development would cause pollution through burning of materials and the sewage disposal would affect the village downstream, it would cause diminishing of agricultural land; no proper access had been provided for the development; and no impact assessment on traffic, landscape, drainage, sewerage and environment had been conducted; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. Although the applied horse riding school was approved under four previous applications (No. No. A/YL-PH/433, 545, 571 and 630) submitted by the same applicant since 2003, there were repeated non-compliances with approval conditions on drainage, landscaping and fire safety aspects and the applicant failed to demonstrate genuine efforts had been made in compliance with the approval conditions for applications No. A/YL-PH/545, 571 and 630. The permissions granted for these three applications were revoked due to non-compliance of the approval conditions by the applicant. As for the current application, the applicant had submitted the landscape, drainage and fire service installation proposals to support the application. However, these submissions were considered not acceptable by the Chief Town Planner/Urban Design & Landscape, PlanD, Director of Fire Services and the Chief

Engineer/Mainland North, Drainage Services Department. Approval of the application with repeated non-compliances of approval conditions would set an undesirable precedent for other similar planning permissions. Two public comments objecting to the application were received, mainly on grounds that the development would cause adverse environmental and traffic impacts, no relevant impact assessment had been conducted, and granting approval of the application would lead to diminishing of agricultural land.

90. Members had no question on the application.

Deliberation Session

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

- “(a) the applicant fails to demonstrate that the proposed development would not have adverse landscape, drainage and fire safety impacts; and
- (b) approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning applications for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.”

Agenda Items 29 and 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/229 Renewal of Planning Permission 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/229)

A/YL-NSW/230 Renewal of Planning Permission 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/230)

92. The Committee noted that the two applications were similar in nature and the 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 the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the renewal of planning permission for temporary private car park for a period of 1 year (*for Application No. A/YL-NSW/229*) and the renewal of planning permission for temporary container tractor/trailer park for a period

of 1 year (*for Application No. A/YL-NSW/230*);

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers:

For Application No. A/YL-NSW/229:

concerned government departments had no objection to or no adverse comments on the application;

For Application No. A/YL-NSW/230:

the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site (the closest one being about 50m away to its northwest and along the access road) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, five public comments supporting each of the applications were received, mainly on grounds that in recent years, the traffic, flooding and noise issue of the sites had been resolved. There was also a demand for car parking spaces from the residents and the sites were suitable for temporary car park; and the applicant had maintained low parking fee and planted more trees in the sites. The local environment had been improved;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Papers.

For Application No. A/YL-NSW/229:

- (i) the subject temporary private car park use was not in line with the planning intention of “OU(CDWRA)” zone;
- (ii) the current application was for the renewal of the permission under application No. A/YL-NSW/220 to continue the private car park use at the site for 1 more year. In approving the last application No.

A/YL-NSW/220 on 16.8.2013, the Committee agreed to advise the applicant that further renewal would not be granted and the applicant should identify suitable sites for relocation so as to avoid undesirable interface issues with the proposed residential developments in the Tung Tau Industrial Area (TTIA) and to facilitate the early implementation of the subject “OU(CDWRA)” zone;

- (iii) the applicant stated that efforts had been made to identify alternative site in Yuen Long for relocation but the efforts were in vain. The applicant also submitted a Traffic Impact Assessment (TIA) to support the renewal application. Noting that the earliest completion date for the proposed residential development in the TTIA would be at the end of 2016 and there was no development proposal received for residential development for the subject “OU(CDWRA)” zone, sympathetic consideration could be given to this renewal application for one more year;
- (iv) the applicant had satisfactorily complied with all the approval conditions during the last approval. The current application for the renewal of the permission for one more year was 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). However, the applicant should be advised to identify suitable sites for relocation and that further renewal would not be granted unless under very special circumstances; and
- (v) the Director of Environmental Protection (DEP) considered that the renewal application for private car park could be tolerated as there was limited potential for generating any adverse environmental impact for a properly managed car park. There was no environmental complaint against the site over the past three years. To mitigate any potential environmental impacts, approval conditions on no night-time operation, no repairing and workshop

activity and no heavy/container vehicle parking were recommended. Non-compliance with these approval conditions would result in revocation of the planning permission. 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 minimise the possible environmental impacts on the nearby sensitive receiver;

For Application No. A/YL-NSW/230:

- (i) the subject temporary container tractor/trailer park use was not in line with the planning intention of "OU(CDWRA)" zone;
- (ii) the current application was for the renewal of the permission under application No. A/YL-NSW/221 to continue the container trailer/trailer park use at the site for one more year. In approving the last application No. A/YL-NSW/221 on 16.8.2013, the Committee agreed to advise the applicant that further renewal would not be granted and the applicant should identify suitable sites for relocation so as to avoid undesirable interface issues with the proposed residential developments in the TTIA and to facilitate the early implementation of the subject "OU(CDWRA)" zone. The applicant stated that efforts had been made to identify alternative site in Yuen Long for relocation but the efforts were in vain. The applicant also submitted a TIA to support the renewal application. Noting that the earliest completion date for the proposed residential development in the TTIA would be at the end of 2016 and there was no development proposal received for residential development for the subject "OU(CDWRA)" zone, it was considered that sympathetic consideration could be given to this renewal application for one more year;
- (iii) the application was in line with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town

Planning Ordinance in that it had previous planning approval and sympathetic consideration may be given if the applicant had demonstrated genuine efforts in compliance with approval conditions of the previous applications. Apart from DEP, other concerned government departments had no objection to or no adverse comment on the application; and

- (iv) although DEP did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected, it was noted that there was no environmental complaint against the site over the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and workshop and related activities on site had been proposed. Non-compliance with these approval conditions would result in revocation of the planning permission. Besides, 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 minimise the possible environmental impacts on the nearby sensitive receivers.

94. In response to the Chairman's questions, Mr Ernest C.M. Fung, STP/FSYLE, said that the Committee granted the permissions for the previous applications for one year to allow early implementation of the wetland restoration area, and to avoid potential interface with the three proposed residential development in TTIA which were approved by the Committee. As the earliest completion date of the proposed residential development would be at the end of 2016, granting permission for renewal of planning permissions for one year would not create potential interface issues with the proposed residential development. On traffic arrangements, Mr Ernest Fung said the traffic to and from the application sites would be via TTIA and Chung Yip Road and the ingress/egress of the sites would be from the northern side. A residential development, the Parcville, was located to the east of TTIA and shared the vehicular access with the traffic from TTIA. He remarked that no comment on the applications was received from residents of the Parcville during the statutory publication period.

Deliberation Session

95. After deliberation, the Committee decided to approve the applications on a temporary basis for a further period of 1 year, and be renewed, from 22.8.2014 until 21.8.2015, on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions :

For Application No. A/YL-NSW/229:

- “(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 cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (c) no vehicle other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, was allowed to be parked or stored on the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site at all times 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 was allowed to be parked/stored on the site during the planning approval period;
- (e) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (f) no vehicles are allowed to reverse into or out of the site at any time during the planning approval period;
- (g) the existing trees within the site shall be maintained at all times during the

planning approval period;

- (h) the existing drainage facilities implemented shall be maintained at all times during the planning approval period;
- (i) the submission of a condition 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 21.11.2014;
- (j) the submission of fire service installations proposal for the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.11.2014;
- (k) in relation to (j) above, the implementation of fire service installations proposal for the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

For Application No. A/YL-NSW/230:

- “(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 cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (c) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (d) no vehicles are allowed to reverse into or out of 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 implemented shall be maintained at all times during the planning approval period;
- (g) the submission of a condition 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 21.11.2014;
- (h) the submission of fire service installations proposal for the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.11.2014;
- (i) in relation to (h) above, the implementation of fire service installations proposal for the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2015;

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

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

For Application No. A/YL-NSW/229:

- “(a) an approval period of 1 year is granted but no further renewal will be allowed unless under very special circumstances. The applicant should identify suitable sites for relocation;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site and the use of Chung Yip Road which is managed and maintained by Hong Kong School of Motoring;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that access of the site opens directly onto Chung Yip Road. His office does not provide maintenance works nor guarantee right-of-way. The lot owner will still need to apply to LandsD to permit structures, if any, to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (d) 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. The management and maintenance responsibilities of the access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) 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 minimise any potential environmental nuisance;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation to avoid causing disturbance to the nearby pond;
- (g) to note the comments of the Director of Fire Services that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the locations of where the proposed fire service installations to be installed should be clearly marked on the layout plans. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorised structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment may be taken if contravention is found. An emergency vehicular access under Building (Planning) Regulation (B(P)R) 41D should be provided. Formal submission of any proposed new works, if any, including any temporary structure for approval under the BO is required. Since the site is not abutting and accessible from a street having a width not less than 4.5m, the site access and the

development intensity shall be determined under B(P)R 5 and 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 should approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the plan obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary for 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 to establishing any structure within the site, the applicant and or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable away from the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his consultant when carrying out works in the vicinity of the supply lines.”

For Application No. A/YL-NSW/230:

- “(a) an approval period of 1 year is granted but no further renewal will be allowed unless under very special circumstances. The applicant should identify suitable sites for relocation;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site and the use of Chung Yip Road which is managed and maintained by Hong Kong School of Motoring;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that access of the site opens directly onto Chung Yip Road. His office does not provide maintenance works nor guarantee right-of-way. The lot owner will still need to apply to LandsD

to permit structures, if any to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (d) 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. The management and maintenance responsibilities of the access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) 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 minimise any potential environmental nuisance;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation to avoid causing disturbance to the nearby pond;
- (g) to note the comments of the Director of Fire Services that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the locations of where the proposed fire service installations to be installed should be clearly marked on the layout plans. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorised structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions

appropriate under the BO or other enactment may be taken if contravention is found. An emergency vehicular access under Building (Planning) Regulation (B(P)R) 41D should be provided. Formal submission of any proposed new works, including any temporary structure as containers used as offices for approval under the BO is required. If the site is not abutting and accessible from a street having a width not less than 4.5m, the 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 should 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, prior consultation and arrangement with the electricity supplier is necessary for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the site, the applicant and or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable away from the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the supply lines.”

[The Chairman thanked Mr Kevin C.P. Ng, Mr C.K. Tsang and Mr Ernest C.M. Fung, STPs/FSYLE, for their attendance to answer Members’ enquires. Messrs Ng, Tsang and Fung left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Items 31 and 32

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/87 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot 1392 S.A in D.D. 375, So Kwun Wat Tsuen,
Tuen Mun

A/TM-SKW/88 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot 1392 S.B in D.D.375, So Kwun Wat Tsuen,
Tuen Mun
(RNTPC Paper No. A/TM-SKW/87 and 88)

97. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to each other and within the same “Green Belt” (“GB”) zone. The Committee agreed that the two applications should be considered together.

Presentation and Question Sessions

98. Mr C.C. Lau, STP/TMYLW, 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 11 and Appendix IV of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications in view that although the proposed developments were not incompatible with the landscape character of the surrounding environment and significant changes or disturbances to the existing landscape character and resources arising from the development were not anticipated, approval of the proposed Small Houses would further nibble the woodland by extending the village area and encroach onto the “GB” zone;
- (d) during the first three weeks of the statutory publication period, three public comments against the applications were received. The main grounds of the objections were that the applications were not in line with the planning intention of the “GB” zone; the application sites were involved in suspected site formation, and ‘destroy first, develop later’ approach had been undertaken; and
- (e) PlanD’s views – PlanD did not support the applications based on the assessments made in paragraph 13 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was no strong justification in the current submission for a departure from the planning intention of the “GB” zone; the proposed development was not in line with the Town Planning Board Guidelines No. 10 (TPB PG-No.10) for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that there were no exceptional circumstances to justify the applications; the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories’ as land was still available within the “Village Type Development” zone of So Kwun Wat Tsuen; and the approval of the applications would set an

undesirable precedent for similar applications within the “GB” zone, the cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.

99. Members had no question on the application.

Deliberation Session

100. After deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection as stated in paragraph 14.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong justification in the current submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 (TPB PG-No.10) for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that in that there are no exceptional circumstances to justify the application;
- (c) the proposed development does not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories’ as land is still available within the “Village Type Development” (“V”) zone of So Kwun Wat Tsuen. It is more appropriate to concentrate the proposed Small House development within the “V” zone for an orderly development pattern and efficient use of land and infrastructure; and

- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

[Mr F.C. Chan left the meeting temporarily at this point.]

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/462 Proposed School (Tutorial School) in “Other Specified Uses” annotated “Yacht Club, Boat Repairing and Commercial facilities associated with Marina Development” zone, Shop 20, 1/F, Gold Coast Pizza, 1 Castle Peak Road - Castle Peak Bay, Tuen Mun
(RNTPC Paper No. A/TM/462)

Presentation and Question Sessions

101. Mr C.C. Lau, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (tutorial school);
- (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 considered that the narrow exit and means of escape, large gaps between the railings along the corridors,

and the short railings all posed safety concerns for students; there was no separate staircase or lift to accommodate the students and that the general surrounding was not suitable for learning as there were pubs around the proposed school; and there were traffic congestions along Castle Peak Road. The District Officer (Tuen Mun) (DO(TM)) anticipated that the local residents might have concerns on whether the public transport along Castle Peak Road was sufficient to accommodate the increase in passengers caused by the proposed tutorial school; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The school was small in scale with two classrooms for a maximum of 30 persons and was considered not in conflict with the planning intention of the “Other Specified Uses” annotated “Yacht Club, Boat Repairing and Commercial Facilities associated with Marina Development” zone. The application was considered in line with the Town Planning Board Guidelines No. 40 (TPB PG-No. 40) for Application for Tutorial School under Section 16 of Town Planning Ordinance in that the proposed tutorial school use was not incompatible with the other uses within the commercial blocks and the surrounding commercial uses; the application premises was located within a commercial block which was separated from the adjacent residential developments of Hong Kong Gold Coast and Aegean Coast; there was no common entrance with the residential blocks and the tutorial school was therefore not expected to create any disturbance or inconvenience to the residents; the proposed school was small in scale and would unlikely cause any significant adverse impacts on the surroundings; and the Director of Fire Services (D of FS) and the Chief Building Surveyor/New Territories West, Buildings Department had no in-principle objection to or no adverse comment on the application. To address D of FS's comment on fire safety aspect, an approval condition requiring the provision of fire service installations and water supplies for firefighting for the proposed school was suggested should the application be approved. Regarding DO(TM)'s concern on traffic impact, the Commissioner for Transport had no comment on the application from traffic engineering view

point.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.8.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the provision of fire service installations and water supplies for firefighting for the proposed school to the satisfaction of the Director of Fire Services (D of FS) or of the TPB.”

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

“(a) to note the comments of the Secretary for Education that approval would be granted to the application for registration of a proposed school subject to the provision of the following documents:

- (i) clearance from the TPB and the Lands Department in respect of the proposed premises;
- (ii) safety certificates/notice in respect of the said premises issued by the Fire Services Department and the Buildings Department; and
- (iii) documentary proof of the right to use the relevant premises, such as tenancy agreement, rental receipts, etc;

(b) to note the comments of the D of FS that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that detailed comments will be made at the plan submission stage. Application for the Education Ordinance s12(1) certificates (if received in future) would be processed by their Licensing Unit based on four aspects, namely, structure, means of escape, fire resisting construction and unauthorised building works affecting public safety.”

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/463 Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for the Portion of “Residential (Group B) 10” Zone and Inclusion of “Government, Institution or Community” Portion for Residential Development in “Government, Institution or Community” and “Residential (Group B) 10” zones, Government Land at King Sau Lane, Area 4, Tuen Mun
(RNTPC Paper No. A/TM/463)

105. The Secretary reported that the application was submitted by the Lands Department (LandsD), with ERM Hong Kong Limited and the Civil Engineering and Development Department (CEDD) as consultants of the applicant. Ms Doris M.Y. Chow, Assistant Director/Regional 1, LandsD and Ms Janice W.M. Lai had declared interests in this item. As this item was submitted by LandsD, Ms Doris Chow had direct interest and should be invited to leave the meeting temporarily. Ms Janice Lai had current business dealings with CEDD. Members noted that Ms Lai had tendered apologies for being unable to attend the meeting.

[Ms Doris M.Y. Chow left the meeting temporarily at this point. Mr Ivan C.S. Fu left the meeting at this point.]

Presentation and Question Sessions

106. Mr C.C. Lau, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio and building height restrictions for the portion within “Residential (Group B) 10” (“R(B)10”) zone and inclusion of the portion within “Government, Institution or Community” (“G/IC”) zone for residential development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Head of the Geotechnical Engineering Office, Civil Engineering and Development Department commented that the site was overlooked by steep natural terrain hillsides and might be affected by potential natural terrain landslide hazards, and requested the future developer to carry out a natural terrain hazard study and provide suitable hazard mitigation measures, if found necessary. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) commented that although existing trees within the site would inevitably be removed, the trees were common species. The Director of Agriculture, Fisheries and Conservation also advised that the site was dominated by common plantation species. To address concerns on landscape impacts,, the future developer would be required under the lease to submit tree survey, tree preservation proposal as well as landscape tree and compensatory planting proposal for the proposed development. The Director of Environmental Protection (DEP) commented that the hazard assessment had already identified risk mitigation measures to be implemented via land lease including the Safety Buffer Zone where no future development was permitted;
- (d) during the first three weeks of the statutory publication period, a total of 99 public comments, including five comments from Members of the Tuen

Mun District Council, objecting to the application were received. The main grounds of the objections were that there would be potential adverse impacts on visual, air ventilation, natural lighting, air quality, ecology, traffic and public transport capacity to the surrounding area; possible tree felling and land slide incidence as the site was situated on a slope and surrounded and covered with vegetation; the potential risks to future residents would be high as the site was located adjacent to a potentially hazardous installation and a liquefied petroleum gas storage; there was insufficient supporting facilities such as market in the area; the site was near the graves and not suitable for residential use; the site should be used for greening or recreation and community facilities; and rezoning was required for the “G/IC” portion; and

- (e) PlanD’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The site was mainly zoned “R(B)10” (about 86.2%) and partly zoned “G/IC” (about 13.8%) on the OZP. As the “G/IC” portion, which was a remnant land after the completion of the Tuen Mun Water Treatment Works (TMWTW), was no longer required for GIC uses, the use of this portion for residential development would allow better utilisation of land resources and meet the housing demand. The proposed development would result in an estimated increase from 521 flats in the “R(B)10” to 733 flats for the whole site and would contribute to boost the short-term housing supply. The proposed increase in PR and BH was compatible with the visual context of the surrounding area. The proposed development would not affect the effective width and the performance of the breezeway and would not have any impact on air ventilation. To ensure that the future developer would provide and maintain a free pedestrian access to the existing graves/kam taps to the north of the site, the requirement to maintain the pedestrian access would be included in the lease condition of the sale site. Regarding the adverse public comments received, concerned government departments had no objection to or no adverse comment on the application.

107. Members had no question on the application.

Deliberation Session

108. 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 8.8.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the inclusion of the building height restriction of 2 storeys excluding basement(s) for the area which falls within the “Government, Institution or Community” zone in the lease conditions of the sale site to the satisfaction of the Director of Planning or of the TPB;
- (b) the inclusion of the tree preservation and landscaping requirements in the lease conditions of the sale site to the satisfaction of the Director of Planning or of the TPB; and
- (c) the inclusion of the requirements for provision and maintenance of a free pedestrian access to/from the graves/kam taps to the north of the site in the lease conditions of the sale site to the satisfaction of the Director of Home Affairs or of the TPB.”

109. 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 the applicant should advise the future developer to provide a landscape buffer, preferably not less than 2m wide for tree planting, along the southern side of the site to compensate for the loss of wooded slope as far as practicable;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the development intensity shall not exceed the permissible as stipulated under the First Schedule of the Building

(Planning) Regulations (B(P)R). Before any new building works are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). The site/building(s) 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 B(P)R respectively. It is noted that the future developer would be required to provide and maintain a free public pedestrian access along the existing/replacement footpath to and from the graves/kam taps under lease. In this respect, any public right-of-way within the Site serving as access to such graves/kam taps should be deducted from the site area for the purpose of plot ratio and site coverage calculations under the BO. The Sustainable Building Design Guidelines set out in the Practice Note for AP, Registered Structural Engineers and Registered Geotechnical Engineers APP-152 may only be implemented in the building plan approval stage under the BO when the proposed building development applies for gross floor area (GFA) concessions (i.e. excluding/disregarding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA and/or site coverage calculation); and

- (c) to note the comments of the Director of Electrical and Mechanical Services that the future developer is required to carry out a quantitative risk assessment with the final layout of the proposed development to ascertain the risk levels posed by the liquefied petroleum gas installation being in compliance with the Government Risk Guidelines, and implement the associated risk mitigation measures as appropriate under lease. The applicant/working party 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning

Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant/working party and/or applicant/working party'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. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant/working party and the applicant/working party's contractors when carrying out works in the vicinity of the electricity supply lines."

[Ms Doris M.Y. Chow returned to join the meeting at this point.]

Agenda Item 35

Section 16 Application

[Open Meeting]

A/TM-LTY Y/278 Proposed Flat Development and Minor Relaxation of Building Height Restriction in "Commercial" Zone, Lots 531 RP, 532 s.D RP and 532 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun (RNTPC Paper No. A/TM-LTY Y/278A)

110. The Secretary reported that the application had been deferred once for two months. Since the last deferment on 4.4.2014, the applicant had submitted the revised layout plans, revised noise impact assessment, revised air quality impact assessment, and revised parking facilities and run-in/run-out plans.

111. 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 applicant should be advised that the Committee had allowed a total of four months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 36

Section 16 Application

[Open Meeting]

A/TM-LTY Y/282 Proposed Flat Development in "Residential (Group E)" zone, Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei , Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/282)

112. The Secretary reported that the applicant requested on 22.7.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant Government departments. This was the first time that the applicant requested for deferment.

113. 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 F.C. Chan returned to join the meeting at this point.]

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/421 Temporary Newspaper Recycling and Classification Workshop for a
Period of 3 Years in “Green Belt” zone, Lots 922, 923, 925, 926, 928
and 929 in D.D. 122 and Adjoining Government Land, Wing Ning
Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/421A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary newspaper recycling and classification workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application in view that there were residential dwellings immediately next to the site. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the approval of the application would set an undesirable precedent, and would lead to general degradation of the landscape environment of the area and have adverse impact on the integrity and function of the “Green Belt” (“GB”) zone;
- (d) during the first three weeks of the statutory publication period, three public

comments were received. The Village Representative of Wing Ning Tsuen supported the application as the development could promote environmental protection and provide job opportunities to the villagers. Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited objected to the application mainly on grounds that the development was not in line with the planning intention of the “GB” zone; there would be potential cumulative adverse impacts caused by approving the application; the proposed use was not compatible to surrounding uses; and there was no assessment on environmental and traffic aspects; and

- (e) PlanD’s views – PlanD did not support the applications based on the assessments made in paragraph 12 of the Paper. The “GB” zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. No strong planning justification had been given in the submission for a departure from the planning intention of the “GB” zone, even on a temporary basis. The development was not compatible with the nearby residential use to the northeast, south and southeast of the site. The site was also near a wooded area zoned “Conservation Area” (“CA”) to the north of the site. The Director of Agriculture, Fisheries and Conservation advised that the development should not encroach on or cause disturbance to the nearby wooded area in the “CA” zone. The development was not in line with the Town Planning Board Guidelines No. 10 (TPB PG-No.10) for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that no previous permission had been granted for recycling and workshop development at the site, and there were adverse comments from DEP and CTP/UD&L, PlanD. The applicant failed to demonstrate that the development would not cause adverse environmental and landscape impacts on the surrounding area. No similar application for temporary recycling workshop use within the “GB” zone had been approved. Approval of the application would set an undesirable precedent.

115. Members had no question on the application.

Deliberation Session

116. 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 “Green Belt” (“GB”) zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The development is not in line with the planning intention of the “GB” zone. There is no strong planning justification for a departure from the planning intention even on a temporary basis;
- (b) the development is not in line with the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for Development within the “GB” zone in that no previous approval has been granted for the site and adverse impacts on the environmental and landscape aspects are envisaged. The applicant also fails to demonstrate that the development would not cause adverse environmental and landscape impacts;
- (c) the development is not compatible with the rural character and residential use in the surrounding area; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/451 Eating Place (Restaurant) in “Residential (Group B) 2” zone, Shop 2,
G/F, Tak Hing Building, Lot 4178 in D.D. 124, Hung Shui Kiu
(RNTPC Paper No. A/YL-PS/451)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the eating place (restaurant);
- (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) no public comment was received during the first three weeks of the statutory publication period; and

[Mr Peter K.T. Yuen left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Although the restaurant use was not entirely in line with the planning intention of the “Residential (Group B)2” (“R(B)2”) zone, it could provide restaurant services to the residents of the neighbourhood. The proposed eating place was situated at the ground floor of an existing residential building with restaurant, shops and church on its lowest three floors. There was an approved planning application for the same use (application

No. A/ YL-PS/391) at Shops No. 4, 5 and 6 of the same building. There were also other restaurants/cafes at the adjoining Tak Cheung Building. The proposal was not incompatible with the uses in the vicinity. The requirements of the Director of Fire Services could be addressed by imposing relevant approval condition.

118. Members had no question on the application.

Deliberation Session

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

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

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

- “(a) prior planning permission should have been obtained before commencing the development at the premises;
- (b) to note the comments of the Director of Food and Environmental Hygiene that a valid food licence issued by the Food and Environmental Hygiene Department shall be obtained and the requirements/conditions stipulated by relevant departments shall be complied with for the operation of the food business;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from the licensing authority; and
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicants should not make any alteration to

the existing stormwater drainage system of Tak Hing Building.”

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/265 Temporary Open Storage of Metal Ware, 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 (Part), 2198 (Part), 2199 (Part), 2200 (Part), 2201 (Part), 2203 (Part), 2204 S.A (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 (Part), 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/265)

Presentation and Question Sessions

121. 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 open storage of metal ware, 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 7.5m away) and along Lau Fau Shan Road which was the access road leading to the site; environmental nuisance was expected and three noise complaints against the site were received in the past three years regarding the loading/unloading activities at the site.

- (d) during the first three weeks of the statutory publication period, one public comment against the application from Designing Hong Kong Limited was received. The main grounds of the objection were that the proposed use under application was not in line with the planning intention of the “Residential (Group E)” (“R(E)”) zone; the application, if approved, might affect land supply for housing; the proposed development was incompatible with the uses in the surrounding area and the development would affect the living environment as no environmental assessment had been submitted to demonstrate that the proposed development would not cause adverse environmental and drainage impacts on the surrounding area; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the assessments made in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “R(E)” zone which was to phase out the existing industrial uses through redevelopment for residential use, 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 No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there were previous planning approvals at the site and there was no adverse comment from most

concerned Government departments. DEP did not support the application as there were sensitive receivers in the vicinity of the site and along Lau Fau Shan Road which was the access road leading to the site, and there were also three noise complaints against the loading and unloading activities at the site between 2011 and 2013. To mitigate any potential environmental impacts, approval conditions restricting the operation hours, the stacking height of materials, prohibition of workshop activities and maintenance of existing fencing on site were proposed. Any non-compliance with these approval conditions would result in revocation of the planning permission. Besides, 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 minimise the possible environmental impacts on the nearby sensitive receivers. The Committee had approved 8 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 15 similar applications within the same "R(E)" zone. As there had been no material change in the planning circumstances since granting of permission to these previous and similar approvals, approval of the current application was in line with the Committee's previous decisions. In view of DEP's concern, a shorter approval period of one year, instead of three years sought by the applicant, was recommended to monitor the situation of the site. Regarding the public comment objecting to the application, it was noted that the application was for temporary use only which could be tolerated in the interim and concerned government departments had no objection to/adverse comment on the application. The Committee had previously approved similar applications in the area.

[Mr Peter K.T. Yuen returned to join the meeting at this point.]

122. Members had no question on the application.

Deliberation Session

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 8.8.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 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) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, at all times during the planning approval period;
- (d) no cutting, dismantling, cleansing, repairing, recycling and workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) the existing fencing on site shall be maintained 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 8.11.2014;
- (i) the implementation of the accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2014;

- (j) 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 19.9.2014;
- (k) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2014;
- (l) in relation to (k) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2015;
- (m) 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;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (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.”

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) a shorter approval of 1 year is granted in order to monitor the situation on-site;

- (c) the site should be kept in a clean and tidy condition at all times;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land under the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Short Term Waiver No.3675 was granted on Lot No. 2225 in D.D 129 for the purpose of open storage of construction material and metal ware. Building License No. 247 was also granted for erection of a 2-storey New Territories Exempted House (NTEH) on Lot 2368 in D.D. 129 for non-industrial purpose. The site is accessible to Lau Fau Shan Road from the access via other private lots and Government Land (GL). His office provides no maintenance work for the GL involved and does not guarantee right-of-way. Should planning approval be given to the subject planning application, the lot owner(s) concerned will need to apply to his office to permit any additional/excessive structure to be erected or regularise any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord as 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 follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;

- (f) to note the comments of the Commissioner for Transport that this application would not induce additional traffic flow on the adjacent road network. Sufficient manoeuvring spaces shall be provided within the subject site;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the access arrangement to the site from Lau Fau Shan Road should be submitted and approved by 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;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to replace the dead trees found within the site, maintain existing trees in good condition and provide tree planting along the northwestern and northeastern site peripheries.

- (i) to note the comments of the Director of Fire Services to submit relevant layout plans incorporated with the proposed fire service installations (FSI) to his department for approval. In addition, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and good practice guidelines for open storage should be adhered to Appendix V of the Paper. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (j) 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 approval of the BD (not being NTEHs), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including open sheds and 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 Unauthorised Building Works (UBW). An Authorised 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.”

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/904 Temporary Open Storage of Construction Materials, Container with Container Vehicle Park, Logistics Yard with Ancillary Workshop (Including Compaction and Unpacking Workshop) in “Comprehensive Development Area” and “Green Belt” zones, Lots 70 (Part), 72 (Part), 73 (Part), 74 (Part), 75 (Part), 76 S.A (Part), 77 (Part), 122 (Part), 124 (Part), 125, 126, 127 (Part), 128, 129 (Part), 136 (Part), 137 (Part), 138 (Part), 139, 140 (Part), 141 (Part), 142 (Part), 143 (Part), 147 (Part), 148 (Part), 149 (Part), 150 (Part), 152 (Part), 153 (Part), 154, 155, 156, 157 (Part), 158 (Part), 159, 160, 161, 162, 163, 164, 165 (Part), 169 (Part), 170, 171 (Part), 172 (Part), 173 (Part), 175 (Part), 176 (Part), 261 (Part), 265 (Part), 267 (Part) and 268 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/904)

Presentation and Question Sessions

125. 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 open storage of construction materials and containers with container vehicle park, logistics yard and ancillary workshop (including compaction and unpacking workshop) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity (the closest being about 75m away) and along Ping Ha Road, and environmental nuisance was expected;

- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application from two residents of Fung Kong Tsuen was received. The main grounds of the objection were that the areas within the “Green Belt” (“GB”) zone near Fung Kong Tsuen had been illegally filled for expansion of open storage of containers use; although the concerned person had been prosecuted and required to reinstate the site, illegal land filling on the land within the “GB” zone still continued; and the application should be rejected by the Committee; 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. Granting approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the zoned use on the OZP. Although part of the site (about 46%) was zoned “GB”, the site had been paved and used for open storage uses since 1999. The areas to the north, east and south of the site were predominantly occupied by open storage yards, logistics yards and warehouses operating under valid planning permissions. Against this background, this particular portion of the “GB” zone was reclassified from Category 4 to Category 2 in October 2008 in the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance. In view of the above, the continuous use of the site for the applied use on a temporary basis within this portion of the “GB” could be tolerated. The area to the north, east and south of the site was also being used for open storage uses. To the east were mainly unused land and the village settlement of Fung Kong Tsuen was about 120m away to the northwest. The applied use was therefore not incompatible with the surrounding land uses. The development under application was generally in line with the TPB PG-No. 13E in that there was no adverse comment from the concerned Government departments. Although DEP did not support the application in view that there were sensitive receivers in the vicinity of the site, there was no environmental

complaint against the site over the past three years. To address DEP's concerns and mitigate any potential environmental impacts, approval conditions on restrictions of operation hours and the stacking height of containers/materials on-site were recommended. Any non-compliance with these approval conditions would result in revocation of the planning permission. Besides, the applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the possible environmental impacts on the nearby sensitive receivers. The Committee had recently approved 32 similar applications in the same "CDA". Regarding the public comment, it should be noted that the site had been paved and used for open storage purpose. The first planning permission for open storage use on this site was granted by the Committee in 1999.

126. Members had no question on the application.

Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 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 handling/storage of recyclable materials is allowed on the site, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence at all times during the planning approval period;

- (e) the stacking height of containers stored on the site should not exceed 8 units at all times during the planning approval period;
- (f) no material is allowed to be stored/dumped within 1m of any tree on the site at any time during the planning approval period;
- (g) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (h) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2014;
- (j) 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 8.2.2015;
- (k) in relation to (j) 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 8.5.2015;
- (l) 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 19.9.2014;
- (m) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2015;

- (n) in relation to (m) 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 8.5.2015;
- (o) the provision of fencing of the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.2.2015;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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;
- (q) if any of the above planning conditions (i), (j), (k), (l), (m), (n) or (o) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (r) 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.”

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

- “(a) prior planning permission should have been obtained before continuing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of 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 granted under the Block Government Lease upon which no structures are allowed to be erected without prior approval from his Office.

Vehicular access to the site would require passing through private land and Government land (GL) leading from Ping Ha Road. His office provides no maintenance to the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (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 to minimise any potential environmental nuisance;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department, that the height of the proposed trees does not meet the general requirement of tree planting and the locations of the existing trees are different from those observed during the recent site visit. A number of missing trees, dead trees and leaning trees were found within the site and replacement of these trees is required. Furthermore, tree planting opportunity is available along the site boundary.
- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site. The local track leading to the subject site is not under Transport Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (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 the road near Tin Ha Road;

- (h) 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 location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is advised to 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 Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (i) 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 unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the planning application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. Each site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance

with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (j) 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 mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of any sub-main within the private lots to WSD's standard."

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/905 Temporary Open Storage of Containers, Repair Workshop and Staff Canteen for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 3200 RP, 3201 RP and 3206 RP in D.D.129 and adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/905)

Presentation and Question Sessions

129. 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 open storage of containers, repair workshop and staff canteen for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access roads (Fung Kong Tsuen Road, Lau Fau Shan Road and Ping Ha Road) and environmental nuisance was expected.
- (d) no public comment was received during the first three weeks of the statutory publication period; 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. Although the proposed use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone, there was no known programme/intention to implement the zoned use on the OZP. Granting approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone. The proposed use of the site for open storage and repair workshop was not incompatible with the surrounding uses which included mainly open storage yards, warehouse, logistics, and vehicle repair workshop uses. The development was in line with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no adverse comment from most concerned Government departments. While DEP did not support the application as there were sensitive receivers along the access roads (Fung Kong Tsuen Road, Lau Fau Shan Road and Ping Ha Road), there was no substantiated environmental complaint against the site over the past three years. To mitigate any potential environmental impacts, approval conditions of restrictions on operation hours and the stacking height of containers/materials were recommended. Any non-compliance with these approval conditions would result in revocation of the planning permission. The applicant would also be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise the possible environmental impacts on the adjacent areas.

130. Members had no question on the application.

Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 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 containers stored within the site should not exceed 8 units at all times during the planning approval period;
- (d) no material is allowed to be stored/dumped within 1m of any tree on the site at any time during the planning approval period;
- (e) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the existing drainage facilities on-site should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2014;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.2.2015;

- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.5.2015;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.9.2014;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2015;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2015;
- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.2.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) is not complied with by the 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.”

132. 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 (LandsD) that the land under the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 80m² subject to verification) included into the site. The act of occupation of GL without Government’s prior approval should not be encouraged. Short Term Waiver No. 3128 was issued to allow the erection of structures on Lot 3200 RP in D.D. 129 for the purpose of temporary open storage of containers, repair workshop and staff canteen. The site is accessible to Fung Kong Tsuen Road via GL and other private lots. His office provides no maintenance work for the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner would still need to apply to him to permit structures to be erected or regularise any irregularities on-site. The occupier would also need to apply to him for Short Term Tenancy to regularise the unauthorised occupation of GL. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (c) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to minimize any potential environmental nuisance;

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

manoeuvring spaces shall be provided within the subject site. No vehicle is allowed to queue back to public road or reverse onto/from the public road;

- (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 Fung Kong Tsuen Road;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that two dead tree stumps were noted within the site. As removal of these stumps may have the risk of affecting the adjoining existing trees, the existence of these stumps could be tolerated. However, proper treatment to the dead stump should be adopted. Besides, objects/waste materials were dumped on the tree planting areas. Hence, revised tree preservation and landscape proposal should be submitted;
- (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 are to be installed should be clearly marked on the layout plans. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. The requirements of formulating fire service installations proposal is stated in Appendix V of the Paper;

- (h) 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 unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including containers/open shed 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 Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. Each site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) 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, Waterworks Reserve with 1.5m measuring from the centreline of the affected water mains shown on the attached plan shall be provided to WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water

mains and all other services across, through or under it which the Water Authority may require or authorise. 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.”

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/334 Temporary Open Storage of Containers for Storage for a Period of 3
Years in “Agriculture” zone, Lots 490 to 493 in D.D. 117, Tai Tong,
Yuen Long
(RNTPC Paper No. A/YL-TT/334)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers for storage for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity, with the nearest one located to the immediate north and south of the site and environmental nuisance was expected and there was one substantiated environmental complaint at the site received in 2012. The complaint was concerned about the odour emitted from Lot 490 to 494 in D.D. 117. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was considered to have potential for agricultural rehabilitation and

active agricultural activities were found in the vicinity of the site.

- (d) during the first three weeks of the statutory publication period, two public comments against the application from Kadoorie Farm and Botanic Garden Corporation (KFBGC) and Designing Hong Kong Limited (DHK) were received. KFBGC considered that the “Agriculture” (“AGR”) zone in Tai Tong was still suitable for farming and the planning intention of the “AGR” zone should be adhered to; agricultural land should be conserved for sustainable food production and to address the issues of food security; and the applicant should find other more appropriate locations for the applied use. DHK objected to the application mainly on grounds that the development was not in line with the planning intention of the “AGR” zone; the proposed use would lead to degradation of the rural environment and bring about cumulative impacts; no traffic or environmental impact assessments had been submitted; and approval and continuation of the use at the site would make it difficult to utilise the land for other more suitable uses; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The development under application was not in line with the planning intention of the “AGR” zone which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes; no strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis; and the development under application was incompatible with the surrounding areas which were predominantly rural in character with scattered residential structures, orchards, fallow agricultural land, unused land, vacant land/structures and a pond. While there were some open storage yards, workshops and vehicle park uses in the vicinity, they were suspected unauthorised developments subject to enforcement action taken by the Planning Authority. The site was located in close proximity to an area currently zoned “Green Belt” to its further east. The application did not comply with Town Planning Board Guidelines No. 13E (TPB PG-No.13E)

for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no previous approval granted at the site for open storage use and there were adverse comments from the relevant departments, including DAFC and DEP, and public comments against the application were also received. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “AGR” zone, causing degradation to the surrounding rural environment.

134. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application does not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there is no previous planning approval granted to the site and there are adverse departmental comments and local objections against the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/335 Temporary Canteen for a Period of 3 Years in “Village Type Development” zone, Lots 1187 S.O (Part), 1187 S.Q (Part) and 1187 S.R (Part) in D.D. 117 and Adjoining Government Land, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TT/335)

Presentation and Question Sessions

136. 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 canteen 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
- (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. According to the District Lands Officer/Yuen Long, Lands Department, there was currently no Small House application at the site being processed by his office. Approval of the development on a temporary basis would not frustrate the long-term planning intention of the “Village Type Development” (“V”) zone. The canteen under application was not incompatible with the surrounding land uses which were predominantly rural in character with a mix of village houses, eating places, a real estate agency, vehicle repairing workshop, vehicle/car parks, storage/warehouse, an orchard, councillor office, car selling shop and vacant structures/land. There were similar applications for eating place use in the vicinity that had been approved by the Committee. The application was generally in line with the Town Planning Board Guidelines No. 15A (TPB PG-No.15A) for Application for Eating Place within “V” zone in Rural Areas under section 16 of the Town Planning Ordinance in that the eating place under application was located at the fringe of Tai Tong Tsuen and abutted Tai Tong Shan Road. The Commissioner for Transport had no comment on the parking provision and parking arrangement proposed by the applicant. Relevant approval conditions including restriction of the operation hours, as proposed by the applicant, prohibition of queuing and reverse movement of vehicles on public road, were recommended to minimise adverse impacts. The site was the subject of a previous planning approval (No. A/YL-TT/282) for the same use submitted by the same applicant. Considering that there was no major change in the planning circumstances since the granting of the last planning approval, and that all the approval conditions under the last application had been complied with, sympathetic consideration could be given based on individual merits. Approval of the current application was also in line with the Committee’s previous decision.

137. Members had no question on the application.

Deliberation Session

138. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (c) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 8.2.2015;
- (d) in relation to (c) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 8.5.2015;
- (e) the submission of revised tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.2.2015;
- (f) in relation to (e) above, the implementation of revised tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.5.2015;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.2.2015;
- (h) in relation to (g) 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 8.5.2015;

- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2015;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2015;
- (k) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (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 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the specified structures for eating

place, kitchen, open shed, container storeroom and toilet uses. No permission has been given for the occupation of Government land (GL) within the site. The fact that the act of occupation of GL without Government's prior approval should not be encouraged. Should the application be approved, the lot owner(s) concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is abutting to Tai Tong Shan Road via GL. His office does not provide maintenance works on this track nor guarantee right-of-way;

- (d) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should construct a run-in/out at the access point at Tai Tong Shan 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. Adequate drainage measures should be provided to prevent surface water flowing from the site to the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and Tai Tong Shan 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. The requirements stipulated in the Water Pollution Control Ordinance regarding discharge of wastewater from the site shall also be complied with;

- (g) to note the comments of the Director of Food and Environmental Hygiene that the applicant shall apply for relevant food licence/permit from his Department should any food business be conducted within the location. Besides, no sanitary nuisance should be generated within the location;
- (h) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (PlanD) that the existing Tree No. 1 as shown in Drawing A-2 of the Paper was planted too close to a raised planter which should be rectified;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal as shown in Drawing A-3 of the Paper that the sizes of the proposed catchpits and the details of the connection between the existing 250mm u-channel and the proposed 225mm u-channel should be shown on the proposed drainage plan. The applicant should check and demonstrate that the hydraulic capacity of the existing u-channels at the downstream would not be adversely affected by the subject development. Also, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or outside the applicant's jurisdiction;
- (j) 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 for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs are to be installed should also be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on leased land in the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the 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 B(P)R at the building plan submission stage; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines

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

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/689 Proposed Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 716 RP, 718 RP, 745 and 746 in D.D. 117 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/689)

Presentation and Question Sessions

140. 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 open storage of construction machinery and construction materials 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 structures located to the east and south and environmental nuisance was expected.

- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received, claiming that the Government land (GL) included in the site served as an access for the occupiers of the adjoining lots; 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. 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 so designated mainly due to the concerns on the capacity of Kung Um Road. The Commissioner for Transport had no adverse comment on the application. Although the long-term planning of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South which was scheduled to be completed in 2015, it was considered that approval of the application on a temporary basis would not frustrate the long-term use of the area. The subject “U” zone was mainly occupied by open storage yards, storages, warehouses and workshops and similar uses were found in the vicinity of the site. The proposed temporary storage was not incompatible with the surrounding uses. The application was generally in line with Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses, and the concerns of relevant government departments were technical in nature which could be addressed by including relevant approval conditions. Although DEP did not support the application as there were sensitive receivers of residential use in the vicinity of the site and environmental nuisance was expected, no environmental complaint relating to the site had been received in the past three years. It was expected that the proposed open storage use would not generate significant environmental impact on the surrounding areas. To

address DEP's concerns, approval conditions restricting the operation hours, the use of heavy goods vehicles (including container trailer/tractor), and prohibiting the carrying out of workshop activities and handling/storage of electrical appliances and electronic waste at the site were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission. 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 minimise any potential environmental impact. Regarding the public comment which claimed that the Government land included in the site was to serve as an access of the adjoining lots, the applicant was advised to resolve any land issue relating to the development with other concerned site owners should the application be approved and the District Lands Officer/Yuen Long, Lands Department commented that no permission had been given for the occupation of the GL within the site and the act of occupation of GL without Government's prior approval should not be encouraged.

141. Members had no question on the application.

Deliberation Session

142. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, spraying, cleansing or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;

- (d) no storage or handling (including loading and unloading) of electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle onto public road are allowed at any time during the planning approval period;
- (g) 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 8.2.2015;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.2.2015;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.5.2015;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.9.2014;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2015;

- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

143. 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 other concerned owner(s) of the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the specified structures for site office, toilet and guard room uses. No permission has been given for the

occupation of the Government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. Should the application be approved, the owner concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is abutting Kung Um Road via GL and other private land. His office does not provide maintenance works for such track nor guarantee right-of-way;

- (e) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) 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 minimise any potential environmental nuisances;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practices should be adopted and necessary water pollution control measures should be implemented in order to avoid affecting the existing watercourses in the vicinity of the site;

- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted “Drainage Proposal” as shown in Drawing A-4 of the Paper that the catchpits should be provided at the turning points along the proposed 375mm U-channels; the size of the proposed catchpits and details of the connection with the existing open drain should be shown on the proposed drainage plan; the proposed peripheral fencing should be shown on the proposed drainage plan and it should not obstruct any surface runoff or overland flow and DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or outside the applicant’s jurisdiction;

- (j) 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 standard pedestal hydrant;

- (k) 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 for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs are to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage attached in Appendix V of the Paper should be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (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. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under

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

- (m) 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplies is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near

Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/690 Temporary Open Storage of Scrap Metal for Recycling with Ancillary Open-Air Workshop for a Period of 3 Years in “Village Type Development” and “Undetermined” zones, Lots 329 S.A ss.1 (Part), 329 S.A ss.2 (Part), 329 S.A ss.3 (Part), 329 RP and 330 to 333 in D.D. 119 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/690)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of scrap metal for recycling with ancillary open-air workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection did not support the application as there were sensitive receivers of residential structures located to the northeast and in the vicinity of the site, and environmental nuisance is expected;
- (d) no public comment was received during the first three weeks of the

statutory publication period; 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. The use under application was not in conflict with the planning intention of the “Undertermined” (“U”) zone which was generally intended for open storage use but was so designated mainly due to concerns of the capacity of Kung Um Road. For the remaining portion of the site (about 20.6%) falling within the “Village Type Development” zone (“V”) zone, the District Lands Officer/Yuen Long, Lands Department advised that there were two Small House applications at this part of the site which were pending further processing and six other Small House applications in the vicinity which were either received or approved by his office but building licence had yet to be issued for the approved Small House applications. Granting approval of the application on a temporary basis would not frustrate the long-term use of the area. The development under application was not incompatible with the surrounding uses comprising open storage uses. The application was generally in line with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. The site was involved in six previously approved applications for largely the same open storage use. The majority of the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses and there were similar applications in this part of the “U” zone that had been approved with conditions; all the approval conditions under the last application had been complied with; and relevant proposal on landscape aspect had been included in the submission to demonstrate that the applied use would not generate adverse impacts on the surrounding areas. Although DEP did not support the application as there were sensitive receivers of residential use in the vicinity of the site and environmental nuisance was expected, there had been no environmental complaint relating to the site in the past three years. It was

not expected that the development under application would generate significant environmental impact on the surrounding areas. To address DEP's concerns, approval conditions restricting the operation hours and prohibiting the carrying out of vehicle repairing and workshop activities (except for compression and loading/unloading of scrap metal) and storage of electrical appliances and electronic wastes were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission. 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 minimise any potential environmental impact and to keep the site clean and tidy at all times.

145. Members had no question on the application.

Deliberation Session

146. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, vehicle repairing, cleansing or other workshop activities, except for compression and loading/unloading activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on

the site at any time during the planning approval period;

- (e) no queuing and reverse movement of vehicle onto public road are allowed at any time during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2014;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.2.2015;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.5.2015;
- (j) the provision of fire extinguisher(s) together with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.9.2014;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2015;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby

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

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

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

- “(a) the planning permission is given to the development/uses under application. It does not condone any other development/uses and structures which currently exist occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) to resolve any land issue relating to the development with other concerned owner(s) of the 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 private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. Short Term Waivers No. 3158, 3159 and 3160 have been issued to the

respective lot owners of Lot 329 RP, 330 and 333 in D.D. 119 allowing structures erected on the lots for the purpose of ancillary use for storage of scrap metal for recycling and workshop. No permission has been given for the occupation of the Government land (GL) within the site. Attention is drawn to the fact that the act of occupation of GL without Government's prior approval should not be encouraged. Should the application be approved, the owner(s) concerned will still need to apply to his office to permit structures to be erected or regularise any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through a long haul of informal village track on GL and other private land extended from Shan Ha Road. His office does not provide maintenance works on this track nor guarantee right-of-way;

- (f) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) 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 flowing from the site to the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (h) to adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the

Environmental Protection Department to minimise any potential environmental nuisances;

- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant shall adopt good site practices and implement necessary measures to avoid causing any disturbance or water pollution to the existing stream adjoining the site;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that when comparing the submitted Landscape Proposal as shown in Drawing A-3 of the Paper with the record of the site visit conducted by her Unit on 17.10.2012, an existing tree is found missing at the eastern side of the site. Thus, replacement planting is required;
- (k) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that 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;
- (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 are to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage attached in Appendix V of the Paper should be adhered to. However, the applicant is reminded that if

the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (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 unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including temporary building made of containers) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the 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 B(P)R at the building plan submission stage; and

- (n) 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. For site within the preferred working corridor of

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

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

Agenda Item 46

Any Other Business

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