

TOWN PLANNING BOARD

Minutes of 522nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 14.11.2014

Present

Director of Planning
Mr K. K. Ling

Chairman

Professor S. C. Wong

Vice-chairman

Professor Eddie C. M. Hui

Ms Anita W. T. Ma

Dr W. K. Yau

Professor K. C. Chau

Mr Lincoln L. H. Huang

Ms Janice W. M. Lai

Mr H. F. Leung

Mr F. C. Chan

Mr David Y. T. Lui

Mr Peter K. T. Yuen

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

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 3,
Lands Department
Mr Edwin W. K. Chan

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

Secretary

Absent with Apologies

Dr C. P. Lau

Mr Ivan C. S. Fu

Ms Christina M. Lee

Dr Eugene K. K. Chan

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 521st RNTPC Meeting held on 31.10.2014

[Open Meeting]

1. The Secretary said that Mr Kelvin K. M. Siu, Chief Traffic Engineer/New Territories West, Transport Department, had proposed amendments to paragraph 24 of the draft minutes which were read as “..... However, if ~~it involved revision to~~ **diversion of** footpath **would result in objection from the public**, gazetting under the Roads (Works, Use and Compensation) Ordinance ~~would~~ **might** be required....”. The proposed amendments were tabled at the meeting for Members’ consideration.

2. The Committee agreed that the draft minutes of the 521st RNTPC meeting held on 31.10.2014 were confirmed subject to the above amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

3. The Secretary reported that on 13.11.2014, the Court of Appeal (CA) allowed two appeals (CACV 232 and 233/2012) lodged by Hysan group of companies regarding two judicial review (JR) applications against the decisions of the Town Planning Board (the Board) on the draft Causeway Bay Outline Zoning Plan (OZP) No. S/H6/15 and the draft Wan Chai OZP No. S/H5/26 respectively. The CA on the same day also dismissed the appeal by the Board (CACV 127/2012) regarding three JR applications lodged by Oriental Generation Limited (OGL) in respect of the draft Ngau Tau Kok and Kowloon Bay OZP No S/K13/26 and S/K13/27. In view of the above, the CA considered it unnecessary to grant leave for the cross-appeal lodged by OGL (CACV 129/2012). Details of the judgments would be reported in the later Board meeting.

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/I-NEL/6 Temporary Concrete Batching Plant for a Period of 3 Years in
“Undetermined” zone, Lot No. 30 (Part) in D.D.362, Tsing Chau Wan,
Lantau
(RNTPC Paper No. A/I-NEL/6)

4. The Secretary reported that the application was submitted by Yiu Lian Dockyards Limited, and RHL Surveyors Limited (RHL) and Environ Hong Kong Limited (Environ) being two of the consultants of the applicant. The following Members had declared interests in this item:

Mr H. F. Leung - RHL had made donation to the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong where he was working

Mr Ivan C. S. Fu - having current business dealings with Environ

5. The Committee noted that the applicant had requested for a deferment of consideration of the application. The Committee also noted that Mr Ivan C. S. Fu had tendered apologies for being unable to attend the meeting. As Mr H. F. Leung had no involvement in the application, the Committee agreed that Mr Leung should be allowed to stay in the meeting.

6. The Committee noted that the applicant requested on 7.11.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Environmental Protection Department. This was the first time that the applicant requested for deferment of the application.

7. 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.

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/33 Further Consideration of Proposed Comprehensive Development with Residential, Commercial and Residential Institution Uses and Proposed Minor Relaxation of Development Restrictions to permit an additional 310.5 square meters of domestic gross floor area in "Comprehensive Development Area (2)" zone, Lots No. 214 RP, 219, 220 S.A, 220 S.B, 220 RP, 224 and 226 and adjoining Government Land in D.D. 229, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/33A)

8. The Secretary reported that the application was submitted by Clear Water Bay Land Company Limited, Double One Limited and Coastline International Limited, and ADI Limited (ADI), AECOM Asia Company Limited (AECOM) and MVA Hong Kong Limited (MVA) being three of the consultants of the applicants. The following Members had declared interests in this item:

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

- Mr Ivan C. S. Fu - having current business dealings with ADI, AECOM and MVA

- Professor S. C. Wong
 - having current business dealings with AECOM
 - being an employee of The University of Hong Kong which had received a donation from AECOM

9. The Committee noted that Mr Ivan C. S. Fu had tendered apologies for being unable to attend the meeting. The Committee also noted that Ms Janice W. M. Lai and Professor S. C. Wong had no involvement in the application, and agreed that they should be allowed to stay in the meeting. Mr David Y. T. Lui also declared an interest in this item as he resided in Clear Water Bay. As Mr Lui's residence had no direct view of the site, the Committee agreed that he should be allowed to stay in the meeting.

10. The Secretary reported that on 13.11.2014, the Town Planning Board Secretariat (the Secretariat) received a letter, dated 12.11.2014, from a member of the public to the Chairman and each Member of the Committee objecting to the application, mainly on the ground that the Antiquities and Monuments Office (AMO) was currently conducting an assessment on the cultural heritage values of the former Shaw Brothers' Studio within the application site and the grading proposals were likely to be submitted to the Antiquities Advisory Board for consideration in December 2014. It was premature for the Committee to make a decision on the application. The letter was tabled at the meeting. The Secretary further reported that the same commenter submitted comments of the same grounds on the application during the statutory public inspection period which ended on 2.7.2014. The Committee noted that the letter dated 12.10.2014 submitted by the commenter were outside the statutory public inspection period and should be treated as not having been made according to the Town Planning Board Guidelines No. 30A (TPB PG-No. 30A) on "Publication of Applications for Amendment of Plan, Planning Permission and Review and

Submission of Comments on Various Applications”. The Committee agreed that the Secretariat would reply the commenter accordingly.

Presentation and Question Sessions

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

- (a) background of the application - on 31.10.2014, the Committee considered the subject application. Members raised concern on the imposition of the approval condition (g) requiring that the proposed development should not be occupied before completion of the improvement works of the roundabout at the Clear Water Bay Road/Hang Hau Road/Ying Yip Road as the timing for implementation of the improvement works was uncertain. The meeting agreed to defer making a decision on the application pending further information to be obtained on the land status of the area required for the improvement works and clarification from the Transport Department (TD) on the implementation programme;
- (b) further information – the Commissioner for Transport (C for T) advised that there was no committed programme for road improvement works at Clear Water Bay Road/Hang Hau Road/Ying Yip Road roundabout and the TD had no programme to issue a works order to the Highways Department to implement the road improvement works. TD had no comment on the applicants’ agreement to take up the road improvement works as the works were not complicated and could be implemented by the developers. The Lands Department (LandsD) confirmed that no private lots would be involved in the proposed road improvement works and advised that the concerned departments should liaise on the implementation of the road works; and
- (c) the Planning Department (PlanD)’s views – PlanD had no objection to the application considering that whilst TD had no programme for the implementation of the road improvement works, the applicants had agreed

to take up the road improvement works, which did not involve any private land, the proposed approved condition (g) could be revised to read as “the design and implementation of the improvement works at the Clear Water Bay Road/Hang Hau Road/Ying Yip Road roundabout as proposed in the Traffic Impact Assessment report before full completion of the Phase 1 development or subject to further review to be conducted by the applicants before full completion of the Phase 1 development to the satisfaction of the C for T or of the Town Planning Board”. There was no change to other approval conditions and advisory clauses as stated in paragraph 12 of Paper No. A/SK-CBWN/33.

12. In response to the Chairman’s question on the scale of the road improvement works, Mr Kelvin K. M. Siu, Chief Traffic Engineer/New Territories West, TD, said that the proposed road improvement works would involve the widening of a section of Clear Water Bay Road approaching the roundabout from one lane to two lanes by making use of the existing footpath, and footpath diversion to the north of the roundabout would be required. However, the potential impacts on the underground utilities resulting from the road works would need to be assessed and public’s views on the diversion of the existing footpath would need to be sought. Mr Siu advised that the road improvement works would not be complicated and could be implemented by the applicants.

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

Deliberation Session

13. The Chairman summarised that while TD had no programme for implementation, the road improvement works were not complicated and no resumption of land would be required as confirmed by LandsD, and the applicants had agreed to take up the implementation of the road improvement works.

14. The Secretary recapped that the commenter who submitted comments via the letter dated 12.11.2014 which was tabled at the meeting had made similar comments on the application which were submitted during the statutory public inspection period of the application, i.e. it was premature for the Committee to consider the application while AMO

was currently conducting an assessment on the cultural heritage values of the former Shaw Brothers' Studio. In considering the application on 31.10.2014, the Committee had already taken into consideration the comments of AMO and the Commissioner for Heritage Office that the former Shaw Brothers' Studio was currently not a graded or proposed graded historic building, and AMO would follow the normal practice to conduct preliminary assessment regarding the heritage value of the buildings within the application site.

15. The Chairman remarked that in the application, the applicants had proposed to preserve two buildings of historic values, including the Shaw House within which commercial uses and a kindergarten would be accommodated, and the residence of Shaw Villa would be retained for residential use.

16. 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 14.11.2018, 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 approval conditions (b) to (l) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of the revised Landscape Master Plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of a development programme of the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of water supply facilities to the satisfaction of the Director of Water Supplies or of the TPB;
- (e) the submission and implementation of fire service installations and water

supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;

- (f) the design and implementation of the improvement works at Clear Water Bay Road and Ngan Ying Road as proposed in the Traffic Impact Assessment (TIA) report to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the design and implementation of the improvement works at the Clear Water Bay Road/Hang Hau Road/Ying Yip Road roundabout as proposed in the TIA report before full completion of the Phase 1 development or subject to further review to be conducted by the applicants before full completion of the Phase 1 development to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the design and provision of parking spaces, loading/unloading facilities, internal road and related traffic aids for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the submission of a Land Contamination Assessment and implementation of the land contamination remediation measures proposed therein prior to the commencement of construction works to the satisfaction of the Director of Environmental Protection or of the TPB;
- (j) the submission of a Drainage Impact Assessment and implementation of the proposed drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (k) the design, provision and maintenance of buffer open space at the south-western boundary of the application site to the satisfaction of the Director of Planning or of the TPB; and
- (l) the provision of screen planting along the north-western and south-eastern boundaries of the application site to mitigate the visual impact on the

surrounding area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approved MLP, together with the set of approval conditions, will 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;
- (b) to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;
- (c) to apply to the District Lands Officer/Sai Kung (DLO/SK), Lands Department for lease modification, land exchange and tree felling application to effect the proposed development. And, if the Right of Way (ROW) issue cannot be resolved to DLO/SK’s satisfaction, the exclusion of the concerned ROW from the proposed development would be necessary;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that should there be any necessary diversion of existing water mains affected by the proposed development, the cost shall be borne by the development project; and for provision of fresh water supply to the development, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the maintenance of the inside services within the private lots to WSD’s standards;
- (e) to note the comments of the Director of Environmental Protection that the foul water generated from the swimming pool backwash, and the swimming pool water discharge from annual cleaning should be discharged into separate systems, i.e. the former to the sewerage system and the latter to storm drainage system. The swimming pool water discharge from

annual cleaning is not included in the Sewage Impact Assessment. For the storm water drainage system serving the development which shall receive the swimming pool water discharge from annual cleaning (discharge from main drain, footbath main drain and swimming pool make-up tank drain), Drainage Services Department should be consulted on the drainage capacity of the system on this drainage matter;

- (f) to note the comments of the Director of Fire Services that Emergency Vehicular Access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department, and detailed fire safety requirements will be formulated upon formal submission of general building plans;
- (g) to note the comments of the Director of Electrical and Mechanical Services that as a general rule, a minimum separation distance should apply to the Liquefied Petroleum Gas filling station and adjacent land uses in accordance with Section 3.7.1, Chapter 12 of the Hong Kong Planning Standards and Guidelines;
- (h) to liaise with the Hong Kong University of Science and Technology and residents of Silver Bay Garden, Pine Villa, Life Villa and Mandarin Villa to minimise disturbance to the surrounding areas during the construction stage;
- (i) to liaise with the residents of Silver Bay Garden on the design and provision of the buffer open space and ROW; and
- (j) to note the comments of the Commissioner for Heritage's Office that the heritage value of the site is being assessed and the grading as agreed by the Antiquities Advisory Board, if any, will be conveyed to you."

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/237 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” zone, Government Land in D.D. 244, Sai Kung
 (RNTPC Paper No. A/SK-HC/237)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the site had potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory public inspection period, 30 public comments were received. Among the public comments, 27 including Designing Hong Kong Limited, Ho Chung Emergency Vehicular Access (EVA) Concern Group and local villagers, objected to the application mainly on grounds that the proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the area was subject to high ground water levels and was unsuitable for septic tanks and soakaway facilities, approval of the application would increase the traffic and parking burden at the village and nearby areas, there was no environmental, traffic, drainage, sewage assessment in the

submission, and there was no permanent EVA in the area and existing access was recently blocked by some landowners. The EVA problem should be resolved before granting of permission of new small house development. One commenter supported the application, another suggested that the village representative should be consulted before the implementation of the proposed development, and one suggested to develop the site for a playground or park; 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 application complied with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories (Interim Criteria) in that the site and the footprint of the proposed Small House fell entirely within the village 'environs' of Ho Chung and there was a general shortage of land in meeting Small House development in the "Village Type Development" zone of the village. The proposed development would not result in adverse drainage, landscape and environmental impacts on the surrounding areas. Although DAFC did not support the application, there was no farming activity at or near the site. The vicinity was already occupied by Small Houses. The proposed development was not incompatible with the surroundings. Other concerned government departments had no objection to or no adverse comments on the application. Regarding the public objections to application, it was noted that rehabilitation of agriculture in this area would be highly unlikely in view that Small Houses were already existing or under construction in the area. The proposed development would not have adverse impacts on the surroundings.

19. Members had no question on the application.

Deliberation Session

20. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission

should be valid until 14.11.2018, 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; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD’s standard;
- (b) 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;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be provided in connection with the proposed development to deal with the surface runoff of the site without causing any adverse drainage impacts or nuisance to the adjoining areas; and
- (d) to note the comments of the Antiquities and Monuments Office (AMO),

Leisure and Cultural Services Department that the site is located within the Ho Chung Site of Archaeological Interest. The applicant is required to provide AMO with sufficient time to enter the site to conduct an archaeological survey. Should archaeological remains be identified, appropriate measures to salvage cultural remains underground will be conducted prior to commencement of any construction works. A Deed of Undertaking will be prepared via the District Lands Officer/Sai Kung for the applicant to sign in order to allow AMO to conduct the survey and excavation.”

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/210 Residential Institution (Hostel) ancillary to an Indoor Recreational Hobby Farm in “Recreation” zone, Lot No. 333 s.B R.P. in D.D. 221, Sha Kok Mei, Sai Kung
(RNTPC Paper No. A/SK-PK/210)

22. The Secretary reported that the application was submitted by Naturalherb Health Products Limited and Landes Limited (Landes) was one of the consultants of the applicant. Ms Janice W. M. Lai and Mr Ivan C. S. Fu had declared interests in this item as they had current business dealings with Landes. The Committee noted that Mr Fu had tendered apologies for being unable to attend the meeting. As Ms Janice Lai had no involvement in this item, the Committee agreed that she should be allowed to stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed residential institution (hostel) ancillary to an indoor recreational hobby farm;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as portions of the proposed “clearance” space for the emergency vehicular access (EVA) overlapped the proposed planting area and root zone of tree T09. According to the Swept Path of the EVA, some portion of the proposed planting area would be affected by the proposed alignment for the larger fire appliance. There was doubt on the feasibility of the proposed landscape and tree preservation layout;
- (d) during the statutory publication periods, a total of 22 public comments were received, among which, 18 supported and 4 objected to the application. The main reasons for objecting the application were that the proposed development would cause adverse traffic impacts; Sai Kung already had a lot of recreational centres and/or training camps and additional facilities with residential facilities would not be necessary; and the site was subject to noise and was not a suitable place for recreational facilities; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. The proposed hobby farm constituted about 89.2% of the total site area or 73.3% of the total gross floor area (GFA). The proposed hobby farm was the predominant land use and generally in line with the planning intention of the “Recreation” (“REC”) zone. The proposed site coverage (20%) and plot ratio (0.2) of the ancillary hostel for 11 rooms within a 2-storey building complied with the development restrictions for the “REC” zone. The proposed development was not incompatible with the surrounding area which was generally rural in character with low-density developments. The proposed development would not have adverse impact on the existing trees. To address CTP/UD&L, PlanD’s concerns, an approval condition on the submission and implementation of landscape and tree preservation

proposals was suggested. The proposed hostel was small in scale and would unlikely cause significant adverse traffic, drainage and environmental impacts on the surrounding areas. Concerned departments had no objection to or no adverse comments on the application. Regarding the public comments against the application, the Commissioner for Transport commented that the proposed development would unlikely have adverse impact on the surrounding area. The proposed development was generally in line with the planning intention of the “REC” zone.

24. In response to a Member’s question, Mrs Alice K. F. Mak, STP/SKIs, said that there was no similar application for hostel ancillary to hobby farm in Pak Kong area. In response to the Chairman’s question, Mrs Alice K. F. Mak said that the farming activities would be accommodated inside six greenhouses. The site was currently covered with weeds which would be removed and the uncovered area would be landscaped for family activities. According to the applicant’s proposal, the 10 existing trees would be preserved.

25. A Member questioned whether the approval of the application would set an undesirable precedent for similar applications in the area. Mrs Alice K. F. Mak, STP/SKIs, said that according to the proposed scheme, the dominant use (over 70% of the GFA) was for hobby farm and the remaining smaller part of the site would be for hostel use. As such, the proposed development was in line with the planning intention of the “REC” zone.

26. In response to a Member’s question on how to ensure that the applicant would implement the whole scheme instead of developing the hostel only, Mrs Alice K. F. Mak, STP/SKIs, said that the proposed development could be monitored at the building plan submission stage. The Secretary supplemented that the Pak Kong area was previously covered by a Development Permission Area Plan and any unauthorised development, including developments which had deviated from an approved scheme, would be subject to enforcement action of the Planning Authority.

27. In response to a Member’s question, Mrs Alice K. F. Mak, STP/SKIs, said that the hostel facility, which was optional to the visitors, would provide 11 rooms of less than 30 beds for resting purpose.

Deliberation Session

28. The Chairman said that the “REC” zone was intended for low-density recreational developments and while the hobby farm was always permitted within the “REC” zone, residential use under Column 2 of the zone with maximum plot ratio of 0.2 and building height of 2 storeys might be permitted on application to the Board. He also said that if the applicant only developed the hostel without providing the hobby farming facilities as proposed, the development would be subject to enforcement action of the Planning Authority.

29. Regarding whether the scale of the proposed hostel could be considered as an ancillary facility to the permitted use, a Member expressed concerns that the proposed hostel, which was a permanent building, would have adverse impacts on the surroundings and this Member had doubt that the hostel might be used for residential purpose. Members also noted that the application site was a piece of flat land and the applicant, which was a company promoting green lifestyle, proposed that cultivation of herbs and hydroponics would be practised inside the greenhouse environment. There was no information in the submission on the maximum number of people to be accommodated in the proposed hostel.

30. A Member said that the planning intention of the “REC” zone was for recreational development for enjoyment of the general public and to encourage the development of active and/or passive recreation and tourism or eco-tourism. It was noted that the proposed ancillary hostel comprised only about 26% of the total GFA of the whole scheme and the scale of the proposed hostel was considered appropriate. The Vice-chairman shared the views of the Member and said that with reference to the planning intention of the “REC” zone, small-scale ancillary accommodation facilities could be permitted. However, there was concern that the proposed hostel might be converted to residential use. The Chairman said that at the building plan submission stage, the layout of the hostel would be examined as to whether it was designed for hostel purpose or for residential use.

31. In response to a Member’s concern that the applicant might only provide the hostel without the hobby farm after obtaining the planning permission, the Chairman suggested to add an approval condition (d) that if the applicant failed to implement the whole

proposed scheme, including the hobby farm, the planning permission for the proposed ancillary hostel would lapse. Members agreed to the suggestion.

32. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 14.11.2018, 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 proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the design and provision of carparking space, loading/unloading space and vehicular access arrangement at Tai Mong Tsai Road to the satisfaction of Commissioner for Transport or of the TPB; and
- (d) if the approved scheme is not implemented in whole, including the hobby farm as proposed in the application, the planning permission for the proposed ancillary hostel would lapse.”

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

- “(a) to note the comments of the District Lands Officer/Sai Kung, Lands Department (LandsD) that the proposed development will be served by a proposed short vehicular access through unleased Government land (GL) lying between the subject lot and Tai Mong Tsai Road. According to his file record, no permit or approval has been granted for the proposed vehicular access. The lot owner will need to apply for a lease modification/land exchange to effect the proposed development. However, there is no guarantee that such application for lease modification or land exchange (with or without GL) would be approved by the Government.

Such application, if eventually approved, would be subject to such terms and conditions including payment of a premium as the Government considers appropriate;

- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the proposed new run-in/out and X-Y-Z point should be approved by the LandsD and Transport Department;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that as the majority of the site will be built upon and the peripheries are already lined with trees, planting more trees for landscaping may result in over-crowding of the trees;
- (d) to note the comments of the Director of Environmental Protection that all openable windows of hostel rooms, Room 3 to Room 5, and Room 8 to Room 11 will only face the inside court/the outdoor playground based on the development layout in the application;
- (e) to note the comments of the Director of Fire Services that emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by the Buildings Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (g) to note the comments of Chief Engineer/Mainland South, Drainage

Services Department (DSD) that the Site is within an area where drainage and sewerage connections maintained by DSD are available in the vicinity. All proposed connection works should be carried out by the developer in accordance with DSD Standard Drawings at the developer's costs and audited by DSD upon completion. The connection pipe shall then be handed over to DSD for maintenance. The Authorised Person (AP) shall submit a Form HBPI with a cross cheque to apply for technical audit for completed drainage connection works. The applicant should be advised that it is the developer's responsibility to identify/locate existing government sewers and stormwater drains to which drainage connections from his site are to be proposed. The AP should verify the existence of any existing drains/sewers/utilities and also their exact locations, levels and alignments on site in order to ascertain the positions and levels of the proposed manholes and the associated connection works. The AP should also verify that the existing government drains/sewer, to which connections are proposed, are in normal working conditions and capable for the discharge from the site; and

- (h) to note the comments of the Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department that the applicant should be reminded to submit a copy of the occupation permit for the proposed residential institution (hostel) when making an application under the Hotel and Guesthouse Accommodation Ordinance. The proposed licensed area should be physically connected. The Fire Services Installation provisions should comply with paragraph 4.28 of Codes of Practice for Minimum Fire Services Installations and Equipment. The licensing requirements will be formulated after inspections by the Building Safety Unit and Fire Safety Team upon receipt of an application under the Hotel and Guesthouse Accommodation Ordinance.”

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SK-PK/213 Proposed House in “Green Belt” zone, Lots No. 242A S.A and 242A
RP in D.D. 213 and adjoining Government land, Lung Mei Tsuen
Road, Sai Kung
(RNTPC Paper No. A/SK-PK/213)

34. The Committee noted that the applicant requested on 3.11.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Transport Department and the public comments. This was the first time that the applicant requested for deferment of the application.

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

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

Sha Tin, Tai Po and North District

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TT/2 Proposed House (New Territories Exempted House - Small House) in
“Unspecified Use” area, Lot 70 S.C in D.D. 292, Tai Tan, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/2)

Presentation and Question Sessions

36. Ms Channy C. Yang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as approval of the application would set an undesirable precedent for similar applications to extend village type developments along the Tai Tan Country Trail at the lower coastal land. The cumulative effect of approving similar applications would result in a general degradation to the overall visual and landscape quality of the area along Tai Tan Country Trail. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that the applicant should not interfere with the trees outside the lot boundary, in particular the trees on Government land;
- (d) during the first three weeks of the statutory public inspection period, three

public comments from the Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited, all objecting to the application mainly for reasons that the application was not in line with the planning intention of the “Recreation” (“REC”) zone, the site was close to nearby Lo Tsz Tin Village (i.e. about 20m to its north) which would be affected by serious noise, air and waste pollution during the operation of shops and restaurants, the proposed development would cause adverse ecological impacts on the area when sewage was discharged into the stream, and there was no provision of emergency vehicular access (EVA) and fire-fighting facilities in the proposed development posing a threat to the surrounding villages; and

- (e) PlanD’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the proposed Small House footprint fell within the village ‘environs’ of Tai Tan and there was insufficient land within the “Village Type Development” (“V”) zone of Tai Tan to meet the Small House demand. The proposed Small House was not incompatible with the surrounding environment which was mainly rural in character. Regarding DAFC’s concern on the access through the section of the Tai Tan Country Trail within the site, the applicant undertook to continue keeping it open for the access of local villagers. CTP/UD&L’s concern could be addressed by imposition of an approval condition on the submission and implementation of a landscape proposal.

37. In response to a Member’s question, Ms Channy C. Yang, STP/STN, said that there were 29 outstanding applications for Small House developments in the area being processed by the Lands Department.

38. In response to another Member’s question, Ms Channy C. Yang, STP/STN, stated that the deadline for replacing the draft Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Development Permission Area (DPA) Plan No. DPA/NE-TT/1 by an Outline Zoning Plan (OZP) was 8.11.2016.

Deliberation Session

39. A Member raised concern that the granting of planning permission for the application might have a bearing on the future preparation of the OZP. The Chairman explained that the DPA Plan was not intended for freezing developments but to provide an interim control on development, and each planning application would be considered based on its individual merits.

40. Members also noted that the boundary of the “V” zone on the DPA Plan was to reflect the existing village houses. In determining the boundary of the “V” zone on the OZP, factors including Small House demand, the environment, infrastructure and landscape character would be taken into account.

41. A Member said that the site was on a piece of flat land between two village clusters. In considering the application, the Committee should take into account whether the site was suitable for Small House development. Another Member, noting that the DPA Plan would be replaced by an OZP in two years, said that the development in the area should not be frozen. In view that the site was located between two village clusters, this Member considered that sympathetic consideration could be given to the application.

42. 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 14.11.2018, 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 a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of a landscape proposal to the

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

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that after planning permission has been given by the TPB, his office will process the Small House application. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto;
- (b) to note the comments of the Director of Fire Services that the applicant should observe the “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;
- (c) to note the comments of the Commissioner for Transport that the existing village access is not under Transport Department’s jurisdiction. The land status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no public drain maintained by DSD in the vicinity of the Site. The applicant/owner is also required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure or the systems. There is no existing public sewerage in the vicinity of the site. The

Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of septic tank;

- (e) to note the comments of the Director of Environmental Protection that the applicant should follow the Professional Persons Environmental Consultative Committee Practice Notes 5/93 for the design and construction of the septic tank and soakaway system;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that:
 - (i) landscape planting is recommended, particularly at the interface between the proposed Small House and the Tai Tan Country Trail; and
 - (ii) the southeastern part of the site adjoining the coast is recommended to be preserved;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should not interface with trees outside the lot boundary, in particular those on Government land, and the proposed development should not encroach onto the Tai Tan Country Trail, or cause any blockage or damage thereto or interference to hikers using it;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant; and

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
 - (i) for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/102 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Government
Land in D.D.167, Nai Chung Village, Sai Kung North
(RNTPC Paper No. A/MOS/102)

Presentation and Question Sessions

44. 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 house (New Territories Exempted House (NTEH)- Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix III of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as continuous vegetation clearance was found and the clearance extended to the south of the application site at the fringe of the “Green Belt” (“GB”) zone. Approval of the application would set an undesirable precedent for other similar applications, the cumulative effect of which would result in further degradation of the landscape resources and landscape character of the locality and undermining the intactness of the “GB” zone.
- (d) during the first three weeks of the statutory public inspection period, one public comment objecting to the application from Designing Hong Kong Limited was received, mainly on grounds that the proposed development was not in line with the planning intention of the “GB” zone; the

cumulative impact of Small House development without public sewerage would result in contamination of ground water and nearby water bodies; substandard and informal engineering of road and parking areas; and no environmental, landscape, drainage and sewerage assessments had been provided; and

- (e) PlanD's views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed Small House 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 a general presumption against development within “GB” zone. The proposed Small House did not comply with the Interim Criteria for assessing planning application for NTEH/Small House in the New Territories (Interim Criteria) in that there was sufficient land within the “Village Type Development” (“V”) zone of Nai Chung Village in meeting the Small House demand. A similar application (No. A/MOS/93) to the immediate southeast of the site within the same “GB” zone was rejected by the Committee on 6.9.2013, mainly on grounds that the proposed development did not comply with the Interim Criteria in that there was still sufficient land available within the “V” zone to meet the future Small House demand, the proposed development was not in line with the planning intention of the “GB” zone, and the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The circumstances were similar to the current application.

45. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that there is still sufficient land available within the “Village Type Development” (“V”) zone to meet the future Small House demand. The applicant fails to demonstrate in the submission why there is no alternative land available within the “V” zone for the proposed development; and
- (b) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is to preserve the natural and rural setting of the area, to define the limits for urban development and to contain urban sprawl. There is a general presumption against development in the “GB” zone. The approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

[Mr Kelvin K. M. Siu, Chief Traffic Engineer/New Territories West, Transport Department and Mr Willy L. F. Pang, STP/STN, left the meeting this point. Dr W. K. Yau left the meeting temporarily at this point.]

Agenda Items 10 to 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- | | |
|--------------|--|
| A/NE-MUP/99 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 452 S.C in D.D. 37, Man Uk Pin Village, Sha Tau Kok |
| A/NE-MUP/100 | Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 452 S.D in D.D. 37, Man Uk Pin Village, Sha Tau Kok |

- A/NE-MUP/101 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 452 S.E in D.D. 37, Man Uk Pin Village, Sha Tau Kok
- A/NE-MUP/102 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 452 S.F in D.D. 37, Man Uk Pin Village, Sha Tau Kok
- A/NE-MUP/103 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 452 S.G in D.D. 37, Man Uk Pin Village, Sha Tau Kok
- A/NE-MUP/104 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 452 S.H in D.D. 37, Man Uk Pin Village, Sha Tau Kok
-
- (RNTPC Paper No. A/NE-MUP/99 to 104)

47. The Committee noted that the six applications were similar in nature and presented in one paper, and the application sites (the sites) were located in close proximity to one another within the same “Agriculture” (“AGR”) zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

48. 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 9 and Appendix IV of the Paper. The Director of Agriculture,

Fisheries and Conservation (DAFC) did not support the applications from the agricultural development point of view as agricultural activities in the vicinity of the sites were active and agricultural infrastructures were available. The sites possessed potential for agricultural rehabilitation;

- (d) during the first three weeks of the statutory public inspection period, five comments on each of the applications were received. A North District Council member supported all six applications. The other four public comments objecting to the applications were received from the Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and two local residents. The main grounds of the objections were that the proposed Small House developments were not in line with the planning intention of the “AGR” zone and agricultural land should be retained to safeguard food supply; the surrounding environment, including the watercourse nearby with abundant wildlife and the ‘fung-shui’ of the village would be adversely affected; no traffic, environmental, drainage and sewerage assessments had been submitted to indicate the potential adverse impacts; and approval of the applications would set undesirable precedents for similar applications in the future; and

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

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Paper. The applications generally met the Interim Criteria for assessing planning application for NTEH/Small House development (Interim Criteria) in that more than 50% of the footprint of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of Man Uk Pin Village and there was insufficient land within the “Village Type Development” (“V”) zone of Man Uk Pin Village to meet the Small House demand. The proposed Small Houses were located to the immediate southeast of the village proper of Man Uk Pin Village and situated in a typical rural setting surrounded by village houses and farmland. The proposed Small Houses were not incompatible with the surrounding environment. The Director of

Environmental Protection advised that in view of the small scale of the proposed developments, it would unlikely cause major pollution to the area. There were 21 similar applications for Small House developments within or partly within the same “AGR” zone in the vicinity of the sites since the first promulgation of the Interim Criteria on 24.11.2000. All these 21 similar applications were approved by the Committee or the Board on review between 2001 and 2014 mainly on considerations that the applications complied with the Interim Criteria in that more than 50% of the footprint of the proposed Small Houses fell within the ‘VE’ and there was a general shortage of land within “V” zone in meeting the Small House demand; the proposed Small Houses were not incompatible with the rural and village environment and would unlikely cause adverse impacts on the surrounding area. There had not been any material change in planning circumstances for the area since the approval of these similar applications. Regarding the public comments objecting to the applications, relevant government departments’ comments and the planning assessment above were relevant.

49. In response to the Chairman’s question, Mr Wallace W. K. Tang, STP/STN, said that except an application with a site straddling the “V” and “AGR” zones located close to the subject site, the subject six applications were the first cases located to the east of Man Uk Pin Village. The Vice-chairman noted that there was a cluster of approved Small House applications on the western side of Man Uk Pin Village outside the “V” zone and questioned if there was still land available for Small House development. Mr Wallace Tang said that some applications for Small House developments on the western side of Man Uk Pin Village had been approved by the Committee or the Town Planning Board on review. Among the approved applications, Small House grant had been given for some while some were under construction. In response to the Vice-chairman’s further question, Mr Wallace Tang said that land was still available within the “V” zone for Small House development.

Deliberation Session

50. The Vice-chairman said that the current Small House applications were the first cases located to the eastern side of Man Uk Pin Village. He also noted that there was still land available within the “V” zone and to the western part of the village. He considered that

Small House developments should be concentrated within the “V” zone or close to the existing village cluster as far as possible and was concerned that approving the current applications would set an undesirable precedent for similar applications in the agricultural area. Some Members shared the same concerns.

51. After deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection as stated in paragraph 12.3 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” zone in the Man Uk Pin area 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. There is no strong planning justification in the submission for a departure from the planning intention; and

- (b) land is still available within the “Village Type Development” zone of Man Uk Pin Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

[The Chairman left the meeting due to other engagement, and the Vice-chairman took over the chairmanship at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-STK/5 Proposed Temporary Public Vehicle Park for Coaches and Private Cars for a Period of 3 Years in “Agriculture” zone, Lots 443 S.B RP (Part), 444 S.B RP (Part), 445 S.B RP (Part), 446 S.B RP (Part) and 447 S.B (Part) in D.D. 41 and adjoining Government Land, Sha Tau Kok
(RNTPC Paper No. A/NE-STK/5)

52. The Committee noted that the applicant requested on 23.10.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Transport Department. This was the first time that the applicant requested for deferment of the application.

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/489 Temporary Vehicle Ornamentation Workshop and Storage of Vehicle Parts with Ancillary Office for a period of 3 years in “Open Storage” and “Road” zones, Lots 2197 S.A (Part), 2197 RP (Part) in D.D. 76 and Adjoining Government Land, Kwan Tei North Village, Fanling
(RNTPC Paper No. A/NE-TKL/489)

54. The Secretary reported that replacement pages 10 and 11 of the Paper were to revise the date of some of the suggested approval conditions. The replacement pages had been sent to Members and were tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary vehicle ornamentation workshop and storage of vehicle parts with ancillary office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) did not support the application from the traffic engineering point of view and considered that car parking spaces and loading/unloading bays were required for the applied use, and the applicant should indicate the car parking, loading/unloading, vehicle manoeuvring arrangements, the types of transportation vehicles and the estimated number of daily, hourly vehicle trips to/from the site in the submission to demonstrate that the development would not create adverse traffic impact on surrounding area. The Director of Environmental Protection did not support the application as no

information had been provided in the submission to demonstrate that the development would not result in adverse environmental impact on the surrounding area;

- (d) the District Officer (North), Home Affairs Department advised that the Chairman of Fanling District Rural Committee, an Indigenous Inhabitants Representative of Kwan Tei and the Chairman of the Fanling Kwan Tei North Village Welfare Association raised objections to the application mainly on the ground that the vehicle ornamentation workshop caused adverse traffic and environmental impacts, i.e. odour and scavenger greased discharge;
- (e) during the first three weeks of the statutory public inspection period, one comment from a member of the public stating no comment on the application was received; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. No information had been provided in the submission to demonstrate that the development would not result in adverse environmental impact on the surrounding area. The applicant did not demonstrate that the development would not create adverse traffic impact on surrounding area.

56. Members had no question on the application.

Deliberation Session

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

- “the applicant fails to demonstrate that the development would have no adverse traffic and environmental impacts on the surrounding area.”

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

Agenda Items 18 and 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/96 Proposed House (New Territories Exempted House - Small House) and Minor Relaxation of Maximum Gross Floor Area Restriction in “Comprehensive Development Area” zone, Lots 1109 S.A ss.1 and 1124 S.A in D.D.218 and Adjoining Government Land, Che Ha Village, Shap Sz Heung, Sai Kung North
(RNTPC Paper No. A/NE-SSH/96)

A/NE-SSH/97 Proposed House (New Territories Exempted House - Small House) and Minor Relaxation of Maximum Gross Floor Area Restriction in “Comprehensive Development Area” and “Village Type Development” zones, Lots 1109 S.A RP and 1124 RP in D.D.218, Che Ha Village, Shap Sz Heung, Sai Kung North
(RNTPC Paper No. A/NE-SSH/97)

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

Presentation and Question Sessions

59. Mr C. T. Lau, STP/STN, 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) and minor relaxation of maximum domestic gross floor area (GFA)

restriction at each of the sites;

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers.

Application No. A/NE-SSH/96

The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the Government land portion of the site fell within the proposed regrant lot in respect of the land exchange application for a comprehensive residential and recreational development under application No. A/NE-SSH/61 and processing of the proposed land exchange was already at an advanced stage. The Commissioner for Transport had reservation on the application as approval of the application would set an undesirable precedent case for similar applications outside the “Village Type Development” (“V”) zone, the resulting cumulative adverse traffic impact could be substantial;

- (d) during the first three weeks of the statutory public inspection period of the two applications, four public comments were received on each of the applications. Designing Hong Kong Limited objected to the applications mainly on grounds that the proposed developments were not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone; they would bring about adverse traffic and cumulative impact; and no impact assessment had been submitted by the applicants. The village representative and villagers of Che Ha objected to the applications mainly on grounds that the applicants were not indigenous villagers of Che Ha and the proposed developments would cause adverse environmental and ecological impacts to the surrounding areas well as causing problems on emergency access by fire fighting vehicles; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessment made in paragraph 12 of the Papers.

Applications No. A/NE-SSH/96 and 97

The applications were not in line with the Interim Criteria for assessing planning application for NTEH/Small House development in the New Territories as there was sufficient land available in the “V” zone to meet the Small House demand. The applicants failed to demonstrate why land within the “V” zone could not be made available for the proposed development, and approval of the applications would set an undesirable precedent for other similar developments to proliferate into the “CDA” zone which would defeat the planning intention for comprehensive development of the area; and

Application No. A/NE-SSH/96

The proposed development was not in line with the planning intention of the “CDA” zone which was for comprehensive development of the area for residential, commercial and recreational uses with the provision of open space and other supporting facilities. There was no strong planning justification in the submission for a departure from such planning intention. Approval of the application would set an undesirable precedent for other similar Small House applications in the “CDA” zone.

60. Members had no question on the applications.

Deliberation Session

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

Application No. A/NE-SSH/96

“(a) the proposed development is not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone which is for

comprehensive development of the area for residential, commercial and recreational uses with the provision of open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints. There is no strong planning justification in the submission for a departure from such planning intention;

- (b) the proposed Small House development does not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone. The applicant fails to demonstrate in the submission why land within “V” zone could not be made available for the proposed development; and
- (c) the approval of the application will set an undesirable precedent for other similar developments to proliferate into the “CDA” zone, thereby defeating the planning intention for comprehensive development of the area.”

Application No. A/NE-SSH/97

- “(a) the proposed Small House development does not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone. The applicant fails to demonstrate in the submission why land within “V” zone could not be made available for the proposed development; and
- (b) the approval of the application will set an undesirable precedent for other similar developments to proliferate into the “Comprehensive Development Area” zone, thereby defeating the planning intention for comprehensive development of the area.”

Agenda Items 20 and 21

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/525 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 671 S.E and 672 S.D in D.D. 15, Shan Liu
Village, Tai Po
(RNTPC Paper No. A/NE-TK/525)

A/NE-TK/526 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 677 S.K in D.D. 15 and adjoining Government
land, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/526)

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

Presentation and Question Sessions

63. 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 10 and Appendix V of the Papers. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the applications as the sites fell entirely outside the village ‘environs’ (‘VE’) of

Shan Liu Village. The Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) objected to the applications as the sites were located within the lower indirect water gathering grounds (WGG) and did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House/Small House development in the New Territories (the Interim Criteria) in that more than 50% of the proposed Small House footprints fell outside the 'VE' of the village. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites had high potential for rehabilitation of agricultural activities;

- (d) during the first three weeks of the statutory public inspection period, two public comments on each of the applications were received from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited. They objected to the applications mainly for reasons that the proposed developments were not in line with the planning intention of the "Agriculture" ("AGR") zone and would have sewerage impact, water pollution and parking problem, and no impact assessments on traffic and environment had been carried out by the applicants; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments made in paragraph 12 of the Papers. 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 applications from agricultural point of view as the sites had high potential for rehabilitation of agricultural activities. The proposed developments did not comply with the Interim Criteria in that the sites were located within the lower indirect WGG and less than 50% of the proposed Small House footprints fell within the 'VE' of Shan Liu Village. In this regard, CE/Dev(2), WSD objected to the applications. DLO/TP, LandsD did not support the applications as the sites fell entirely outside the 'VE' of the village. Concerned Government departments' comments were relevant to the two public comments.

Application No. A/NE-TK/525

The northern portion of the site was the subject of a previous application (No. A/NE-TK/423) approved with conditions by the Committee in 2013. The site configuration and location of the Small House, however, was totally different from those of the current application mainly in that the footprint of the proposed Small House of the current application fell entirely outside “V” zone or ‘VE’ of Shan Liu Village. The current application did not comply with the Interim Criteria in that the footprint of the proposed Small House was entirely outside the “V” zone or ‘VE’ of any recognised villages and the applicant failed to demonstrate that the proposed development located within the lower indirect WGG would not cause adverse impact on the water quality in the area. It did not warrant the same consideration of the previous approved application. Similar applications with more than 50% of the Small House footprint falling outside the “V” zone or ‘VE’ were all rejected. Approval of the current application would set an undesirable precedent for similar applications.

Application No. A/NE-TK/526

The northern portion of the site was the subject of a previous application (No. A/NE-TK/410) which was rejected by the Town Planning Board (the Board) in 2013 mainly for reasons of not complying with the Interim Criteria in that the footprint of the proposed Small House was entirely outside the “V” zone or ‘VE’ of any recognised villages and the applicant failed to demonstrate that the proposed development located within the lower indirect WGG would not cause adverse impact on the water quality in the area. As there was no significant change in planning circumstances since the rejection of the previous application, there was no strong planning justification to warrant a departure from the Board’s decision on the previously rejected application. Approval of the application would set an undesirable precedent for similar applications.

64. Members had no question on the applications.

Deliberation Session

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

- “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 proposed Small House footprint falls outside the “Village Type Development” zone or the village ‘environs’.”

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/566 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Lot 81 S.A ss.1
in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/566)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small

House);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective as approving the proposed development would result in more encroachment onto the “Green Belt” (“GB”) zone and rendered an unfavourable environment to the preservation of the existing wooded area;
- (d) during the first three weeks of the statutory public inspection period, two public comments were received. Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “GB” zone and did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10); approval of the application would cause cumulative adverse impacts on the subject “GB” zone; no technical assessments had been provided and there was a lack of access, parking spaces and public sewerage in the area. Another public comment was from the Village Representative of San Uk Ka Village who had no objection to the application provided that arrangements on soil protection, planting and landscaping, drainage and sewerage, water supply, parking and access were satisfactory; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed Small House development met the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories (Interim Criteria) in that more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ (‘VE’) of San Uk Ka and Cheung Uk Tei Village and there was a general shortage of land in the “Village Type Development” (“V”) zone of these villages to meet the demand for Small House development.

Regarding CTP/UD&L, PlanD's concern that approval of the application would result in more encroachment of developments onto the "GB" zone, no significant vegetation was found within the site. The Director of Agriculture, Fisheries and Conservation had no comment on the application from nature conservation point of view. The application met the TPB PG-No. 10. A total of 38 similar applications within/partly within the same "GB" zone in the proximity of the site were approved by the Committee between 2000 and 2014 mainly on the grounds that they were generally in compliance with the Interim Criteria in that the entire/majority of the footprints of the proposed Small Houses fell within the 'VE'; there was a general shortage of land within "V" zone in meeting the Small House demand and the proposed Small House developments were not expected to have significant adverse impacts on the surrounding areas. The site was adjacent to some previously approved applications. There had not been any material change in planning circumstances for the area since the approval of these applications. Regarding the public comments, the comments of concerned Government departments were relevant.

67. Members had no question on the application.

Deliberation Session

68. 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 14.11.2018, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB; and

- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) to note the comments of the District Land Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if and after planning approval has been given by the Board, DLO/TP will process the Small House application. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. Please also note that there is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no existing DSD maintained public drain in the vicinity of the Site. The applicant is required to maintain his own stormwater systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. The applicant should follow the established procedures and requirements for the connecting sewers from the site to the public sewerage system. A connection proposal should be submitted to DSD for approval via DLO/TP, LandsD beforehand. Moreover, the sewerage connection will be subject to DSD’s technical audit, for which an audit fee will be charged. The relevant guidelines can be downloaded from DSD web site at <http://www.dsd.gov.hk>. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;
- (c) to note the comments of the Commissioner for Transport that the existing village access connecting the site is not under Transport Department’s management. The land status, management and maintenance

responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;

- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of the Director of Fire Services that the applicant should observe the '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;
- (f) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in the Practice Note for Authorised Persons and Registered Structural Engineers APP-56 on 'Exemption Criteria for Site Formation Works associated with Exempted Building Works in the New Territories (PNAP APP-56). If such exemption is not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant/working party shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead

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

- (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the site, the applicant/working party and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant/working party and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (h) to note that the permission is only given to the development under the application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Items 23 and 24

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/567 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Government land in D.D. 20, Yuen Tun Ha, Tai Po
(RNTPC Paper No. A/TP/567)

A/TP/568 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Government land in D.D. 20, Yuen Tun Ha, Tai Po
(RNTPC Paper No. A/TP/568)

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

Presentation and Question Sessions

71. 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 10 and Appendix V of the Papers. The Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) objected to the applications as they did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House/Small House development in the New Territories (Interim Criteria) in that the sites were located within the water gathering grounds (WGG)

and public sewerage system was not available for connection in the vicinity of the sites. Other major departmental comments were as follows:

Application No. A/TP/567

The Director of Environmental Protection (DEP) did not support the application on grounds that the proposed septic tank/soakaway system was completely outside the “Village Type Development” (“V”) zone and might affect the water quality in the WGG.

Application No. A/TP/568

DEP did not support the application on grounds that the programme of the village sewerage project at Yuen Tun Ha was currently uncertain and the use of septic tank with the WGG should be avoided;

The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as trees were found in close proximity to the southeast of the site. If the application was approved, it would likely set an undesirable precedent and encourage similar Small House developments in the area, encroaching onto the “Green Belt” (“GB”) zone and deteriorating the existing rural landscape quality, and significant adverse landscape impact was anticipated;

The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site was partly covered by trees. The proposed Small House development and the related site formation works would require extensive vegetation clearance and felling of trees;

- (d) during the first three weeks of the statutory public inspection period, two public comments from Designing Hong Kong Limited (DHK) and Kadoorie Farm & Botanic Garden Corporation (KFBG) were received on both applications, while one more public comment from World Wide Fund for Nature Hong Kong (WWF) was received under application No.

A/TP/568. DHK and KFBG objected to both applications and WWF objected to application No. A/TP/567 mainly on grounds that the sites were well vegetated; the proposed developments were not in line with the planning intention of “GB” zone and did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10); the proposed developments would have impacts on the water quality of the WGG and ecological impact; approval of the application would have cumulative adverse impacts on the subject “GB” zone; and there was a lack of access and parking spaces in the area. For application No. A/TP/568, KFBG also observed that there had been some landscape changes at the site and considered that any “Destroy First, Build Later” activities should not be tolerated; and

- (e) PlanD’s views – PlanD did not support the applications based on the assessments made in paragraph 12 of the Papers which were summarised as follows:

Application No. A/TP/567

The proposed development did not comply not comply with the Interim Criteria in that the proposed development fell within the WGG and public stormwater drainage and sewerage systems were not available for connection in the area and thus would have adverse water quality impacts on the surrounding areas. Two similar applications within the same “GB” zone in the vicinity of the site were rejected by the Committee on 11.7.2014 mainly for the reasons that the proposed development was not in line with the planning intention of the “GB” zone, it did not comply with the Interim Criteria and TPB PG-No. 10 in that the proposed development fell within the WGG and was not able to be connected to the existing or planned sewerage system in the area and that the proposed development would affect the existing landscape character of the surrounding areas, and it would set an undesirable precedent for similar applications. As there was no change in planning circumstances since the rejection of the two similar applications,

there was no strong reason to warrant a departure from the Committee's previous decision; and

Application No. A/TP/568

The applicant failed to demonstrate that the proposed development would have no adverse impacts on the landscape character of the surrounding areas. The proposed development did not comply with the Interim Criteria as the proposed development fell within the WGG and would not be able to connect to the existing or planned sewerage system in the area. It would have adverse water quality and landscape impacts on the surrounding areas. The proposed development would involve site formation works and extensive clearance of vegetation affecting the existing natural landscape. It was not in line with TPB PG-No. 10 and would set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment of the area. Two similar applications within the same "GB" zone in the vicinity of the site were rejected by the Committee on 11.7.2014 mainly for the reasons that the proposed development was not in line with the planning intention of the "GB" zone, it did not comply with the Interim Criteria and TPB PG-No. 10 in that the proposed development fell within the WGG and was not able to be connected to the existing or planned sewerage system in the area and that the proposed development would affect the existing water quality and landscape character of the surrounding areas, and the undesirable precedent effect. As there was no change in planning circumstances, there was no strong reason to warrant a departure from the Committee's previous decision.

72. Members had no question on the applications.

Deliberation Session

73. After deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Papers and

considered that they were appropriate. The reasons were :

Application No. A/TP/567

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone for the area which is to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the proposed development does not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories in that the proposed development falls within the Water Gathering Ground and is not able to be connected to the existing or planned sewerage system in the area. The applicant fails to demonstrate that the proposed development would not cause adverse impact on the water quality of the area; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in adverse impact on the water quality in the area.”

Application No. A/TP/568

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone for the area which is to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the proposed development does not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories in that the proposed

development falls within Water Gathering Ground and is not able to be connected to the existing or planned sewerage system in the area, and it would have adverse water quality and landscape impacts on the surrounding areas. The applicant fails to demonstrate that the proposed development would not have adverse impacts on the water quality and landscape character of the area;

- (c) the application does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ (TPB-PG No. 10) in that the proposed development would involve extensive clearance of vegetation that would affect the existing natural landscape in the surrounding environment; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment in the area.”

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 25

Section 12A Application

[Open Meeting]

Y/YL-KTS/4 Application for Amendment to the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/11 to rezone the application site from “Residential (Group D)” and “Agriculture” to “Residential (Group B)”, Lots 470, 471, 472, 1276, 1277 RP, 1335 S.A, 1335 RP, 1336 RP, 1337 RP, 1338, 1339, 1340, 1341, 1342, 1343 RP, 1344 RP and 1351 RP in D.D. 106 and Adjoining Government Land, Kong Ha Wai, Yuen Long (RNTPC Paper No. Y/YL-KTS/4)

74. The Committee noted that the applicant requested on 24.10.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department. This was the second 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 three 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, no further deferment would be granted unless under very special circumstances.

[Mr Frankie W. P. Chou, Chief Engineer (Works), Home Affairs Department left the meeting at this point.]

[Mr Ernest C. M. Fung and Mr C. K. Tsang, Senior Town Planners/Shan Tin, Tai Po and North (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/310 Proposed Minor Relaxation of Maximum Plot Ratio for Permitted Residential (Group C) Development in “Residential (Group C)” zone, Government Land near Maple Gardens, San Tam Road, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/310)

76. The Secretary reported that the application was submitted by the Lands Department (LandsD). As Mr Edwin W. K. Chan, Assistant Director/Regional 3, LandsD had a direct interest in this item, Members agreed that he should leave the meeting temporarily.

77. Ms Janice W. M. Lai also declared an interest in this item as she had current business dealings with LandsD. Members noted that Ms Lai had a direct interest in this item, and agreed that she should leave the meeting temporarily.

[Mr Edwin W. K. Chan, Assistant Director/Regional 3, LandsD left the meeting temporarily at this point. Ms Janice W. M. Lai left the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed minor relaxation of maximum plot ratio restriction for permitted “Residential (Group C)” development;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) commented that there were mature trees of considerable size and in good condition in the northern portion of the site which should be retained. The proposed increase in the maximum permissible plot ratio of the site by 20% would inevitably have adverse impact on the existing landscape resources;
- (d) during the first three weeks of the statutory public inspection period, a total of 22 public comments were received. 20 comments including those from the San Tin Rural Committee, the Incorporated Owners of Maple Gardens (Phase I and Phase II) and members of the public (mostly residents of Maple Gardens) objected to the application mainly on grounds that the proposal would have potential adverse impacts on drainage, sewage, air quality, air ventilation, environmental, landscaping, traffic and public transport capacity on the surrounding area; the separation between the proposed development and existing roads was not wide enough; and there was insufficient recreational facility provided in the area. One comment supported the application without giving any reason. One comment from the Hong Kong and China Gas Company Limited noted that the future developer was required to carry out a Quantitative Risk Assessment for the proposed development to assess the potential risk associated with the high pressure gas pipeline;
- (e) PlanD’s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. The application would increase flat production to achieve the Chief Executive’s 2014 Policy Address to boost housing supply to meet the community’s imminent demand for housing. The applicant had demonstrated that the proposed

increase in plot ratio would not result in any significant adverse visual impact on the adjacent area. CTP/UD&L, PlanD had no adverse comments from the visual impact perspective. The indicative block layout plan showed that the proposed additional flats could be accommodated within the site whilst the existing trees of considerable size and in good condition, including the tree of particular value (i.e. *Ficus microcarpa*) could be preserved and greening opportunities had been maximised along the western boundary of the site. To address CTP/UD&L, PlanD's concerns on potential landscape impact, tree preservation and landscaping clauses would be incorporated under the lease as appropriate. Regarding the public comments objecting to the applications on grounds stated above, the 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 14.11.2018, 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 requirements of drainage impact assessment and drainage reserve area along the western boundary of the site in the lease conditions of the site to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the inclusion of the requirements for providing fire service installations and water supplies for firefighting in the lease conditions of the site to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the inclusion of the tree preservation and landscaping requirements in the

lease conditions of the site 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 note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. The arrangement of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department (BD);
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that existing trees of considerable size and in good condition should be preserved under the proposed development. Furthermore, greening opportunities should be maximised through at-grade tree and shrub planting to enhance the landscape and visual amenity of the development and mitigate the landscape impact;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, BD that in case the land is leased for private development in future, then the works will be subject to the control of the Building Ordinance and the applicant’s attention is drawn to the following points: (i) presumably the site is abutting on a specified street, then the development density shall not exceed the permissible figures under the First Schedule of the Building (Planning) Regulations (B(P)R). Otherwise, the development intensity shall be determined under B(P)R 19(3) during plan submission stage and BD’s comment on the maximum plot ratio is reserved; and (ii) in accordance with the Government’s committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included, where possible, in the conditions of the planning approvals;
- (d) to note the comments of the Head of the Geotechnical Engineering Office,

Civil Engineering and Development Department that Feature No. 2-SE-C/C116 may affect or be affected by any future development at the site. Presumably, details of the investigation and/or assessment of the effects of any future development on the feature, and vice versa, should be submitted in conjunction with the future development proposal to the relevant authorities for processing; and

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, a Waterworks Reserve within 1.5 metres from the 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 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.”

[Mr Edwin W. K. Chan, Assistant Director/Regional 3, LandsD returned to join the meeting at this point. Mr Lincoln L. H. Huang left the meeting at this point.]

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/705 Temporary Open Storage of Building Materials and Vehicles for Sale for a Period of 3 Years in “Residential (Group D)” zone, Lots 100 RP, 101 S.A&B RP and 101 S.C RP in D.D. 111, A Kung Tin, Fan Kam Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/705)

82. The Secretary reported that a replacement page 14 of the Paper was to revise the suggested date of an approval condition. The replacement page had been sent to Members and was tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of building materials and vehicles for sale for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. the residential dwellings located to the north east (the nearest one about 40m away) and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application was for temporary open storage of building materials and vehicles for sale in “Residential (Group D)” (“R(D)”) zone. As there was no known residential development at this part of the “R(D)” zone, the approval of the application on a temporary basis would not frustrate the planning intention of the “R(D)” zone and the development was not incompatible with the surrounding areas which were mixed with open

storage / storage yards, a parking lot, a warehouse, etc. Previous and similar applications for temporary open storage-related uses were approved at or in the vicinity of the site. Approval of the application was in line with the Committee's previous decision. The application was generally in line with the Town Planning Board Guidelines No. 13E on 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' (TPB PG-No. 13E) in that most relevant departments had no objection to or no adverse comment on the application. The site was the subject of previous approvals since 1998 and similar applications located to the north and south of the site had also been approved with conditions by the Committee. As there was no major change in planning circumstance since the last approval, sympathetic consideration could be given to the current application. Although DEP did not support the application, no environmental complaint against the site had been received in the past three years and no local objection was received during the statutory publication period. To address DEP's concern on the possible nuisance generated by the proposed use, approval conditions were recommended to restrict the operation hours and prohibit workshop activities on-site. 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 was also advised to undertake the environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to alleviate any potential impact. Although the last approval (Application No. A/YL-PH/644) was revoked due to non-compliance with approval conditions on submission and implementation of fire service installations proposal and provision of boundary fencing, the applicant had complied with the approval condition on landscaping and drainage aspects under the last approval. Besides, the applicant had submitted the landscape and drainage proposals under the current application, which were accepted by the relevant departments. To closely monitor the progress on compliance with conditions, shorter compliance periods were recommended should the Committee decide to

approve the application. Moreover, the applicant should be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed at the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a report on the condition of the existing water mains underneath the ingress and egress of the site within 3 months from the date of the planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 14.2.2015;
- (f) in relation to (e) above, the implementation of mitigation measures to avoid impact on the existing water mains within 6 months from the date of the planning approval to the satisfaction of the Director of Water Supplies or of

the TPB by 14.5.2015;

- (g) the provision of the boundary fence for the site within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 14.2.2015;
- (h) the implementation of the accepted landscape and tree preservation proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 14.2.2015;
- (i) the submission of the record of the existing drainage facilities on the site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.2.2015;
- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.12.2014;
- (k) the submission of fire service installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.2.2015;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.5.2015;
- (m) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further

notice; and

- (o) upon 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods are imposed to monitor the progress of the compliance. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) the site should be kept in a clean and tidy condition at all time;
- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (e) to note the comments of the District Lands Officer/Yuen Long that the site is situated on Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval from his office. The site is accessible to Fan Kam Road via Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner(s) concerned will need to apply to his office to permit structures

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

- (f) 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 adopt environmental mitigation measures to minimise any possible environmental nuisances;
- (g) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should submit colour photos of existing trees for reference;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site is immediately adjacent to a watercourse to the east. The applicant should adopt necessary measures to prevent polluting the watercourse during operation;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should submit updated photos of the existing drainage condition;
- (k) to note the comments of the Director of Fire Services that in consideration

of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage sites in Appendix V of the Paper should be adhered to. To address the approval condition for the provision of fire extinguisher, the applicant should submit a valid fire certificate (FS 251) to his department for approval. The applicant should be reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (l) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the proposed site encroaches upon waterworks reserve for the existing 48" Dongjiang water mains. No structure shall be erected and no trees or shrubs shall be planted within the waterworks reserve and such area shall not be used for storage purpose. 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;
- (m) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works are subject to compliance with BO. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorised works in the future; 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 relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site. For application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/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 Ernest C. M. Fung and Mr C. K. Tsang, STPs/FSYLE, for their attendance to answer Members’ enquires. Messrs Fung and Tsang left the meeting at this point.]

[The meeting took a break of 5 minutes at this point.]

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

Tuen Mun and Yuen Long West District

Agenda Item 28

Section 12A Application

[Open Meeting]

Y/YL-PN/6 Application for Amendment to the Approved Sheung Pak Nai & Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9, to rezone the application site from “Coastal Protection Area” to “Government, Institution or Community” for Columbarium Use, Lot 118 in D.D.135 and adjoining Government Land, Nim Wan Road, Pak Nai
(RNTPC Paper No. Y/YL-PN/6A)

87. The Secretary reported that the application was submitted by Ka Fuk Services Limited and CKM Asia Limited (CKM) being one of the consultants of the applicant. Professor S. C. Wong had declared an interest in this item as CKM had sponsored some activities of the Institute of Transport Studies of the University of Hong Kong, of which Professor Wong was the Director of the Institute.

88. The Committee noted that the applicant had requested for a deferment of consideration of the application. The Committee also noted that Professor S. C. Wong had no involvement in the application, and agreed that he should be allowed to stay in the meeting.

89. The Committee noted that the applicant requested on 28.10.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Commissioner for Transport and Commissioner of Police. This was the second time that the applicant requested for deferment.

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

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/452 Proposed Temporary Public Vehicle Park for Private Cars for a Period of 3 Years in "Village Type Development" zone, Lots 450 (Part) and 452 RP (Part) in D.D. 122, Hang Mei Tsuen, Yuen Long
(RNTPC Paper No. A/YL-PS/452)

Presentation and Question Sessions

91. 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 public vehicle park for private cars 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) 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 assessment made in paragraph 11 of the Paper. The application was for temporary public vehicle park for a period of three years. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that there was no Small House application at the site. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “Village Type Development” (“V”) zone. The vehicle park for private cars was not incompatible with the surrounding land uses which were predominantly occupied by vehicle parks, open storage and some village houses. Technical concerns on traffic, drainage, fire safety and landscape could be addressed by imposing approval conditions. Approval conditions on operation hours, type of vehicles to be parked, no vehicle washing or workshop activity were also suggested to minimise the possible impacts on the surrounding area. Non-compliance with any of 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. There were 18 similar applications within the same “V” zone approved by the Committee from 2004 to 2013. Approving the current application was in line with the previous decisions of the Committee.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance (RTO), as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) no vehicle without valid licence issued under the RTO is allowed to be parked/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 to indicate that only private cars as defined in the RTO are allowed to be parked/stored on the site at all times during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back or reverse onto/from public road at any time during the planning approval period;
- (g) the implementation of the accepted drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.5.2015;
- (h) in relation to (g) above, the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (i) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.5.2015;
- (j) in relation to (i) above, the implementation of fire service installations

proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.8.2015;

- (k) the submission of landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 14.5.2015;
- (l) in relation to (k) above, implementation of landscape and tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 14.8.2015;
- (m) the provision of boundary fencing within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 14.2.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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;
- (o) if any of the above planning conditions (g), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

- (b) prior planning permission should have been obtained before commencing the development on site;
- (c) the planning permission is given to the structures under application. It does not condone any other structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority's (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lot within the site are Old Schedule Agricultural Lot held under Block Government Lease under which no structures are allowed to be erected without prior approval from his Office. No approval has been given for the specified structures for site office, guard room and rain shelter use. The site is accessible via Tsui Sing Road and a narrow strip of Government land and other private lots. This Office does not provide maintenance works for such track nor guarantee right-of-way. The lot owner concerned will still need to apply to his Office to permit structures to be erected or regularise any irregularities on site. Such application will be considered by the 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 of fee, as may be imposed by the LandsD;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA

for the structures existing at the site and the BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorised under the BO and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with the BD's enforcement policy against UBW as and when necessary, the granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (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 potential environmental impacts on the surrounding area;
- (h) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under his Department's purview. Its land status should be checked with the land authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Tsui Sing Road should be commented and approved by the TD. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The HyD shall not be responsible for the maintenance of any access connecting the site and Tsui Sing Road;

- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult the District Lands Officer/Yuen Long, LandsD and seek consent from the relevant owners for any works to be carried out outside the applicant's lot boundary before commencement of the drainage works;

- (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. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; 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. For site within the preferred working

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/460 Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years in "Undetermined" zone, Lots 3376 (Part), 3377 (Part), 3378 (Part), 3379 (Part), 3380, 3381 (Part), 3382 (Part), 3383 (part), 3384 (part), 3385 (part), 3386 (part), 3387 (part), 3388 (Part), 3389 (part), 3390, 3391 (part), 3392 (part) and 3393 (part) in D.D. 124, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/460)

95. The Secretary reported that the application was submitted by Team Harvest Limited, a subsidiary of Sun Hung Kai Properties Limited (SHK). The following Members had declared interests in this item:

Mr Ivan C. S. Fu - having current business dealings with SHK

Ms Janice W. M. Lai - having current business dealings with SHK

Dr Eugene K. K. Chan - being the Convenor of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from SHK

Ms Christina M. Lee - being a Director of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from SHK

96. The Committee noted that Mr Ivan C. S. Fu, Dr Eugene K. K. Chan and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting and Ms Janice W. M. Lai had left the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of construction materials and construction equipment 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 because there were sensitive uses located close to the site (the nearest residential dwelling was about 5m away) and along the access road (Yick Yuen Road) and environmental nuisance was expected;
- (d) during the first three weeks of the statutory public inspection period, three public comments from members of the public were received. One supported the application as other open storage uses near the site within the same “Undetermined” (“U”) zone had been approved by the Town Planning Board. The other two expressed that the site was suitable for

open storage use, the use could support future works projects of the Government, there was no need to seek alternative sites which might affect the environment and the use did not involve the “Green Belt” zone; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The “U” zone fell within the proposed Hung Shui Kiu New Development Area (HSK NDA) and was subject to the on-going HSK NDA Planning and Engineering Study. There was no permanent development proposal at the site for the time being. Approval of the development on a temporary basis for 3 years would not jeopardise the long-term planning intention for the “U” zone. The development was not incompatible with the surrounding uses which included open storage yards, site offices, vehicle park, temporary warehouse for furniture and spare parts, and temporary domestic structures. The application was generally in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that the applicant had submitted an indicative layout plan showing the parking and loading/unloading space and vehicular flow within the site, a proposed drainage plan, and a proposed landscape plan. Government departments’ requirements on traffic, drainage, fire safety and landscape and tree preservation could be addressed by imposing approval conditions. There was also no public comment objecting to the application. Although DEP did not support the application because there were sensitive uses in vicinity of the site, there was no environmental complaint against the site over the past three years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and type of activities on site were recommended. Non-compliance with any of 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. Besides, the applicant would be advised to follow the latest Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites to minimise the potential environmental impacts on the

surrounding area. There were four approved applications for similar developments within the same “U” zone. The approval of the current application was in line with the previous decisions of the Committee.

98. In response to Mr Kelvin K. M. Siu, Chief Traffic Engineer/New Territories West, Transport Department’s question, Mr K. C. Kan, STP/TMYLW, said that the Transport Department’s (TD) concern on queuing back and reverse of vehicle onto or from public road had already been included in the suggested approval condition (e) in paragraph 13.2(e) of the Paper. Mr Kan further said that the applicant had submitted a plan showing the provision of manoeuvring space and an advisory clause requiring the provision of sufficient manoeuvring within the site could be included.

Deliberation Session

99. The Vice-chairman said that should the Committee approve the application, TD’s concern with regard to the provision of sufficient manoeuvring space within the site could be included in the advisory clause.

100. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 8:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling or other workshop activity is allowed on the site at any time during the planning approval period;
- (d) only medium goods vehicles not exceeding 24 tonnes as defined under the Road Traffic Ordinance, are allowed to enter/be parked on the site at all

times during the planning approval period;

- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) 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 26.12.2014;
- (g) 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 14.5.2015;
- (h) in relation to (g) 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 14.8.2015;
- (i) 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 14.5.2015;
- (j) in relation to (i) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.8.2015;
- (k) in relation to (j) above, the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (l) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.5.2015;
- (m) in relation to (l) above, the implementation of landscape and tree

preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.8.2015;

- (n) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.2.2015;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (f), (g), (h), (i), (j), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

101. 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) the planning permission is given to the development/uses under application. It does not condone any other development/uses which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (c) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings

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

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval from his Office. The information provided in the s.16 application indicates that no structure is proposed within the site. The site is accessible to Yick Yuen Road through other private lots. His office does not guarantee right-of-way;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA for the structures existing at the site and the 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 BD (not being New Territories Exempted Houses), they are unauthorised under the BO and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are 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 site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does

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

- (f) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise potential environmental impacts on the surrounding area;
- (g) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the site;
- (h) 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 Yick Yuen Road;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that regarding the proposed drainage facilities, supporting calculations to verify their capacities and the downstream system will not be overloaded are required for reference;
- (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. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage should be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (k) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the proposed spacing (2-3m) for new tree planting is not sufficient, especially for the proposed *Ficus microcarpa*. The applicant should review the planting proposal to allow sufficient growing space for the trees; 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/693 Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years in "Undetermined" zone, Lots 777 (Part) and 778 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/693A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of exhibition materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate south (less than 5m away) and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The use under application was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. Although the long-term planning of the area was being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Study would be completed in 2015 and the site fell outside the “Potential Development Area” of the Study, approval of the application on a temporary basis would not frustrate the long-term use of the area. The development was not incompatible with the surrounding uses in the subject “U” zone which comprised mainly warehouses, open storage yards and workshops. Although DEP did not support the application as there were sensitive receivers in the vicinity of

the site, no environmental complaint concerning the site was received in the past 3 years. To address DEP's concerns, approval conditions restricting the operations hours and the type of vehicles used as well as prohibiting the carrying out of workshop and open storage activities, as proposed by the applicant, 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 follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise any potential environmental impact. The site was the subject of two previously approved applications for similar temporary warehouse use which were revoked due to non-compliance with the approval conditions. In the current application, the applicant had already submitted landscape, drainage and fire service installations proposals. The tree preservation and landscape proposals were considered acceptable by the Chief Town Planner/Urban Design & Landscape, PlanD. Failure to comply with the approval conditions within the time limits would result in revocation of the planning permission again and sympathetic consideration would not be given by the Committee to any further application.

103. Members had no question on the application.

Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no dismantling, repairing, spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no open storage activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle onto public road are allowed at any time during the planning approval period;
- (g) no material is allowed to be stored/dumped within 1m of any tree on the site, as proposed by the applicant, at any time during the planning approval period;
- (h) the implementation of the accepted tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.2.2015;
- (i) the submission of an updated drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.2.2015;
- (j) in relation to (i) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.5.2015;
- (k) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 14.2.2015;

- (l) in relation to (k) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.5.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

105. 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) shorter compliance periods are imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration would not be given to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands

Department (LandsD) that the private land within the site are Old Schedule Agriculture lots held under the Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the three specified structures for warehouse for storage use. No permission has been given for the occupation of 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 lot 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 an informal village track on Government land and other private land extended from Kung Um Road. His office does not provide maintenance works for such track nor guarantees right-of-way;

- (e) to note the comments of the Commissioner of 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 Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should also be clarified with the relevant management and maintenance authorities accordingly;
- (f) 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 the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (g) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department to minimise any potential environmental nuisances;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the responses provided at Appendix Ic of the Paper should be incorporated in the updated drainage proposal;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (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. If the existing structures are erected on leased land without approval of BD (not being a 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 storage sheds as temporary buildings) are to be carried out on leased land in 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

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/700 Renewal of Planning Approval for Temporary “Retail Shop for Hardware Groceries” Use for a Period of 3 Years in “Residential (Group B) 1” zone, Lot 1375 RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/700)

Presentation and Question Sessions

106. 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 renewal of planning approval for temporary “Retail Shop for Hardware Groceries” use for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) commented that should the applied use involve workshop activities and traffic of heavy vehicles, environmental nuisances were expected. One environmental complaint on the waste aspect was received in 2014;
- (d) during the first three weeks of the statutory public inspection period, 52 comments from the Owners’ Committee and residents of Jasper Court objecting to the application were received. The main grounds of the objections were the use under application would cause environmental nuisances (including noise, air and odour pollution), traffic impacts, environmental hygiene, fire hazard, land use incompatibility, and public security, pedestrian/traffic safety and health problems;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The applied use could be considered as a commercial use serving the residential neighbourhood as well as some of the repair businesses in the vicinity. Since there was no known programme for long-term development of the site, it was considered that the renewal of the planning approval on a temporary basis could be tolerated and would not frustrate the planning intention of the “Residential (Group B)1” (“R(B)1”) zone. The site was in close proximity to the “Industrial” zone to its west across Tong Yan San Tsuen Road where restaurant, warehouse and open storage yards could be found. The retail shop use at the site was considered not entirely incompatible with the surrounding land uses. The application was generally in line with the Town Planning Board Guidelines No. 34B on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) in that there had been no material change in planning circumstances since the granting of the previous temporary approval and the conditions of the previous approval had been complied with. DEP considered the applied use environmentally undesirable as there could be environmental nuisances. According to the applicant, the applied use was for retail purpose and there was no loading and unloading activities within the site. An approval condition not allowing the use of medium and heavy goods vehicles exceeding 5.5 tonnes for the operation of the site had been imposed under the previous applications to minimise the environmental nuisance. According to DEP's investigation, the environmental complaint was not related to the site. To address possible concerns on the environmental nuisance on the surrounding developments and traffic concerns, approval conditions restricting the operation hours, prohibiting metal cutting and other workshop activities, restricting the type of vehicles used, prohibiting loading/unloading activities along Ma Fung Ling Road, and requiring the maintenance of the existing boundary fence on-site were recommended. Regarding the concerns stated in the public comments, concerned government departments had no objection to or no adverse comment on the application. However, noting there were strong local

objections to the applied use under the current application, continuous monitoring of the site situation was necessary, a shorter approval period of 1 year, instead of 3 years sought, was proposed.

107. Members had no question on the application.

Deliberation Session

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year from 19.12.2014 to 18.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:30 p.m. and 8:30 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 metal cutting or other workshop activities, as proposed by the applicant, are allowed to be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed for the operation of the site at any time during the planning approval period;
- (e) no loading/unloading activities are allowed to be carried out along Ma Fung Ling Road at any time during the planning approval period;
- (f) the existing boundary fence on the application site shall be maintained at all times during the planning approval period;

- (g) the existing drainage facilities on the application site shall be maintained at all times during the planning approval period;
- (h) the submission of a record of existing drainage facilities on the 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 18.3.2015;
- (i) the implementation of the accepted fire service installations proposal 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 18.3.2015;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) a shorter approval period is allowed to continue monitoring the situation on the site;
- (b) to resolve any land issue relating to the development with other concerned owner(s) of the site;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lot within the application site is an Old Schedule Agricultural Lot held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. The private land of Lot No. 1375 RP in D.D. 121 is covered by Short Term Waiver No. 3294 to allow the use of the land for the purpose of temporary retail shop for hardware groceries. The occupier has applied for a Short Term Tenancy to cover the Government land (GL) portion and the application is under processing by his office. Should planning approval be given to the subject planning application, the lot owner concerned will still need to apply to his office to permit additional/excessive structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through Tong Yan San Tsuen Road and a short stretch of GL. His office does not provide maintenance works for this access nor guarantee right-of-way;
- (d) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) 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 application site to nearby public roads/drains;
- (f) to note the comments of the Director of Fire Services that the installation/maintenance/ modification/ repair work of fire service installations shall be undertaken by a Registered Fire Services Installation Contractor (RFSIC).

The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS251) and forward a copy of the certificate to the Director of Fire Services. 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;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works (including shop and storage shed as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority 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 of BO. For UBW erected on leased land, enforcement action may be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (h) 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. If there is underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant shall consult and arrange with the electricity supplier when necessary if the application site falls within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The applicant and his contractors shall also observe the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines. While there is a high pressure town gas pipeline running along Yuen Long Highway, the applicant should maintain liaison/coordination 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 site and the minimum set back distance away from the gas pipes if any excavation works is required, and note the requirements of the Electrical and Mechanical Services Department’s ‘Code of Practice on Avoiding Danger from Gas Pipes’.”

Agenda Item 33

Section 16 Application

[Open Meeting]

A/YL/203

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

110. The Secretary reported that the application was submitted by Onfine Development Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD). The following Members had declared interests in this item:

- Ms Janice W. M. Lai - having current business dealings with HLD
- Mr Ivan C. S. Fu - having current business dealings with HLD
- Professor K. C. Chau - being an employee of the Chinese University of Hong Kong which received a donation from a family member of the Chairman of HLD
- Dr W. K. Yau - being the Chief Executive Officer of Tai Po Environmental Association Limited which received a donation from HLD
- Mr H. F. Leung - being an employee of the University of Hong Kong (HKU) which received a donation from a family member of the Chairman of HLD
- Prof S. C. Wong - being an employee of HKU which received a donation from a family member of the Chairman of HLD
- Dr Eugene K. K. Chan - his spouse being a senior manager in Miramar Hotel and Investment Company Limited which was a subsidiary company in the Henderson Land Group; and being the Convenor of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from HLD
- Ms Christina M. Lee - being a Director of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from HLD

111. The Committee noted that Mr Ivan C. S. Fu, Dr Eugene K. K. Chan and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting, and Ms Janice W. M. Lai and Dr W. K. Yau had left the meeting. The Committee also noted that the applicant had requested for a deferment of the consideration of the application. As the interests of Professor K. C. Chau, Mr. H. F. Leung and Professor S. C. Wong were indirect, the Committee agreed that they should be allowed to stay in the meeting.

112. The Committee noted that the applicant requested on 28.10.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Commissioner for Transport. This was the third time that the applicant requested for deferment of the application.

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. Since it was the third deferment of the application, the applicant should be advised that the Committee had allowed a total of six months for preparation of submission of further information, no further deferment would be granted unless under very special circumstances

Agenda Item 34

Section 16 Application

[Open Meeting]

A/TM-SKW/90 Temporary Barbecue Area (for a Period of 3 Years) in "Village Type Development" zone, Lots 263 S.B (Part) and 268 (Part) in D.D. 385 and Adjoining Government Land, Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/90)

114. The Committee noted that the applicant requested on 21.10.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Environmental Protection Department and the Lands Department. This was the first time that the applicant requested for deferment of the application.

115. 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 left the meeting at this point.]

Agenda Item 35

Section 16 Application

[Open Meeting]

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

(RNTPC Paper No. A/TM/464A)

116. The Secretary reported that Mr Ivan C. S. Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Limited, one of the consultants of the applicants. The Committee noted that Mr Ivan Fu had tendered apologies for being unable to attend the meeting.

117. The Committee noted that the applicant requested on 29.10.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Director of Environmental Protection. This was the second time that the applicant requested for deferment.

118. 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, no further deferment would be granted unless under very special circumstances.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/466 Social Welfare Facility (Residential Care Home for Persons with disability) in "Commercial (1)" zone, UG/F (Portion) and 2/F and 3/F (Whole), Foo Yik Commercial Building, No. 2 San On Street, Tuen Mun

(RNTPC Paper No. A/TM/466)

Presentation and Question Sessions

119. 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 social welfare facilities (Residential Care Home for Persons with Disabilities (RCHD));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Social Welfare (DSW) advised that there was a surging demand for RCHDs in the territory and the applied use could help meet the demand for such social welfare facilities. The operation of the RCHD would be controlled and monitored under the Residential Care Homes (Persons with Disabilities) Ordinance (RCHO) (Cap. 613);
- (d) the District Officer (Tuen Mun), Home Affairs Department advised that the Owners' Corporation of Yick Shiu Industrial Building raised objection to the application mainly on grounds that the social welfare facilities might not be compatible with the industrial settings in the area and had concerns that the ambulance services might be adversely affected by the frequent loading and unloading activities of the nearby industrial buildings;
- (e) during the first three weeks of the statutory public inspection periods, a total of 708 public comments were received, among which 358 supported the application mainly on grounds that the application premises were well served by public transportation system, it could provide suitable assistance to the mentally disabled person and could cater for the strong demand for RCHDs in the territory, it would not cause nuisances to the surrounding neighbourhood and should be considered compatible with the surrounding use, the RCHD could be accessed by a dedicated entrance from the main entrance of the building and would not cause nuisances to other users of the building. A total of 350 comments objected to the application, mainly on grounds that the application would contravene the stipulations of the Deed of Mutual Convent for the subject building, the existing traffic with heavy and container vehicles in the vicinity would affect the emergency vehicles

to the RCHD, and traffic noise and air emissions would cause nuisances to the residents in the RCHD, the RCHD was expected to generate a substantial amount of visitors, which would increase the traffic flow of San On Street, and worsen the existing serious traffic problem in the area, etc.; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application premises only occupied mainly two floors of the subject commercial building, the applied use could be considered as not substantially deviating from the intention of “Commercial (1)” zoning of the site. The lift lobby at UG/F was for the exclusive use of the RCHD, and a separate access was for other floors of the subject building. Noting the separate access arrangement, the RCHD should not cause significant nuisance to other users of the building or land use incompatibility problem. The applied use could help meet the demand for such social welfare facilities. The operation of the RCHD would be controlled and monitored under the RCHO. The inspectorate teams of DSW would conduct regular inspections to ensure that the operation of the RCHDs complied with the statutory requirements and would also conduct investigations and give advice to the home operators on the improvement measures required in response to any specific complaint made by the public regarding the services of RCHDs. The applied use would not adversely affect the industrial uses in the area. On traffic aspect, DSW advised that the residents of the RCHD usually made use of public transport or the escort service provided by other rehabilitation service centres in the community if necessary. Regarding the public concerns on the proposed RCHD, DSW would conduct inspection to ensure that the operation of the RCHD complied with relevant standards and requirements in respect of the operational management. Concerned departments had no objection to or no adverse comment on the application.

120. Members had no question on the application.

Deliberation Session

121. 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 14.11.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- “the submission and implementation of water supplies for fire fighting and fire service installations in the application premises to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the Residential Care Home for Persons with Disabilities (RCHD) is in breach of the existing lease conditions. If planning permission is given, the applicant will need to apply to the LandsD for a lease modification by way of temporary waiver for the RCHD at the subject premises. There is no guarantee that the temporary waiver application, if received by LandsD, will be approved and LandsD reserves comment on such. The application will be considered by LandsD acting in the capacity as the landlord as its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of premium or waiver fee as appropriate, and administrative fee;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the rehabilitation centre with sleeping accommodation is treated as domestic use under the Buildings Ordinance (BO). The Building Authority (BA) is prepared to tolerate the change in

use by not taking enforcement action to prohibit an intended use or require the discontinuation of an existing use as RCHD in non-domestic premises, if the Social Welfare Department seeks BD's internal advice with adequate information to justify that the RCHD has complied with the building safety requirements. If any proposed Alteration and Addition (A&A) works involved in the RCHD (not involving any change in use) are not exempted building works under section 41(3) of the BO, an Authorised Person shall be appointed to submit the plans to the BA for approval in respect of the building works under the BO. As an alternative to obtaining prior approval & consent from the BA, if the proposed A&A works fall within the category of minor works as described in Schedule 1 of the Building (Minor Works) Regulation, they can be carried out under the simplified requirements of the new minor works control system. Although the RCHD will not rely on openable windows for natural ventilation as mentioned in the submitted Environmental Assessment, such openable windows still have to be provided in accordance with the provisions in Building (Planning) Regulations 30 & 31; and

- (d) to note the comments of the Director of Electrical and Mechanical Services 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 application 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 application site, the applicant/working party 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 published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the application site, the

applicant/working party and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

- (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant/working party and his contractors when carrying out works in the vicinity of the electricity supply lines.’”

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/918 Proposed Temporary Open Storage of Construction Machinery, Vehicles Assembling, Recycling and Storage of Used Electrical Appliances with Ancillary Workshop and Office for a Period of 3 Years in “Undetermined” zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/918)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery, vehicle assembling, recycling and storage of used electrical appliances with ancillary workshop and office for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, one comment from Designing Hong Kong Limited (DHK) was received. DHK objected to the application mainly on grounds that no environmental, traffic, drainage, sewage impact assessments had been submitted, there was already sufficient supply of space for storage of construction machinery to meet future demand and approval of the application would set an undesirable precedent for similar applications; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The subject “Undetermined” (“U”) zone was sandwiched between Ping Ha Road and Tin Ying Road which was occupied by open storage yards for recyclable materials, construction materials and machinery, containers, and was considered not incompatible with the surrounding uses in the subject “U” zone. The development was in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there was no adverse comment from the concerned departments. The technical concerns of concerned departments could be addressed by the suggested approval conditions. Any non-compliance with these approval conditions would result in revocation of the planning permission and be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ in order to minimise the possible environmental impacts on the adjacent areas. The Committee had approved seven previous applications. Since granting the previous approvals, there had been no material change in the planning circumstances. Approval of the subject application was in line with the Committee’s previous decisions. Regarding the public comment, the applicant had submitted landscape and tree preservation and drainage

proposals in support of the application. The site had been in operation for various open storage uses since 1996 and no pollution complaint against the site had been received for the past three years. All the approval conditions under the previous approved planning application had been complied with and relevant departments had no objection to or no adverse comment on the application. The current application seeking a temporary permission to use the site for open storage use for a period of three years would not jeopardise the long-term development of the site.

124. Members had no question on the application.

Deliberation Session

125. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.11.2017, 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 (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment is allowed on the site at any time during the planning approval period;
- (d) handling (including loading, unloading and storage) of electrical/electronic appliances on the site must be carried out within concrete-paved covered structures, as proposed by the applicant, at all times during the planning approval period;
- (e) no dismantling of electrical/electronic appliances is allowed on the site at any time 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 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 14.2.1015;
- (i) the implementation of the accepted 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 14.5.2015;
- (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 26.12.2014;
- (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 14.5.2015;
- (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 14.8.2015;
- (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 14.5.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby

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

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

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

- “(a) the site should be kept in a clean and tidy condition at all times;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on Government land (GL) and is covered by a valid Short Term Tenancy (STT) No. 1869 for the purpose of “open storage of recycling materials (plastic, paper and metal) with ancillary workshop. The site is accessible to Ping Ha Road via GL and other private lots. His office provides no maintenance work for the GL involved and does not guarantee right-of-way. The tenant of STT No. 1869 will need to apply to his office for modification of the STT to regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it will be subject to such terms and conditions, including among others the payment of premium/fees, as may be imposed by LandsD;
- (c) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ issued by the Environmental Protection Department to minimise the possible environmental impacts on

the nearby sensitive receivers;

- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site. The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (f) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. 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;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the 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, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under this application. Before any new building works including converted containers and open sheds are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access from a street under Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access shall be provided under B(P)R 41D. If the site is not abutting on a specified street having a width of not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage;

- (h) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the BO. The applicant should obtain the BA's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should be advised to implement necessary measures to avoid causing water pollution and disturbance to the nearby watercourses and the riparian vegetation; and
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that 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 standards.”

[Mr H. F. Leung and Ms Anita W. T. Ma left the meeting at this point.]

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/919 Temporary Open Storage of Building Materials, Tractors, Trailers, Scrap Motor Vehicles and Scrap Small Speed Boats, Scrap Metals, Cargo Compartments, Construction Machinery, and Scrap Car Components with Ancillary Workshop and 5 Heavy Goods Vehicle Loading/Unloading Bays for a Period of 3 Years in “Open Space” zone, Lots 352 S.C, 352 RP (Part), 480 S.A RP (Part), 480 RP (Part), 481, 482 (Part), 483 (Part), 484 (Part) and 485 (Part) in D.D. 124, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/919)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of building materials, tractors, trailers, scrap motor vehicles and scarp small speed boats, scrap metals, construction machinery, scrap car components and cargo compartments with ancillary workshop and 5 heavy goods vehicle loading/unloading bays for a period of 3 years;
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site (the nearest dwelling is about 25m away) and along the access road (Hung Chi Road), and environmental nuisance was expected;

- (d) during the first three weeks of the statutory public inspection period, 19 comments were received. 18 comments from the nearby land owners objected to the application mainly on grounds that the proposed alignment of the drainage facilities would encroach onto their land and cause flooding and damage to crops. One comment, from Designing Hong Kong Limited, objected to the application on grounds that the “Open Space” (“O”) zone was reserved to serve the residents and the local public, there were no strong planning justifications and assessments to support the application, there was already sufficient supply of space for storage to meet current and future demand; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The Director of Leisure and Cultural Services advised that there was no development programme for the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “O” zone. The development was generally in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that the application was on a site with previous planning approvals and there was no adverse comment from concerned government departments. The technical concern raised by concerned departments could be addressed by relevant approval conditions. Although DEP did not support the application, there had not been any environmental complaint pertaining to the site over the past 3 years. To address DEP’s concern on potential environmental impacts, an approval condition restricting the operation hours had been proposed. Any non-compliance with these approval conditions would result in revocation

of the planning permission and on-site unauthorized development would be subject to enforcement action by the Planning Authority. The applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' in order to minimise the possible environmental impacts on the nearby sensitive receivers. The Committee had approved 21 previous applications for open storage use/vehicle parking use since 1999 covering the site and four similar applications for various temporary open storage and port back-up uses within the same "O" zone since the promulgation of TPB PG-No. 13E on 17.10.2008. In view that there were three Small Houses in the vicinity of the site which were not yet occupied, and the concerns of the Committee with regard to the last previous application on possible environmental nuisances had yet to be ascertained, a shorter approval period of one year instead of three years sought was recommended to monitor the situation of the site to ensure that the applied use would not generate unacceptable nuisance to the nearby residential uses. Regarding the public comments objecting to the application, the applicant had submitted drainage and tree preservation and landscaping proposals in support of the application. Since there was no known programme to implement the zoned use, the approval of the application on a temporary basis would not frustrate the planning intention of the "O" zone.

128. In response to a Member's question on the encroachment of drainage facilities onto private land, Mr Vincent T. K. Lai, STP/TMYLW, said that the applicant had clarified that drainage facilities were connected to the public drain via the existing Shek Po Tsuen Village drain and the village representative of the village had confirmed that the village drain had been in use for many years. An advisory clause had been proposed to advise the applicant to resolve any land issues relating to the development with the concerned land owners of the application site.

Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 14.11.2015, instead of 3 years sought, on the

terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night time operation between 9:00 p.m. and 8:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (d) the existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.2.2015;
- (f) the submission of a run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.2.2015;
- (g) in relation to (f) above, the implementation 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 14.5.2015;
- (h) the submission of a tree preservation and landscape proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 14.2.2015;
- (i) in relation to (h) above, the implementation of the tree preservation and

landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 14.5.2015;

- (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 26.12.2014;
- (k) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.2.2015;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.5.2015;
- (m) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 14.2.2015
- (n) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) an approval period of 1 year is granted in order to monitor the situation of the site;
- (b) prior planning permission should have been obtained before continuing the development on site;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. The Lot 484 in D.D. 124 is covered by Short Term Waiver No. 2978 for “Open storage of vehicle parts with ancillary loading/unloading space” purposes. The site is accessible to Hung Chi Road via local road on Government land (GL). He provides no maintenance work for the road 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 occupation of the GL involved. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (f) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimise any potential environmental nuisance;

- (g) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the site;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (i) to note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements will be formulated upon receipt of formal submission of layout plan(s). 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;
- (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 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 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 coordinator for the proposed building works in accordance with 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 BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (k) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the BO. The applicant should obtain the BA's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation."

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/921 Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop for a Period of 3 Years in "Undetermined" zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/921)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) temporary open storage of recyclable materials (plastic, paper and metal) with ancillary workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access road (Ping Ha Road) and environmental nuisance was expected;
- (d) during the first three weeks of the statutory public inspection period, one comment from Designing Hong Kong Limited (DHK) was received. DHK objected to the application mainly on the grounds that no environmental, traffic, drainage, sewage impact assessments had been submitted, there was already sufficient supply of space for storage of construction machinery to meet future demand and the approval would set an undesirable precedent for similar applications; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The subject “Undetermined” (“U”) zone was sandwiched between Ping Ha Road and Tin Ying Road which was occupied by open storage yards for recyclable materials, construction materials and machinery, containers, and vehicle park. The proposed development was considered not incompatible with the surrounding uses. The development was in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there was no adverse comment from the concerned departments. The technical concerns raised by the concerned departments could be addressed by including suitable approval conditions. Although DEP did not support the application because there were sensitive receivers along the access road (Ping Ha Road) and environmental nuisance was expected, there was no environmental complaint against the site in the past three years and the closest residential dwelling was over 100m from the site. To mitigate any potential

environmental impacts, approval conditions restricting the operation hours and the types of activity on site were recommended. Any non-compliance with these approval conditions would result in revocation of the planning permission and be subject to enforcement action by the Planning Authority. The applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' in order to minimise the possible environmental impacts on the adjacent areas. The Committee had approved seven previous applications. Since granting the previous approvals, there had been no material change in the planning circumstances. Approval of the subject application was in line with the Committee's previous decisions. Regarding the public comment, the applicant had submitted landscape and tree preservation and drainage proposals in support of the application. The site had been in operation for various open storage uses since 1996 and no pollution complaint against the site was received for the past three years. All approval conditions under the previous approved planning application had been complied with and relevant departments had no objection to or no adverse comment on the application. The current application for open storage uses for a period of three years would not jeopardise the long term planning of the site.

132. Members had no question on the application.

Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.11.2017, 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 (including loading, unloading and storage) of electronic and computer wastes, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle queuing back to public road and reverse onto/from the public road is allowed at any time during the planning approval period;
- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.2.2015;
- (g) the implementation of the accepted 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 14.5.2015;
- (h) 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 26.12.2014;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.5.2015;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.8.2015;
- (k) 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 14.5.2015;

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

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

- “(a) planning permission should have been obtained before continuing the development on site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on Government land (GL) and is covered by a valid Short Term Tenancy (STT) No. 1869 commencing from 1.4.2003 for the purpose of “open storage of recycling material (plastics, paper and metal) with ancillary workshop. The site is accessible to Ping Ha 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 planning approval be given to the application, the tenant of STT No. 1869 will need to apply to his office for modification of the STT to regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If the

application is approved, it will be subject to such terms and conditions, including among others the payment of premium/fees, as may be imposed by LandsD;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to minimise the possible environmental impacts on the nearby sensitive receivers;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site. The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (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. 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 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, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under this application. Before any new building works including converted containers and open sheds are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access from a street under Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access shall be provided under B(P)R 41D. If the site is not abutting on a specified street having a width of not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage;
- (i) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the BO. The applicant should obtain the BA's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (j) to note the comments of the Director of Agriculture, Fisheries and

Conservation that the applicant should be advised to implement necessary measures to avoid causing water pollution and disturbance to the nearby watercourses and the riparian vegetation; and

- (k) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that 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 standards.”

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/266 Temporary Plant Nursery and Fish Farm, and Retail of Plant and Fish (open-air) for a Period of 3 Years in “Green Belt” zone, Lot 958 RP in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long (RNTPC Paper No. A/YL-LFS/266)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary plant nursery and fish farm, and retail of plant and fish (open-air) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and

Conservation (DAFC) commented that only uses ancillary to or directly connected with agricultural activities were classified as agricultural uses. As the application had no information on the details of the operation and production to substantiate that the proposal was directly connected with agricultural activities, i.e. selling plants that were propagated or grown within the site, he had reservation on the application and had doubt whether the retail portion could be classified as an ancillary use under ‘agricultural uses’;

- (d) the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) advised that a comment was received from the village representatives of Mong Tseng Wai objecting to the application on the ground that the proposed development would generate adverse traffic impact;
- (e) during the first three weeks of the statutory public inspection period, three public comments from Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation and World Wide Fund for Nature Hong Kong objecting to the application were received. The main grounds of the objections were the site was incompatible with the planning intention of the “Green Belt” (“GB”) zone and the character of the area; the site was within the Wetland Buffer Area; eco-vandalism was suspected at the site; the proposal would have adverse environmental, traffic, drainage and sewerage impacts on the nearby areas; approval of the application would promote “destroy first, build later”; and approving the application would set an undesirable precedent for similar applications within the “GB” zone; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone which was to define 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 planning justification in the submission for a departure from the planning intention,

even on a temporary basis. DAFC had doubts on whether the retail portion could be classified as an ancillary use under ‘agricultural uses’. Approval of the application would set an undesirable precedent to attract other similar applications to further encroach on the “GB” zone and frustrate its planning intention, the cumulative effect of which would also result in a general degradation of the environment of the area. The development did not meet the Town Planning Board Guidelines No. 10 on “Application for Development within “Green Belt” zone” (TPB PG-No. 10) in that the applicant had failed to demonstrate that the proposed development would not have any adverse impacts on the “GB” zone or there were any exceptional circumstances supported by strong planning grounds. The application was not in line with the Town Planning Board Guidelines No. 12C on ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No.12C) in that the site fell within the Wetland Buffer Area which was intended to protect the Wetland Conservation Area and prevent development that would have a negative off-site disturbance impact on the ecological value of fishponds. There were four public comments objecting to the application, mainly on grounds of incompatible land use, suspected eco-vandalism, adverse environmental, traffic, drainage and sewerage impacts, “destroy first, build later”, and approving the application would set an undesirable precedent for similar applications within the “GB” zone.

136. Members had no question on the application.

Deliberation Session

137. 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 “Green Belt” (“GB”) zone, which is to define 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 no strong planning justification in the submission 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 on “Application for Development within “Green Belt” zone” (TPB PG-No. 10) in that the applicant fails to demonstrate that the proposed development would not have any adverse impacts on the “GB” zone or there are any exceptional circumstances supported by strong planning grounds;
- (c) the development is not in line with the Town Planning Board Guidelines No. 12C on ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No.12C) in that the development does not complement the ecological functions of the wetlands and fishponds around the Deep Bay Area; and
- (d) approval of the application would set an undesirable precedent for similar use in the “GB” zone, the cumulative effect of which would result in a general degradation of the environment of the area.”

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/267 Proposed Temporary Logistics Centre with Ancillary Office and Parking of Vehicle for a Period of 3 Years in “Residential (Group E)” zone, Lots 1709 (Part), 1710 (Part), 1711 (Part), 1712 (Part), 1713, 1714 (Part), 1715 (Part), 1719 (Part), 2276 S.A (Part), 2277 S.A, 2277 S.B (Part), 2278, 2279 S.A, 2279 S.B (Part), 2280 (Part), 2285 (Part), 2286, 2287, 2288, 2289, 2291, 2292, 2294, 2295, 2296 (Part), 2302 (Part), 2305 (Part), 2306, 2310, 2311, 2312, 2313, 2314 S.A, 2314 RP (Part), 2317 (Part), 2318 (Part), 2320 (Part), 2321, 2322, 2323, 2324, 2325 S.A, 2325 S.B, 2325 RP, 2326 (Part), 2327 (Part), 2328, 2329, 2344 S.A (Part), 2344 S.B (Part), 2348, 2349 (Part), 2351 (Part), 2352 (Part), 2353 (Part) and adjoining Government Land in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/267)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary logistics centre with ancillary office and parking of vehicle for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in vicinity of the site (the nearest residential dwelling was 4m away) and along the access road (Lau Fau Shan 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 assessment made in paragraph 12 of the Paper. There was no known programme or intention to implement the zoned use. Approval of the application on a temporary basis would not frustrate the planning intention of the “Residential (Group E)” (“R(E)”) zone. The applied use was not incompatible with the surrounding uses which was predominantly open storage yards and vehicle parks. The development was in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there was no adverse comment from concerned government departments. The technical concerns raised by concerned departments could be addressed by approval conditions. Although DEP did not support the application because there were sensitive uses in vicinity of the site, there was no environmental complaint against the site over the past three years. To minimise any potential environmental impacts, approval conditions to restrict the operation hours and types of activity on site had been recommended. Any non-compliance with these approval conditions would result in revocation of the planning permission and be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ to minimise the possible environmental impacts on the adjacent areas. The site was the subject of 10 previous applications for similar open storage uses, which were approved by the Committee or the Town Planning Board upon review with conditions since 1998. As there was no material change in the planning circumstance since granting the previous approvals, approval of the subject application was in line with the Committee’s previous decisions.

139. Members had no question on the application.

Deliberation Session

140. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 14.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 9:00 p.m. and 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 recycling, cleansing, dismantling, repairing or other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle queuing back to public road and reverse onto/from the public road is allowed at any time during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.2.2015;
- (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 14.5.2015;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.5.2015;

- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.8.2015;
- (j) 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 14.5.2015;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) 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
- (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.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected prior without the prior approval of the Government. The site comprises Old Schedule Agricultural Lots held under the Block Government Lease upon which contains the restriction that

no structures are allowed to be without the prior approval of Government. No permission is given for occupation of the Government land (GL) (about 4,176m² subject to verification) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. The private land of Lots 1709, 1715 and 1719 in D.D. 129 are covered by Short Term Waiver Nos. 3321 and 3322 respectively both for the purpose of "warehouse for general storage (excluding dangerous goods), workshop for metal and wooden products and ancillary use". The site is accessible to Lau Fau Shan Road through other private lots. His office does not guarantee right-of-way. Should the application be approved, the lot owner would still need to apply to his office to permit structures to be erected or regularise any irregularities on-site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application 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 Environmental Protection Department to minimise 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 and the local track leading to the subject site is not under the Transport Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (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 Lau Fau Shan Road;

- (f) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that 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 and 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

- (h) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the BO. The applicant should obtain the BA's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation.”

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

Agenda Item 42

Any Other Business

142. There being no other business, the meeting closed at 5:40 p.m..