

TOWN PLANNING BOARD

Minutes of 527th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 6.2.2015

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

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

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

Principal Environmental Protection Officer (Strategic Assessment) (Atg.),
Environmental Protection Department
Mr Johnson M.K. Wong

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

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

Secretary

Absent with Apologies

Professor K.C. Chau

Mr Lincoln L.H. Huang

In Attendance

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

Town Planner/Town Planning Board
Ms Winnie W.Y. Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 526th RNTPC Meeting held on 16.1.2015

[Open Meeting]

1. The Secretary reported that there was a typographical error in paragraph 209 of the draft minutes. The paragraph was revised to read as “..... The permission of each of the applications should be valid until 1.2.2016,”. The proposed amendments were tabled at the meeting for Members’ consideration.

2. The Committee agreed that the draft minutes of the 526th RNTPC meeting held on 16.1.2015 were confirmed subject to the above amendments.

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

Agenda Item 2

Matters Arising

[Closed Meeting]

3. This item was recorded under separate confidential cover.

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TP/23 Application for Amendment to the Draft Tai Po Outline Zoning Plan No. S/TP/25, To rezone the site from “Open Space” to Government, Institution or Community”, Lots 136 R.P. and 138 R.P. in D.D. 5 and adjoining Government Land, Mui Shue Hang, Tai Po

(RNTPC Paper No. Y/TP/23)

Presentation and Question Sessions

4. Mr C.K. Soh, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Mr C.T. Lau, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN) and the following representatives of the applicant were invited to the meeting at this point :

Ms Mok Pui Ling
Mr Kam Lap Shing
Mr Chiu Wai Chung
Ms Ng Man Wah
Ms Yip Yuk Ping
Mr Tse Joseph
Mr Chan Wai Yee

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

The Proposal

(a) the applicant submitted an application to rezone the site (the site) from

“Open Space” (“O”) to “Government, Institution or Community” (“G/IC”) to regularize three existing buildings at the site being used for religious and columbarium purposes. It would provide 763 niches, of which 399 niches (including 215 occupied and 184 reserved niches) had already been sold;

- (b) there was no vehicular access to the site. The justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;

[Ms Janice W.M. Lai and Mr David Y.T. Lui arrived to join the meeting at this point.]

Background

- (c) there was a similar application (No. Y/TP/18) for rezoning a site at Kam Shan from “Village Type Development” (“V”) to “Government, Institution or Community (2)” (“G/IC(2)”). The application was rejected by the Rural and New Town Planning Committee (the Committee) on 8.11.2013 for the reasons that the proposed columbarium use was considered not compatible with the existing village setting of the area and there was no strong justification for rezoning the site from “V” to “G/IC(2)” zone to make provision for application for columbarium use; the traffic impact assessment submitted by the applicant failed to demonstrate that the proposed development would have no adverse traffic impacts on the surrounding areas; the applicant failed to demonstrate that the proposed closure of the columbarium on Ching Ming and Chung Yeung Festivals was implementable and enforceable; and the approval of the application would set an undesirable precedent for other similar applications within the “V” zone. The cumulative effect of approving such similar applications would further deteriorate the village setting of the area;

Departmental Comments

- (d) departmental comments were set out in paragraph 8 of the Paper. As advised by the Commissioner for Transport (C for T), the submission was

insufficient to justify the acceptability of the proposed traffic arrangement and he was unable to support the application at the present stage. C for T also suggested that in order to assess the acceptability of the application in traffic and transport terms and the effectiveness of recommended mitigation / improvement measures, a Traffic Review should be conducted by the applicant. As advised by the District Officer/Tai Po, Home Affairs Department, the proposed columbarium development would likely arouse local sentiment from residents in the vicinity and the District Council members' concern on environmental, noise, nuisance and traffic impact. Other concerned government departments had no objection to or no adverse comment on the application;

Public Comments

- (e) during the first three weeks of the statutory public inspection period, a total of 31 public comments including one supporting comment and 30 opposing comments, mainly from residents and Residents' Representatives of Mui Shue Hang and Shek Kwu Lung Villages and Designing Hong Kong Limited were received. The opposing comments were mainly on the grounds that the proposed columbarium would generate adverse land use, traffic, noise, and environmental impacts on the surrounding areas; the proposed columbarium was incompatible with the adjoining park use; approval of the application would set an undesirable precedent for similar applications, leading to proliferation of columbarium developments in the area;

The Planning Department (PlanD)'s Views

- (f) PlanD did not support the application based on the assessments made in paragraph 10 of the Paper. The site formed part of a larger "O" zone where the Mui Shue Hang Playground occupied the northern portion along Lam Tsuen River and the remaining area mainly comprised of wooded slopes and served as a landscape area buffer between the playground and Tai Po Tai Wo Road/ Tolo Highway. Access to the site had to make way

through Mui Shue Hang Playground. Whilst the religious use might not be entirely incompatible with the open space use, columbarium use might create unnecessary interface issue particularly during festive seasons. C for T did not support the application as the applicant had failed to demonstrate the acceptability of the proposed traffic arrangement and that the proposed development would not cause adverse traffic impacts on the surrounding areas. There was also concern on whether the proposed “visit-by-appointment” scheme could be enforced effectively. There were other suspected unauthorized columbarium developments in the nearby area, including Buddhist Cheung Ha Temple, Cheung Ha Ching Shea and Poh Yea Ching Shea. Similar s.12A and s.16 applications (No. Y/TP/18 and A/TP/461) were rejected by the Committee mainly on traffic grounds. Approval of the rezoning application would set an undesirable precedent for other similar rezoning applications in the area for the development of columbarium use, leading to proliferation of columbarium developments and a general degradation of the traffic conditions in the area.

6. The Chairman then invited the applicant’s representatives to elaborate on the application. With the aid of a Powerpoint presentation, Ms Mok Pui Ling made the following main points :

Background

- (a) Ms Mok briefly introduced herself, her family background and her relationship with the premises on the site (i.e. 常寂園). The premises was established in 1854 by a Buddhist monk. Since 1905, the premises had been an authorized crematorium and cemetery for the villagers, their ancestors, Buddhist monks and soldiers of World War II. Ms Mok claimed that the lease, with the names of the ancestors of the villagers written on it, was an important evidence / historical record to proof that the crematorium and cemetery use within the premises had been an authorized use since early last century (A copy of the lease of the site was circulated by Ms Mok among Members for reference);

- (b) with the aid of the site photos showing the existing condition, Ms Mok explained the different uses of the facilities including the 2-storey main building and the single-storey pagoda at the site. She pointed out that there was a land exchange between the then government and the villagers in 1982. In 1984, upon an agreed amount of payment, the government started to resume the land surrounding the site for park development. The wooded slopes and the landscape areas within the park were, in fact, the environmental mitigation measures implemented by the government to the satisfaction of the villagers. Moreover, according to the land resumption agreement between the government and the villagers, the government had to provide an emergency access and a pedestrian access to the site. In return, the villagers agreed not to burn offerings at the site to avoid water pollution to the surrounding areas;

Crowd Control Management

- (c) Ms Mok said that a “visit-by-appointment” scheme would be introduced to regulate the daily and peak hour pedestrian flow as well as the pedestrian circulation patterns. The number of worshippers would be split within each week of the festival days and be restricted to three per niche. It was estimated that there would be an average of 20 visitors per hour;

Traffic Impact Assessment (TIA)

- (d) given that a pedestrian access to the site had been provided within the park, visitors were encouraged to walk from Tai Wo Station. Ms Mok said that in order not to encourage visitors to use private cars, there would be no provision of carpark at the site. In this regard, she considered that a TIA should be exempted; and

Conclusion

- (e) Ms Mok concluded that the application was to regularise the existing columbarium to resolve the burial problem of the elderly and to serve the

local community.

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

Ownership of the Site

7. In response to the Chairman's question, Ms Mok said that the land was previously owned by a Buddhist monk. The Chairman and a Member further enquired on the relationship between the applicant and the land owner and why Ms Mok could now take charge of the premises. In response, Ms Mok said that there was a legal proceeding before the previous owner retained the ownership of the land and then sold the land to her aunt, Ms Lee, for \$250,000 and in 2005, she took charge of the premises from her aunt. Mr C.K. Soh, DPO/STN, supplemented that according to the application form submitted by the applicant, the land owner was Mr Kam Lap Sing Kelvin who had authorized Ms Mok to submit the application.

Existing Use of the Site

8. A Member asked whether the proposed columbarium was an existing use since 1905 and whether the use was permitted under the lease. In response, Ms Mok said that as told by her grandfather, the site had been used for cremation of dead bodies since 1905. Mr Soh said that as advised by the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD), the user restriction in the relevant land lease was still under investigation by LandsD. However, based on the aerial photos taken between 1980 and 2013, it was revealed that the columbarium use at the site had been abandoned for certain time. Mr Soh further said that it was necessary for the applicant to demonstrate that the proposed columbarium use was an existing use, i.e. according to the Notes of the Outline Zoning Plan, a use in existence before the publication of the first plan which had continued since it came into existence; or a use or change in use approved under the Buildings Ordinance which related to an existing building. As advised by the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD), there was no record of Building Authority's approval for the structures at the site.

9. Noting that the columbarium had long been privately run for storage of bones of

the villagers, a Member asked whether the 763 niches proposed under the current application would be open to the public and operated on a commercial basis. In response, Ms Mok said that some of the niches would be provided to the elderly people in the villages, the disabled and those receiving Comprehensive Social Security Assistance from the Government free of charge or by donation. However, for other villagers living in the Tai Po area who wanted to buy the niches, a fee would be charged.

[Professor Eddie C.M. Hui arrived to join the meeting and Mr F.C. Chan returned to join the meeting at this point.]

10. The Chairman asked whether the premises had been vacant before 2007 and whether there were still ashes or bones remained in the building when Ms Mok took over its management. In response, Ms Mok said that most of the bones had been removed but some bones were still found inside the basement when she took charge of the premises from her aunt.

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

11. In response to the Chairman's question, Mr Soh said that a planning application would still be required for the proposed columbarium use upon rezoning the site from "O" to "G/IC" as 'Columbarium' use was placed under Column 2 according to the Notes for the "G/IC" zone.

12. Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department, had doubts on the applicant's claim that the columbarium was permitted under the lease as it was mentioned in the Paper that according to DLO/TP, LandsD, the lease was not clear on this aspect. He asked whether Ms Mok had provided the lease to LandsD. In response, Ms Mok said that the lease had been provided to LandsD and copied to the Home Affairs Department as well as the Food and Environmental Hygiene Department.

13. A Member asked whether the proposed 763 niches were already in place. In response, Ms Mok said that the 763 niches were in existence and among them, 399 niches had been sold and the remaining 364 niches would be sold upon approval of the application.

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

Deliberation Session

15. In response to some Members' questions on the applicant's claim that the columbarium was permitted under the lease, Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department, said that there were two lots within the site and only one lot had building right but it was not certain whether columbarium use was permitted under the lease. LandsD was still investigating the matter.

16. A Member considered that the applicant's claim was merely based on the oral history told by Ms Mok's grandfather and no evidence had been provided by the applicant to support such claim. The Member also considered that the proposed columbarium would be operated on a commercial basis which was different from its original intention and should not be supported. As the columbarium would be located within a public park, it would cause nuisance to the public. The same Member also suggested to include the incompatibility between the proposed columbarium use and the open space use as one of the rejection reasons.

17. Two Members considered that the use of the site for columbarium might be valid based on the historical background and the existing site conditions. However, it was necessary for the applicant to provide more evidence to substantiate that the columbarium was an existing use.

18. A Member agreed with PlanD's recommendation of not supporting the application in that the columbarium use had been abandoned for certain time, the columbarium would be operated on commercial basis and there was insufficient justification to rezone the site from "O" to "G/IC". Another Member considered that the applicant had not provided sufficient information regarding the transport arrangement and thus, the

application should not be supported.

19. The Chairman said that if the applicant could provide sufficient evidence to demonstrate that the columbarium was an existing use, the applicant would be allowed to continue with the existing use. It was noted in Appendix 1a of the Paper that the sale of niches started in 1980s and among the 763 existing niches, 399 niches had already been sold.

20. Although it was claimed that the premises might have some historical value, the Chairman considered that preservation of historical building did not imply that the niches should be allowed inside the premises, which was located within a park.

21. After further deliberation, the Committee decided not to agree to the application. The Committee also agreed to include the incompatibility between the proposed columbarium use and the open space use on top of the rejection reasons as stated in paragraph 11.1 of the Paper and that the Secretariat should refine the wordings. The reasons were :

“(a) the applicant fails to demonstrate that the proposed development would have no adverse traffic impacts on the surrounding areas;

(b) the proposed columbarium use is not compatible with the open space use; and

(c) approval of the rezoning application will set an undesirable precedent for other similar rezoning applications in the area for the development of columbarium use. The cumulative effect of approving such similar applications would lead to proliferation of columbarium use and a general degradation of the traffic conditions in the area.”

[Dr C.P. Lau, Mr David Y.T. Lui and Ms Janice W.M. Lai left the meeting temporarily at this point.]

Sai Kung and Islands District

[Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Ms Lisa L.S. Cheng, Mr Richard Y.L. Siu and Mrs Alice K.F. Mak, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 4

[Open Meeting]

Proposed Amendments to the

Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/20

(RNTPC Paper No. 1/15)

22. Ms Lisa L.S. Cheng, STP/SKIs, drew Members' attention that a replacement page (i.e. page 5) of the Paper was tabled at the meeting.

Presentation and Question Sessions

23. With the aid of a Powerpoint presentation, Ms Cheng presented the proposed amendments to the approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/20 as detailed in the Paper, which were summarised as follows :

Proposed Amendments to the OZP

(a) Amendment Item A –

The southern portion of the "Other Specified Uses" annotated "Sewage Treatment Works" ("OU(STW)") zone with an area of about 1.09 ha in Tseung Kwan O (TKO) Area 85 was proposed to be rezoned to "Government, Institution or Community (9)" ("G/IC(9)") zone on the OZP. 'Information Technology and Telecommunications Industries (within "G/IC(9)" only)' was proposed to be changed from a Column 2 use requiring permission of the Town Planning Board (the Board) to a Column 1 Use always permitted

within the “G/IC(9)” zone for the Schedule of Use of the “G/IC” zone of the Notes of the OZP to facilitate data centre developments in TKO Area 85;

(b) Amendment Item B1 –

An area of about 0.23 ha along Tseung Kwan O – Lam Tin Tunnel was proposed to be rezoned from “Green Belt” (“GB”) to “Other Specified Uses” annotated “Ventilation Building”;

(c) Amendment Item B2 –

Two strips of land of about 0.31 ha along Road P2 shown as ‘Road’ was proposed to be rezoned to “Open Space (“O”);

Background

(d) For Amendment Item A, to foster development of data centres in Hong Kong, the Government announced in the 2011-12 Policy Address that about 2 ha of land in TKO had been reserved for data centre development. In addition, another adjacent site of about 1 ha could also be made available for data centre use after 2013. The three sites earmarked for data centre development were Sites 1, 2 and 3 in TKO Area 85. Whilst Sites 1 and 2 were zoned “G/IC(9)” which required planning permission for proposed information technology and telecommunications industries (data centre) use, Site 3 with an area of about 1.09 ha was zoned “OU(STW)”;

(e) A consultancy study conducted by Office of the Government Chief Information Officer in 2014 confirmed that Site 3 was feasible for data centre development and the technical assessments on various aspects found that the proposed data centre development with development parameters similar to those for Site 1 would not generate significant adverse impact on the surrounding area. To facilitate possible data centre development on these sites, Site 3 was proposed to be rezoned from “OU(STW)” to “G/IC(9)”;

- (f) Amendment Items B1 and B2 were proposed for inclusion of the Authorized Road Scheme of Tseung Kwan O – Lam Tin Tunnel and Cross Bay Link, Tseung Kwan O;

[Dr C.P. Lau, Mr David Y.T. Lui and Ms Janice W.M. Lai returned to join the meeting at this point.]

Departmental Comments

- (g) the Chief Town Planner /Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) recommended a 20m wide non-building area (NBA) be provided between Sites 2 and Site 3 as a localized air corridor in facilitating prevailing wind penetration to reach LOHAS Park. The requirements of the NBA could be included in the land lease to ensure it would be implemented to the satisfaction of the relevant departments;
- (h) the Director of Agriculture, Fisheries and Conservation and CTP/UD&L, PlanD had no objection to the proposed amendments from landscape perspective. The requirements for tree preservation and landscaping could be included in the land lease to ensure they would be implemented to the satisfaction of the relevant departments;
- (i) as confirmed by the Drainage Services Department and the Water supplies Department, no insurmountable problems induced by the data centre developments on environmental (air quality and noise), sewerage, drainage and water supply aspects were anticipated according to the technical assessments conducted. The requirement for the submission of sewerage impact assessment for the approval of the Director of Environmental Protection (DEP) could be included in the land lease to ensure the proposed development would not cause adverse sewerage impacts to local sewerage system;
- (j) as advised by DEP, a detailed landfill gas hazard assessment report would need to be submitted for the approval of DEP during the detailed design stage

of the proposed development. The requirement could be included in the land lease to ensure the proposed development will be provided with proper mitigation measures to the satisfaction of DEP;

- (k) as advised by the Commissioner for Transport, a local access road with turnaround was proposed to serve both Sites 2 and 3 to minimise the vehicular ingress/egress points along Wan Po Road. Besides, relevant requirements could be incorporated in the land lease to ensure the provision of parking and loading/unloading spaces to the satisfaction of the relevant departments; and

Public Consultation

- (l) the Sai Kung District Council would be consulted during the exhibition period of the draft Tseung Kwan O OZP No. S/TKO/21 for public inspection under section 5 of the Town Planning Ordinance (the Ordinance).

24. Members had no question on the proposed amendments.

25. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the approved Tseung Kwan O OZP No. S/TKO/20 as shown on the draft Tseung Kwan O OZP No. S/TKO/20A (to be renumbered as S/TKO/21) at Appendix II of the Paper and the draft Notes at Appendix III of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper for the draft Tseung Kwan O OZP No. S/TKO/20A (to be renumbered as S/TKO/21)) as an expression of the planning intention and objectives of the Board for various land use zonings on the OZP and the revised ES would be published together with the draft OZP.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/98 Proposed Comprehensive Commercial and Residential Development with Eating Place, Educational Institution, Flat, Government Use (not elsewhere specified), Off-course Betting Centre, Office, Place of Entertainment, Place of Recreation, Sports or Culture, Private Club, Public Transport Terminus or Station, Public Utility Installation, Religious Institution, School, Shop and Services, Social Welfare Facility, and Utility Installation for Private Project (Proposed Amendments to Approved Master Layout Plan) in “Comprehensive Development Area” zone, Area 86, Tseung Kwan O
(RNTPC Paper No. A/TKO/98)

Presentation and Question Sessions

26. The Secretary reported that the application was submitted by MTR Corporation Limited (MTRCL), with Environ Hong Kong Limited (Environ), MVA Hong Kong Limited (MVA) and ADI Limited (ADI) as three of the consultants of the applicant. The following Members had declared interests in this item:

- | | |
|---------------------|--|
| Ms Janice W.M. Lai | - having current business dealings with MTRCL and ADI |
| Mr Ivan C.S. Fu | - having current business dealings with MTRCL, Environ, MVA and ADI |
| Professor S.C. Wong | - being the Chair Professor and Head of Department of Civil Engineering of HKU where MTRCL had sponsored some activities of the Department |

27. The Committee agreed that the interests of Ms Janice W.M. Lai and Mr Ivan C.S. Fu were direct and they should be invited to leave the meeting temporarily for this item. The Committee noted that Professor S.C. Wong had not yet arrived at the meeting.

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

28. With the aid of a Powerpoint presentation, Ms Lisa L.S. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed amendments to the approved comprehensive commercial and residential development with Eating Place, Educational Institution, Flat, Government Use (not elsewhere specified), Off-course Betting Centre, Office, Place of Entertainment, Place of Recreation, Sports or Culture, Private Club, Public Transport Terminus or Station, Public Utility Installation, Religious Institution, School, Shop and Services, Social Welfare Facility, and Utility Installation for Private Project (proposed amendments to approved Master Layout Plan (MLP));

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection, a total of 465 public comments were received. Among them, 4 comments supported the application on the grounds that the proposal to raise the upper limit of the total number of residential flats could help address the housing shortage problem. The remaining 461 comments were mainly related to the requests for an early provision of the commercial mall, schools, community facilities and parking facilities in the LOHAS Park development and improvements in the provision of public transportation and upgrading/provision of footbridges; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the

application based on the assessments set out in paragraph 11 of the Paper. The proposed amendments to the approved MLP of the LOHAS Park comprehensive commercial and residential development mainly involved an increase in the upper limit of the total number of residential flats from the total of 21,500 by 4,000 or 18.6% without any change in the maximum GFA and the number and height of the residential towers. The justification for the increase in flat number was primarily to meet market demand for small and medium size units. Corresponding increases in the provision of car/motorcycle/bicycle parking, total local open space provision and an addition of one kindergarten/kindergarten cum child care centre as proposed by the applicant generally met the Hong Kong Planning Standards and Guidelines. The revised MLP was generally in line with the planning intention of the “CDA” zone and the endorsed Planning Brief. Relevant government departments were consulted and they had no objection to or no adverse comment on the revised MLP.

29. The Chairman asked why there was an increase of about 1 ha of local open space given that the site area remained unchanged. In response, Ms Lisa L.S. Cheng said that some areas previously designed for other uses were proposed to be used as local open space in the revised MLP.

Deliberation Session

30. A Member considered that the applicant should address the local concerns on the early provision of the commercial mall, schools, community facilities and parking facilities. In response, Mr Ivan M.K. Chung, DPO/SKIs said that the applicant had already commenced preparation work for the early implementation of the commercial mall. It is MTRCL’s intention to tender the development package of the mall and two residential towers, among other packages, in the first quarter of 2015 subject to market conditions.

31. The Chairman asked whether the applicant would also address the local concerns on the early provision of wet market and footbridges. In response, Mr Chung said that the Director of Food and Environmental Hygiene had no plan to develop a wet market in Area 86. However, the applicant had pointed out that two supermarkets, including a temporary

supermarket had been provided. Regarding the footbridges to connect the Beaumont with the covered pedestrian walkway system, according to the MLP and land lease, MTRCL was only required to provide the structural support and connections while the footbridges would be provided by the future developers of the private property.

32. The Chairman asked whether approval condition (z) (i.e. the submission of a public transport review to the satisfaction of the Commissioner for Transport (C for T) or of the Town Planning Board) was requested by C for T. In response, Mr Chung said that it was C for T's suggestion to add a new condition requiring the applicant to submit a public transport review in view of the increase in the design population.

33. In response to the Chairman's question, Mr Chung said that as the local residents were not clear about the implementation programme of the proposed comprehensive development, the applicant was advised to enhance communication with the local residents and address their concerns and comments raised in this application. The Chairman further asked how this could be monitored. In response, Mr Chung said that an advisory clause to enhance communication with the local residents and address their concerns and comments raised on the application had been recommended.

34. 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 6.2.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan (MLP) and development schedule to take into account the approval conditions (b) to (z) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a landscape master plan including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of environmental mitigation measures within the

site, including but not limited to noise, to the satisfaction of the Director of Environmental Protection or of the TPB;

- (d) the submission and implementation of a monitoring programme and contingency plan for dealing with potential landfill gas and leachate migration to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the design and provision of emergency vehicular access, fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the implementation and completion of the junction improvement works / road improvement works proposed in the updated Traffic Impact Assessment as agreed by the Transport Department prior to the corresponding population intake of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the detailed design and provision of vehicular accesses arrangement to the site and internal roads and roadside loading/unloading facilities within the site to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the design and provision of decking of internal roads within the site to the satisfaction of the Director of Environmental Protection or of the TPB;
- (i) the design, construction and timing on the operationalization of the temporary and permanent combined public transport interchanges to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the design and provision of vehicle parking spaces and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (k) the design and provision of a cycle track and cycle parking system serving

the development to the satisfaction of the Commissioner for Transport or of the TPB;

- (l) the submission of a detailed assessment on the adequacy of pedestrian circulation facilities at the junction of Wan Po Road and Shek Kok Road and provisions of improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (m) the design and provision of a covered pedestrian walkway system within the site and a footbridge across LOHAS Park Road (previously known as Road D10 or Road L861), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (n) the design and provision of structural support and connections for one footbridge across Road D9 and for two possible footbridges across Wan Po Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (o) the submission of a revised visual impact assessment study for the MLP and implementation of the mitigation measures identified therein to the satisfaction of the Director of Planning or of the TPB;
- (p) the design and provision of drainage and sewage disposal facilities including drainage and sewerage reserves to the satisfaction of the Director of Drainage Services or of the TPB;
- (q) the designation of water main reserves within the site to the satisfaction of the Director of Water Supplies or of the TPB;
- (r) the design and provision of a minimum of 2.3 hectares of district open space and 8.147 hectares of local open space to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (s) the design, provision, maintenance and management of a 3m green strip between the southern boundary of the site and Road D9 as proposed by the

applicant to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;

- (t) the design and provision of refuse collection points to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB;
- (u) the provision of a site for an indoor recreation centre to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (v) the design and provision of kindergartens/kindergartens cum child care centres, as proposed by the applicant to the satisfaction of the Secretary for Education or of the TPB;
- (w) the design and provision of three primary schools and two secondary schools to the satisfaction of the Secretary for Education or of the TPB;
- (x) the design and provision of an integrated team of children and the youth services centre, centre for community care and support services for the elderly, supported hostel for physically or mentally handicapped persons, early education and training centre and residential care home for the elderly to the satisfaction of the Director of Social Welfare or of the TPB;
- (y) the submission and implementation of a staged development programme of the proposed development based on a comprehensive traffic impact assessment to the satisfaction of the Director of Planning or of the TPB;
and
- (z) the submission of a public transport review to the satisfaction of the Commissioner for Transport or of the TPB.”

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

- “(a) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry (LR)

in accordance with section 4A(3) of the Town Planning Ordinance. Efforts shall be made to incorporate the relevant approval conditions into a revised MLP for deposition in the LR as soon as practicable;

- (b) to liaise with the Project Manager/New Territories East, Civil Engineering and Development Department (PM/NTE, CEDD) and the Chief Estate Surveyor/Railway Development, Lands Department (CES/RD, LandsD) to incorporate a clause in the land grant conditions on the provision of noise mitigation measures at the southern boundary of the site, as proposed by the applicant, to tie in with the construction of Road D9;
- (c) to liaise with the Director of Leisure and Cultural Services, PM/NTE, CEDD and CES/RD, LandsD to work out the details related to the implementation, maintenance and management of the 10m green strip between the southern boundary of the site and Road D9, as proposed by the applicant;
- (d) to follow the requirements as stipulated in Practice Notes for Authorized Person No. 165 and Environment, Transport and Works Bureau Technical Circular for submission of engineering works as part of the site falls within the Strategic Sewage Disposal Scheme Tunnel Protection Area;
- (e) to phase the construction of Stage 3 development to maintain the operation of the temporary public transport interchange until completion of the permanent public transport interchange;
- (f) that the proposal of the master water meter room at the southeastern portion of the site and plumbing works shall be submitted to the Director of Water Supplies (DWS) for approval prior to the construction of the proposed plumbing works;
- (g) to apply to the Director of Lands for necessary lease modification and/or short-term waiver;

- (h) to liaise with PM/NTE, CEDD and the Chief Highway Engineer/New Territories East, Highways Department on the cost issues related to the combined public transport interchange;
- (i) to liaise with DWS and ensure that the Tseung Kwan O Seafront Salt Water Pumping Station, its access and its associated installations would not be affected;
- (j) that the approval of the application does not imply that necessary approvals would be given by any government department. The applicant shall approach the relevant government departments direct for any necessary approvals;
- (k) to resolve any land issue relating to the development with other concerned owners of the site;
- (l) for provision of water supply to the development, the applicant may need to extend the applicant's 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 Water Supplies Department's standards;
- (m) to review regularly whether the provision of kindergarten would be able to serve the projected population;
- (n) to note the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department's (BD) comments that the area of any proposed specified street within the site shall be deducted from the site area under Regulation 23(2) of the Building (Planning) Regulations and no building or other structure shall be erected in, over, under or upon any portion of the specified street in accordance with section 31(1) of the Buildings Ordinance (BO). Any covered floor spaces (e.g. the proposed covered

walkway system) shall be accountable for GFA calculation under the BO unless exempted;

- (o) to note the Director of Environmental Protection's (DEP) comments that Sites O and N do not fall within the 250m consultation zones of the restored Tseung Kwan O Landfills. DEP does not have strong view on the proposed mitigation measures if the proposed mitigation measures are to be provided by the applicant at the applicant's own costs and in the applicant's own accord;
- (p) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that although the visual impact assessment (VIA) has illustrated the potential visual impact from strategic viewpoints in the vicinity, it has yet to highlight the actual details of the visual impact mitigation measures under the amendments for Sites O and N. The particulars of the mitigation measures have to be specified through floor plans and/or other illustrations in the VIA to ascertain the implementation of the mitigation measures in due course;
- (q) to note that the approval of the application does not imply that the proposed building design elements to fulfil the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the development will be approved/granted by the Building Authority (BA). The applicant shall approach BD and LandsD direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the TPB may be required; and
- (r) to enhance communications with the local residents and address their concerns and comments raised on this application where appropriate."

[Ms Janice W.M. Lai, Mr K.C. Siu, Mr Ivan C.S. Fu and Mr H.F. Leung returned to join the

meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-LI/23 Proposed School (2-storey Annex Block) and Minor Relaxation of Building Height Restriction in “Government, Institution or Community (2)”, “Green Belt” and “Village Type Development” zones, Northern Lamma School, No. 1 Yung Shue Ling, Yung Shue Wan, Lamma Island
(RNTPC Paper No. A/I-LI/23)

Presentation and Question Sessions

36. Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed school (2-storey annex block) and minor relaxation of building height restriction;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, 5 public comments were received. All of them supported the application as the proposed development would improve the teaching and learning environment of North Lamma School, the only aided primary school in Lamma Island; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was to accommodate the additional school facilities and such use was in line with the planning intention of the “Government, Institution or Community (2)” (“G/IC(2)”) zone. The Secretary for Education (SED) had no adverse comment on the application. The encroachment of the proposed building upon the “Village Type Development” zone would not affect the Small House development as the proposed building fell entirely within the Permanent Government Land Allocation for school use. As to the encroachment upon the “Green Belt” zone, owing to the limited area available within the site, the location of the proposed building was the only available area within the site to accommodate additional school facilities. Thus, the proposed development was generally in line with the Town Planning Board Guidelines TPB-PG No. 10 for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance in that no alternative location within the “G/IC(2)” zone was available for the construction of the proposed building and it was essential for the school development.

37. Members had no question on the application.

Deliberation Session

38. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.2.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;

- (b) the submission of a sewage impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the implementation of the sewerage works/mitigation measures to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) fire service installations and water supplies for firefighting of the proposed development shall be provided to the satisfaction of FSD.”

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

- “(a) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that the proposed development shall comply with all the Engineering Conditions of the Permanent Government Land Allocation No. IS428;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that, the applicant is recommended to explore using the roof of the proposed building to provide more landscape communal open space for the students (such as garden for organic farming) and to maximise the green coverage of the site;
- (c) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (DSD) that a public sewer connection point is available in the vicinity of the site. The applicant is therefore required to carry out sewerage connection works at his own cost to the satisfaction of DSD;
- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that site formation works are likely to be required for the proposed development. The applicant is reminded to submit the site formation plans to the Buildings Department (BD) for approval prior to commencement of the works;

- (e) to note the comments of the Chief Building Surveyor/New Territories East 1 & Licence, BD that:
- (i) before any new building works are to be carried out on the site, the prior approval and consent from the Buildings Authority shall be obtained, otherwise they are Unauthorised Building Works. An Authorized Person shall be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance;
 - (ii) if the site does not abut a specified street of not less than 4.5m wide, the development intensity (i.e. plot ratio and site coverage) shall be subject to determination under Building (Planning) Regulations 19(3) upon formal submission of building plan for any new buildings. In making such a determination, factors relating to safety, traffic, service access and drainage capacity will be considered together with the comments from relevant government departments like LandsD, PlanD, Transport Department, DSD, Fire Services Department (FSD) etc. Without the supports from the relevant government departments, the proposed development intensity is unlikely to be accepted; and
 - (iii) the proposal shall be provided with emergency vehicular access (EVA), site access and means of escape to street, and may need to be resolved with FSD and LandsD upon building plan submission; and
- (f) to note the comment of the Director of Fire Services that EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by BD.”

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)

40. The Committee noted that the applicant’s representative requested on 13.1.2015 for deferment of the consideration of the application for one month in order to allow time to prepare further information to address the Transport Department’s concern on the proposed access road alignment. This was the second time that the applicant requested for deferment of the application.

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/215 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” zone, Lot No. 583 in D.D. 221, Sha Kok Mei, Sai Kung
 (RNTPC Paper No. A/SK-PK/215)

42. Mrs Alice K.F. Mak, STP/SKIs, drew Members’ attention that a letter dated 2.2.2015 from the applicant was tabled at the meeting.

Presentation and Question Sessions

43. Mrs Mak presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 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 it was noted that the site possessed potential for agricultural rehabilitation. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as filling of land might be required and there were possible adverse impacts on surrounding agricultural land and natural stream nearby. Moreover, the Commissioner for Transport (C for T) had reservation on the application. Such type of development should be confined within “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of

development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;

- (d) during the first three weeks of the statutory public inspection period, 5 public comments including those from Word Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation were received which mainly raised objection to the application on the grounds that approval of the application would jeopardize the planning intention of the “Agriculture” (“AGR”) zone and result in adverse impacts on the surrounding areas; and

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

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The planning intention of the “AGR” zone was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The proposed Small House development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application as the site has potential for agricultural rehabilitation. Although there was insufficient land to fully meet the future Small House demand of the village in the long run, there was still land currently available within the “V” zone to meet the outstanding demand of 54 Small Houses. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services.

44. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes 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 current submission for a departure from the planning intention. The applicant has not provided sufficient information to demonstrate no adverse impact on the surrounding agricultural land and stream nearby;
- (b) land is still available within the “Village Type Development” zone of Sha Kok Mei 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; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in the encroachment on the “AGR” zone by development and a general degradation of the rural environment of the area.”

[The Chairman thanked Mr Ivan M.K. Chung, DPO/SKIs, and Ms Lisa L.S. Cheng, Mr Richard Y.L. Siu and Mrs Alice K.F. Mak, STPs/SKIs, for their attendance to answer Members' enquires. They left the meeting at this point.]

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

Sha Tin, Tai Po and North District

Agenda Item 9

Section 12A Application

[Open Meeting]

Y/MOS/3 Application for Amendment to the Approved Ma On Shan Outline Zoning Plan No. S/MOS/18, to rezone the site from “Other Specified Uses” annotated “Educational and Recreational Development” to “Residential (Group C) 3” and “Open Space”, Various lots and Adjoining Government Land in D.D. 167, Nai Chung, Ma On Shan (RNTPC Paper No. Y/MOS/3)

46. The Secretary reported that the application was submitted by Prelong Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with AECOM Asia Company Limited (AECOM), Environ Hong Kong Limited (Environ) and LWK & Partners (HK) Limited (LWK) as three of the consultants of the applicant. The following Members had declared interests in this item:

- | | |
|---------------------|--|
| Ms Janice W.M. Lai | - having current business dealings with SHK and AECOM |
| Mr Ivan C.S. Fu | - being the Director & shareholder of LWK and having current business dealings with SHK, AECOM and Environ |
| Professor S.C. Wong | - having current business dealings with AECOM and being the Chair Professor and Head of Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department |
| Ms Christina M. LEE | - being the Secretary-General of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from SHK |

47. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Professor S.C. Wong, Ms Janice W.M. Lai and Mr Ivan C.S. Fu

could stay in the meeting but Ms Lai and Mr Fu should refrain from participating in the discussion. The Committee noted that Ms Christina M. Lee had not yet arrived at the meeting.

48. The Committee noted that the applicant's representative requested on 15.1.2015 for deferment of the consideration of the application for two months in order to allow time for the applicant to resolve the outstanding issue related to the future management and maintenance responsibilities of the proposed public open space. This was the second time that the applicant requested for deferment of the application.

49. 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 further information. Since it was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/ST/851

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

50. The Secretary reported that the application was submitted by Top Atlantic Limited which was a subsidiary of Sun Hung Kai Properties Limited, with AECOM Asia Company Limited (AECOM) and Environ Hong Kong Limited (Environ) as two of the consultants of the applicant. The following Members had declared interests in this item:

- | | |
|---------------------|--|
| Ms Janice W.M. Lai | - having current business dealings with SHK and AECOM |
| Mr Ivan C.S. Fu | - having current business dealings with SHK, AECOM and Environ |
| Professor S.C. Wong | - having current business dealings with AECOM and being the Chair Professor and Head of Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department |
| Ms Christina M. LEE | - being the Secretary-General of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from SHK |

51. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Professor S.C. Wong, Ms Janice W.M. Lai and Mr Ivan C.S. Fu could stay in the meeting but Ms Lai and Mr Fu should refrain from participating in the discussion. Members noted that Ms Christina M. Lee had not yet arrived at the meeting.

52. The Committee noted that the applicant's representative requested on 29.1.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comment of concerned government departments. This was the third 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 further information. Since it was the third deferment of the application and a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 11

Section 16 Application

[Open Meeting]

A/ST/864 Proposed Houses in "Government, Institution or Community" and
"Green Belt" zones, Lots 379 and 380 R.P. in D.D. 186 and Adjoining
Government Land, Sha Tin
(RNTPC Paper No. A/ST/864)

54. The Secretary reported that the application was submitted by Royal Billion Investment Limited with LWK & Partners (HK) Limited (LWK), MVA Hong Kong Limited (MVA) and Environ Hong Kong Limited (Environ) as three of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in this item for being the Director & shareholder of LWK and having current business dealings with MVA and Environ.

55. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Mr Ivan C.S. Fu could stay in the meeting but should refrain from participating in the discussion.

56. The Committee noted that the applicant's representative requested on 27.1.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

57. 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 had been allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/149 Temporary Cargo Handling and Forwarding Facility (Logistics Centre) for a Period of 3 Years in "Agriculture" zone, Lots 40 RP (Part), 404 S.A (Part), 408 S.A RP (Part), 408 S.B RP (Part), 409, 410 (Part), 413 (Part), 414 (Part), 416 (Part), 417 RP(Part), 435, 436, 437 RP in D.D. 89 and adjoining Government Land, Fu Tei Au, Sheung Shui (RNTPC Paper No. A/NE-FTA/149)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary cargo handling and forwarding facility (logistics centre) 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 domestic structures in the vicinity of the site, the closest one was located to the southwest of the site of about 70m. Other 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, 1 public comment was received which indicated no specific comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary cargo handling and forwarding facility (logistics centre) could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although the application was not in line with the planning intention of “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application as the site had been paved and occupied by open storage uses for some years. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone. Moreover, although DEP did not support the application, there was no substantiated environmental complaint for the cargo handling and forwarding use at the site in the past three years and appropriate planning approval conditions could be imposed to address DEP's concern. The site fell within Category 2 area under the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) and planning permission could be granted subject to no adverse departmental comments and the concerns of departments could be addressed through implementation of approval conditions. The application generally complied with the TPB PG-No. 13E.

59. Members had no question on the application.

Deliberation Session

60. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.2.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, shall be allowed on the site during the planning approval period;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 6.5.2015;
- (e) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2015;
- (f) in relation to (e) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.11.2015;
- (g) the implementation of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.5.2015;
- (h) if any of the above planning conditions (a), (b) or (c) is not complied with

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

- (i) if any of the above planning conditions (d), (e), (f) or (g) 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
- (j) 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 Town Planning Board.”

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

- “(a) prior planning permission shall have been obtained before commencing the development on site;
- (b) to note the District Lands Officer/North, Lands Department’s comments that the owners of the lots concerned shall apply to his office for Short Term Waivers (STWs) and a Short Term Tenancy (STT) which will be considered by the Government in its landlord capacity. There is no guarantee that the applications for STWs and STT will be approved. Should the STWs and STT be approved, they will be subject to such terms and conditions to be imposed including payment of STW fees and STT rental;
- (c) to note the Commissioner of Transport’s comments that the unnamed non-standard local track connected to Man Kam To Road is not under his office’s management. The land status of the access leading to the site shall be checked with the lands authority. The management and maintenance responsibilities of the same access shall also be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the Director of Fire Services’ comments that emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of

Practice for Fire Safety in Buildings 2011 administered by Buildings Department (BD) and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (e) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) to note the Chief Building Surveyor/New Territories West, BD's comments as follows:
 - (i) if the existing structure(s) are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and shall not be designated for any approved use under application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, prior approval and consent from BD shall be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person shall be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval shall not be construed as an acceptance of any existing building works or UBW on the site under the BO;

- (iv) if the proposed use under application is subject to the issue of a license, any existing structures on the site intended for such use are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (v) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively; and
 - (vi) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage;
- (g) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
- (i) prior to establishing and 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
 - (ii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines; and

- (h) to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department in order to minimise any possible environmental nuisances.”

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

Agenda Items 13 to 16

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/71 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1575 S.C in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/71 to 74)

A/NE-PK/72 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1575 S.D in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/71 to 74)

A/NE-PK/73 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1575 S.B in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/71 to 74)

A/NE-PK/74 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 1575 S.A in D.D.91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/71 to 74)

62. The Committee noted that the four applications were similar in nature and the sites (the sites) were located in close proximity to one another and within similar zones. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House) 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 as footpath and water supply were available to the sites and agricultural activities in the vicinity were active. Besides, the Commissioner for Transport (C for T) had reservation on the applications and advised that Small House developments should be confined within the “Village Type Development (“V”) zone as far as possible. Although additional traffic generated by the proposed developments was not expected to be significant, such type of developments outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, as each of the applications only involved one Small House, C for T considered the application could be tolerated unless they were rejected on other grounds;
- (d) during the first three weeks of the statutory public inspection period, 3 public comments were received on each of the applications. A public comment from a North District Council member supported all the applications as it could provide convenience to the villagers. The other public comments including one from Designing Hong Kong Limited objected to the applications mainly on the grounds that the sites fell within the village expansion area of Ping Kong; village land should be reserved for indigenous villagers of their own clan, the proposed developments were not in line with the planning intention of the “Agriculture” (“AGR”) zone; agricultural land should be retained to safeguard the food supply for Hong

Kong; no environmental, traffic, drainage and sewage assessments had been submitted; and approval of the applications would set undesirable precedents for similar applications; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. The applications generally met the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH) / Small House in New Territories in that more than 50% of the footprint of the proposed Small Houses fell within the village 'environs' ('VE') of the same village and there was insufficient land within the "V" zone of the same village to meet the Small House demand. A total of 47 similar applications within the same "AGR" zone in the vicinity of the sites were approved by the Committee between 2001 and 2015 mainly on considerations that the applications generally met the Interim Criteria; the proposed Small House developments were not incompatible with the surrounding rural and village environment; and the proposed developments would not cause adverse impacts on the surrounding areas. Some of the approved cases were in close proximity to the sites and their Small House grant applications were being processed. Besides, there had not been any major change in planning circumstances for the area since the approval of these applications.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 6.2.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the

satisfaction of the Director of Lands or of the TPB;

- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) existing water mains are found inside the site and will be affected (Plan A-2b) by the proposed development. The affected water mains may need to be diverted or protected and the applicant shall bear the cost of any necessary diversion works affected by the proposed development;
 - (ii) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and
 - (iii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Chief Highway Engineer/New Territories East,

Highways Department (HyD) that the existing access track adjacent to the site is not maintained by HyD;

- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note that the site may encroach onto an existing footpath which is not constructed or maintained by the District Officer (North). The applicant has the responsibility to keep the footpath open for public passage; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant shall 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 17 to 20

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/498 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 546 S.G SS.1 in D.D. 77, Ping Che, Ta Kwu Ling

(RNTPC Paper No. A/NE-TKL/498 to 501)

A/NE-TKL/499 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 546 S.H SS.1 in D.D. 77, Ping Che, Ta Kwu Ling

(RNTPC Paper No. A/NE-TKL/498 to 501)

A/NE-TKL/500 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 546 S.I SS.1 in D.D. 77, Ping Che, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/498 to 501)

A/NE-TKL/501 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 546 S.J SS.1 in D.D. 77, Ping Che, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/498 to 501)

67. The Committee noted that the four applications were similar in nature and the sites (the sites) were located in close proximity to one another and within similar zones. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

68. 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) 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 application as the site possessed potential for agricultural rehabilitation. Besides, the Commissioner for Transport (C for T) had reservation on the applications and advised that Small House developments should be confined within the “Village Type Development (“V”) zone as far as possible. Although additional traffic generated by the proposed developments was not expected to be significant, such type of developments outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact

could be substantial. Notwithstanding the above, as each of the applications only involved one Small House, C for T considered the applications could be tolerated unless they were rejected on other grounds;

- (d) during the first three weeks of the statutory public inspection period, 2 public comments on each of the four applications were received. A public comment from a North District Council member supported the applications as they would bring convenience to the villagers. The other public comment from the Designing Hong Kong Limited objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of “Agriculture (“AGR”) zone; no environmental, landscape, drainage or sewerage assessments had been submitted; approval of the cases would set an undesirable precedent for similar applications; and most villagers built the Small Houses for financial gain but not for meeting their housing needs; and

[Ms Christina M. Lee arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The applications generally met the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH) / Small House in New Territories (the Interim Criteria) in that more than 50% of the footprint of the proposed Small Houses fell within the village ‘environs’ (‘VE’) of the same village and there was insufficient land within the “V” zone of the same village to meet the Small House demand. The proposed Small Houses were surrounded by fallow farmland and occupied by wild grass and self-seeded trees. The landscape value of vegetation on the sites was low and the adverse landscape impact was not anticipated. A total of 11 similar applications within/partly within the same “AGR” zone in close proximity to the sites were approved by the Committee between 2007 and 2014 mainly on the grounds that the proposed developments 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; and the proposed Small House developments would unlikely have significant adverse impacts on the surrounding areas. All the approved cases were located to the immediate south and north of the sites and their Small House grants were approved / being processed. Besides, there had not been any material change in planning circumstances for the area since the approval of these applications.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 6.2.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

Applications No. A/NE-TKL/498 and 499

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

Applications No. A/NE-TKL/500 and 501

- “(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 drainage proposal to the satisfaction

of the Director of Drainage Services or of the TPB.”

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

“(a) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments on the following:

(i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and

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

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

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

(d) to note the Chief Highway Engineer/New Territories East, Highways Department’s (HyD) comments that any vehicular access road leading from Ng Chow South Road or Ng Chow Road to the site will not be maintained by HyD; and

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

development, the applicant shall 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.”

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

Agenda Item 21

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/524 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 807 S.B in D.D. 10, Chai Kek, Tai Po

(RNTPC Paper No. A/NE-LT/524)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as there were active agricultural activities in the site. Both the Director of Environmental Protection (DEP) and the Chief Engineer/ Development (2) of Water Supplies Department (CE/Dev(2), WSD) did not support the application as the proposed development did not comply with the Interim Criteria for Consideration of

Application for New Territories Exempted House (NTEH) / Small House in New Territories (the Interim Criteria) in that there was insufficient information in the submission to indicate that the proposed house could be connected to the planned sewerage system in the area. The wastewater generated from the proposed house will have potential to cause water pollution to the Water Gathering Ground (WGG). The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development (“V”) zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, as the application only involved one Small House, C for T considered the application could be tolerated unless it was rejected on other grounds;

- (d) during the first three weeks of the statutory public inspection period, a public comment from Designing Hong Kong was received which objected to the application mainly on the grounds that the application was not in line with the planning intention of the “Agriculture” (“AGR”) zone; agricultural land should be safeguarded; there might be potential cumulative sewerage impact; no proper access and parking area was provided; and no impact assessments on environment, landscape, drainage and sewerage was submitted;
- (e) the Planning Department (PlanD)’s views –PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The site fell within the “AGR” zone and the proposed Small House was not in line with the planning intention of the “AGR” zone. The site fell within WGG. Both CE/Dev(2), WSD and DEP did not support the application as the proposed development did not comply with the Interim Criteria in that there was insufficient information in the submission to demonstrate that the proposed house could be connected to the planned sewerage system, and

the wastewater generated from the proposed house would have potential to cause water pollution to WGG. The applicant failed to demonstrate that the proposed development within WGG would not cause adverse impacts on the water quality in the area. The proposed development was similar to the two previously rejected applications and there was no major change in planning circumstances for the site and its surrounding areas.

73. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primary to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR’ zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development located within the Water Gathering Ground (WGG) would not be able to be connected to the existing or planned sewerage system in the area;
- (c) the applicant fails to demonstrate that the proposed development located within WGG would not cause adverse impact on the water quality in the area.”

Agenda Item 22

Section 16 Applications

[Open Meeting]

A/NE-SSH/95 Proposed Temporary Animal Boarding Establishment (Dog Kennels Facility) for a Period of 3 Years in “Conservation Area” zone, Lot 465 in D.D. 207, Shap Sz Heung
(RNTPC Paper No. A/NE-SSH/95)

75. The Committee noted that the applicant’s representative requested on 28.1.2015 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to respond to the comments of Environmental Protection Department on the Noise Assessment. This was the second time that the applicant requested for deferment of the application.

76. 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 further information. Since it was the second deferment of the application, and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

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

Agenda Item 23

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/533 Proposed Temporary Storage Area for Barbecue Site for a Period of 3 Years in “Agriculture” zone, Lots 422 (Part), 423 (Part), 426 (Part), 427 (Part), 428 (Part) and 429 (Part) in D.D. 17, Ting Kok, Tai Po (RNTPC Paper No. A/NE-TK/533)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary storage area for barbecue site for a period of 3 years;

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as there were active agricultural activities in the vicinity of the site. Although the site had been paved, it was well served by access road and water supply. It could still be used as plant nursery or greenhouse. Other 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, 1 public comment from Designing Hong Kong Limited was received raising concern on the impact of the proposed development on the farming potential in the area as well as its neighbourhood; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary storage area for barbecue site could be tolerated based on the assessments set out in paragraph 11 of the Paper. The applied use was considered not incompatible with its surrounding uses. Given that the applied use was temporary in nature, it would unlikely frustrate the planning intention of the site for agricultural use. Moreover, the applied temporary storage use was small in scale and not adjacent to residential developments. It was not expected to have significant adverse environmental, traffic, landscape and drainage impacts on the surrounding areas. Relevant government departments had no objection to or no adverse comment on the application. As the site was to serve the barbecue site approved under planning application no. A/NE-TK/494 which would expire on 25.4.2016, it was recommended that the planning permission should be valid on a temporary basis for a period of 14 months until 25.4.2016 instead of 3 years sought.

78. Members had no question on the application.

Deliberation Session

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 14 months until 25.4.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) submission of a drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.5.2015;
- (c) in relation to condition (b) above, the implementation of the 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 6.8.2015;

- (d) submission of fire service installations and water supplies for fire fighting 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 6.5.2015;
- (e) in relation to condition (d) above, the provision of fire service installations and water supplies for fire 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 6.8.2015;
- (f) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning conditions (b), (c), (d) or (e) is not complied with within the specified time limit, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development of the concerned owner of the site;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that an unauthorized structure was erected on the site. The concerned registered lot owner is required to apply for a Short Term Waiver (STW) to LandsD for the proposed structures to be erected on site. However, such STW application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Nevertheless, there is no guarantee that such approval will eventually be given. If such application

was approved, it will be subject to such terms and conditions, including among others the payment of fees, as may be imposed. Otherwise, lease enforcement action will be taken by LandsD against the irregularity on site;

- (c) to note the comments of the Director of Fire Services that emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department (BD) and detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of the Director of Food and Environmental Hygiene that the applicant shall make his own arrangement for disposal of trade waste arising from operation of the store. The Government does not provide collection services for trade waste;
- (e) to note the comments of the Director of Environmental Protection that the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department (EPD) shall be followed;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, BD that :
 - (i) if the existing structures are erected on leased land without approval of BD, they are unauthorized under the Buildings Ordinance (BO) and shall not be designated for any approved use under the captioned application;
 - (ii) before any new building works (including any temporary structures) are to be carried out on the leased land of the site, the prior approval and consent of the Building Authority (BA) shall be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person shall be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iii) for UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval shall not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iv) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
 - (v) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
 - (vi) if the proposed use under application is subject to the issue of a licence, the applicant shall be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (g) to note the Chief Engineering/Development(2), Water Supplies Department's (WSD) comments 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 WSD's standards; and
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD):

- (i) there is no existing DSD maintained public drains available for connection in this area. The proposed development shall not obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/ owner is required to maintain drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners shall be sought; and
- (iii) public sewerage connection is not available in the vicinity of the site. EPD shall be consulted regarding the sewage treatment/ disposal aspects of the proposed development.”

Agenda Item 24

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/578 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot 364 S.B ss.1 and 963 S.F in D.D. 22, Lai Chi
Shan Village, Tai Po
(RNTPC Paper No. A/TP/578)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V 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 approval of the application may set an undesirable precedent, and the cumulative impact of approving such application would result in more wooded land to be disturbed and encroachment of developments onto the “Green Belt” (“GB”) zone. Besides, the proposed development would involve extensive site formation and slope stabilisation works and the works might possibly extend outside the proposed lot boundary. The potential landscape impact could not be ascertained. As advised by the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD), extensive site formation and slope stabilisation works were likely to be required for the proposed development and those works might need to be carried out outside the lot boundary and might cause adverse impacts on adjacent slopes. The applicant failed to demonstrate that the proposed development on slope would not adversely affect slope stability. Moreover, the Commissioner for Transport (C for T) had reservation on the applications and advised that Small House developments should be confined within the “Village Type Development (“V”) zone as far as possible;
- (d) during the first three weeks of the statutory public inspection period, 32 public comments from Green groups, village representatives and individuals were received. One comment from 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 there was cumulative loss of “GB” zones in Tai Po, and issue of parking and access. Other comments from Friends of the Earth (Hong Kong), the

representatives of non-indigenous residents of Lai Chi Shan Village and individuals objected to the application mainly on the grounds that the proposed development would cause adverse traffic, environmental, visual and landscape, ecological, drainage and sewerage, slope safety, air quality and air ventilation impacts. There were also concerns on the road safety and fire hazard issues; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The site fell entirely within an area zoned “GB”. The proposed development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. Although the site was entirely within the village ‘environ’ of Lai Chi Shan Village and there was a shortage of land in the “V” zone to meet the future Small House demand of the village, the proposed Small House development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH) / Small House in New Territories and the Town Planning Board Guidelines 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 cause adverse geotechnical and landscape impacts on the surrounding areas. Although there were 1 previous application and 2 similar applications within/partly within the same “GB” zone approved by the Committee between 2002 and 2009, the current application did not warrant the same planning consideration as the approved similar applications given the latest planning circumstances and considerations including landscape and geotechnical concerns.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to reject the application. Members

then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zoning for the area which is to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong justification in the submission to justify a departure from this planning intention;
- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House Development in New Territories in that the proposed development would involve extensive site formation and slope stabilization works that would cause adverse landscape and geotechnical impacts on the surrounding areas;
- (c) the application does not comply with the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the applicant fails to demonstrate that the proposed development located on slope would not adversely affect slope stability and have no adverse landscape impact on the surrounding areas; and
- (e) the approval of the application would set an undesirable precedent for similar developments within “Green Belt” zone. The cumulative impact of approving such applications would result in a general degradation of the environment and landscape quality in the area.”

Agenda Item 25

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/579 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lots 102 S.A ss.2 S.A and 102 S.A ss.4 in D.D. 14,
Tung Tsz, Tai Po, New Territories
(RNTPC Paper No. A/TP/579)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix IV of the Paper. The Commissioner for Transport (C for T) had reservation on the application. However, the application only involved development of one Small House and C for T considered that the application could be tolerated unless it was rejected on other grounds. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer/Tai Po; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 13 of the Paper. The site fell entirely within the “GB” zone. The proposed development

was not in line with the planning intention of “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. Although there was a general shortage of land in fully meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the concerned villages, the application did not meet the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH) / Small House in New Territories (the Interim Criteria) in that more than 50% of the proposed Small House footprints falls outside the village ‘environ’ (‘VE’) and “V” zone of Tung Tsz and A Shan Tseng Tau Village. Although 8 similar applications had been approved by the Committee mainly on the grounds that they met the Interim Criteria in that more than 50% of the footprint of the Small Houses fell within ‘VE’ and there was a general shortage in meeting the demand for Small House development in the “V” zone of the village, the current application did not warrant the same sympathetic consideration to the approved applications.

85. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zoning for the area which is to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong justification in the submission to justify a departure from this planning intention; and
- (b) the proposed development does not comply with Interim Criteria for

Consideration of Application for New Territories Exempted House/Small Houses Development in New Territories in that more than 50% of the footprint of the proposed Small House falls outside ‘environs’ and “Village Type Development” zone of Tung Tsz.”

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

[The Committee agreed to take a 5-minute break at this point.]

[Mr F.C. Chan and Ms Janice W.M. Lai left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 26

Section 12A Application

[Open Meeting]

Y/YL-MP/3

Application for Amendment to the Approved Mai Po & Fairview Park Outline Zoning Plan No. S/YL-MP/6, To rezone the site from “Recreation” and “Residential (Group C)” to Option 1 – “Residential (Group C) 1”, or Option 2 – “Other Specified Uses” annotated “Bike Kiosk and Eating Place” and “Residential (Group C) 1”, or Option 3 – “Residential (Group D)”, Lots 3054 S.A RP (Part), 3200 RP (Part), 3200 S.A RP, 3201 RP (Part), 3202 (Part), 3203 RP, 3204 RP, 3205 RP, 3156 RP, 3211 RP, 3212 RP, 3213 RP, 3214 S.A, 3214 S.B, 3215, 3216, 3217, 3218 RP (Part), 3250 S.B ss.23 RP (Part), 3250 S.B ss.33 RP (Part) in D.D. 104, and Adjoining Government Land, Yuen Long (RNTPC Paper No. Y/YL-MP/3)

87. The Secretary reported that the application was submitted by Capital Chance Limited which was a subsidiary of Sun Hung Kai Properties Limited (SHK), with AECOM

Asia Co. Limited (AECOM), Environ Hong Kong Limited (Environ) and Urbis Limited (Urbis) as three of the consultants of the applicant. The following Members had declared interests in this item:

- | | |
|---------------------|--|
| Ms Janice W.M. Lai | - having current business dealings with SHK, AECOM and Urbis |
| Mr Ivan C.S. Fu | - having current business dealings with SHK, AECOM, Environ and Urbis |
| Professor S.C. Wong | - having current business dealings with AECOM and being the Chair Professor and Head of Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department |
| Ms Christina M. LEE | - being the Secretary-General of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from SHK |

88. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Mr Ivan C.S. Fu could stay in the meeting but should refrain from participating in the discussion. As the interest of Ms Christina M. Lee was indirect and Professor S.C. Wong had no involvement in the application, the Committee agreed that they could stay in the meeting. The Committee also noted that Ms Janice W.M. Lai had already left the meeting.

89. The Committee noted that the applicant's representative requested on 14.1.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of responses to address the comments from the Civil Engineering and Development Department and the Drainage Services Department. This was the first time that the applicant requested for deferment of the application.

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 had been allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 27

Section 16 Application

[Open Meeting]

A/FSS/227 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 6 Years in "Residential (Group A)" zone, Lot 3036 S.A (Part), 3036 RP (Part) & 3037 (Part) in D.D.51, Fanling
(RNTPC Paper No. A/FSS/227)

91. The Committee noted that the applicant's representative requested on 21.1.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of the Transport Department. This was the first time that the applicant requested for deferment of the application.

92. 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 had been allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE), Mr K.T. Ng and Mr Kepler S.Y. Yuen, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/10 Temporary Vehicle Repair Workshop (including Container Vehicle Repair Yard) for a Period of 3 Years in “Other Specified Uses” annotated “Business and Technology Park”, “Residential (Group A) 1”, “Residential (Group A) 3” and “Road” zones, Lots 759 S.A, 759 RP(Part), 761 S.A, 761 S.C(Part), 762 S.A, 762 S.C(Part) in D.D. 95 and adjoining Government Land, 36 Ho Sheung Heung Road, Kwu Tung, Sheung Shui
(RNTPC Paper No. A/KTN/10)

Presentation and Question Sessions

93. With the aid of a Powerpoint presentation, Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary vehicle repair workshop (including container vehicle repair yard) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of domestic uses in the vicinity of the site and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, 1 public comment was received from a North District Council member who did not have specific comment on the application but indicated that comments of the nearby residents should be sought; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary vehicle repair workshop (including container vehicle repair yard) could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the area which is mainly for residential development and business and technology park use, the approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the area. While DEP did not support the application, there was no environmental complaints received in the past 3 years. To address DEP's environmental concern, approval condition restricting the operating hours was recommended. As such, the application generally complied with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses'.

94. Members had no question on the application.

Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.2.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) the existing peripheral fencing on the site shall be maintained at all times during the planning approval period;
- (d) no parking and reverse movement of vehicles shall be allowed on public road outside the site at any times during the planning approval period;
- (e) all existing trees and landscape plantings on the site shall be maintained at all time during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.5.2015;
- (g) the existing drainage facilities on the site under application No. A/NE-KTN/178 shall be maintained at all times during the planning approval period;
- (h) the submission of proposals for water supplies for fire fighting and fire service installations within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2015;
- (i) in relation to (h) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 6.11.2015;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (f), (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.”

96. 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 of the site;
- (b) to note the Chief Engineer/Development (2), Water Supplies Department’s comments that the site is within flood pumping ground;
- (c) to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department in order to minimize any possible environmental nuisances;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) if the existing structures are erected on leased land without approval of BD, they are unauthorized under the Building Ordinance (BO) and shall not be designated for any approved use under the captioned application;
 - (ii) before any new building works (including containers/sheds as repair workshop, office, toilet and store etc.) are to be carried out on the site, prior approval and consent from BD shall be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person shall be appointed as the co-ordinator for the proposed building works in accordance with BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval shall not be construed as an acceptance of any existing building works or UBW on the site under BO; and

- (iv) in connection with (ii) above, the site shall be provided with emergency vehicular access in accordance with Building (Planning) Regulations 41D respectively; and
- (e) to note the comments of the Director of Fire Services that:
 - (i) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.”

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/389 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 642 S.E in D.D. 100, Tsiu Keng Village,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/389)

Presentation and Question Sessions

97. With the aid of a Powerpoint presentation, Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

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

paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view on the grounds that Tsiu Keng was one of the most active farming regions in Hong Kong. Although the Site had been formed and was covered by excavated soil, road access and water supply to the site still remain intact. The site still possessed potential for use as plant nursery or greenhouse. Besides, the Commissioner for Transport (C for T) had reservation on the applications and advised that Small House developments should be confined within the “Village Type Development (“V”) zone as far as possible. Although additional traffic generated by the proposed developments was not expected to be significant, such type of developments outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, as the application only involved one Small House, C for T considered the application could be tolerated unless it was rejected on other grounds;

- (d) during the first three weeks of the statutory public inspection period, 3 public comments were received from a North District Council (NDC) member, Designing Hong Kong Limited and a member of the general public. While the NDC member supported the application as it would bring convenience to concerned villagers, Designing Hong Kong Limited and the member of the general public objected to the application mainly on the grounds that the proposed development would affect the rural character; the proposed development would adversely affect the potential for agricultural rehabilitation and was not in line with the agricultural rehabilitation policy; the cumulative impact of developments without public sewerage would result in contamination of ground water and nearby water bodies; the proposed development would encroach onto an existing footpath for the access of villagers and no environmental, landscape, drainage and sewerage impact assessment had been submitted by the applicant

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application generally met the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH) / Small House in New Territories in that the footprint of the proposed Small House fell entirely within the village 'environ' ('VE') of Tsiu Keng Village and there might not be sufficient land in the two "V" zones in Tsiu Keng to meet the Small House demand. The site was the subject of a previously approved application (for application No. A/NE-KTS/283) for the same applied use, which was approved with conditions by the Committee on 20.11.2009 and the planning permission lapsed on 20.11.2013. Since granting the previous approval, there had been no major material change in the planning circumstances. Besides, there were 21 similar applications approved with conditions by the Committee between 1999 and 2014, involving application sites that were either located close to Tsiu Keng Road serving as direct vehicular access of the village or fell partly within the "V" zone of Tsiu Keng Village. The situation of the current application was comparable to those approved similar applications. Hence, sympathetic consideration could be given to the application.

98. Members had no question on the application.

Deliberation Session

99. 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 6.2.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction

of the Director of Drainage Services or of the TPB; and

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

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available. The Environmental Protection Department shall be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of a septic tank;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and
 - (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services to observe the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Tsiu Keng Road

to the site is not maintained by his department; and

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

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/234 Temporary Container Storage Yard for a Period of 5 Years in “Open Storage” zone, Lot 1743 S.C RP in D.D. 107, Castle Peak Road, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/234)

Presentation and Question Sessions

101. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary container storage yard for a period of 5 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, 5 public comments were received. One commenter objected to the application as the applied use would have adverse ecological impact on the nearby conservation area. Two commenters supported the application on the grounds that the site was near to the Lok Ma Chau Control Point which was a convenient location for container storage and the temporary container storage yard was in line with the “Open Storage” (“OS”) zoning. The remaining 2 commenters had no objection to or no comment on the application as the site had been used as a container storage yard for a long time and there were many container storage yards in the surrounding area; and

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

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary container storage yard could be tolerated for a period of 5 years based on the assessments set out in paragraph 12 of the Paper. The development was generally in line with the “OS” zone which was intended for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. As compared with the previous application (for application No. A/YL-NSW/194) approved by the Committee on 12.2.2010, the use under the current application had no significant changes in terms of nature and operation except the disposition and parameters of the on-site structures which were for site office and general storage purpose. The applicant had complied with all the approval conditions under the previous approval. Moreover, no substantiated environmental complaint in relation to the site had been received in the past 3 years. Besides, the applicant would be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimize the possible environmental impacts on the adjacent areas.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 6.2.2020, 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. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no vehicle queuing back to public road and vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (c) the stacking height of containers stored at any other location within the site shall not exceed 5 units, as proposed by the applicant, at all times during the planning approval period;
- (d) the existing trees within the site shall be maintained at any times during the approval period;
- (e) the drainage facilities implemented under application No. A/YL-NSW/194 shall be maintained at all times during the approval period;
- (f) the provision of fencing of the site, as proposed by the applicant within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.5.2015;
- (g) the submission of records 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 6.5.2015;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2015;

- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.11.2015;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (f), (g), (h) or (i) 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.”

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

- “(a) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) 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 shall 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 shall ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (c) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be created without the prior approval of the Government. The private land of Lot No. 1743 S.C RP in D.D. 107 is covered by Short Term Waiver No. 2788 for the purpose of “Ancillary Use to Container Storage Yard”. The site is accessible to Castle Peak Road-Tam Mi via Government land (GL). This office provides no

maintenance work for the GL involved and does not guarantee any right-of-way. The site falls within Shek Kong Airfield Height Restriction Area. Shall planning approval be given to the subject planning application, the lot owners concerned will need to apply to LandsD to permit additional/excessive structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (d) note the comments of the Director of Environmental Protection that the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department shall be followed to minimize any potential environmental nuisance;
- (e) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that vehicles are not allowed to reverse into or out of the site; the site is connected to the public road network via a section of a local access road which is not managed by TD. The land status of the local access road shall be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road shall be clarified with the relevant lands and maintenance authorities accordingly. Drivers shall drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed run-in/out of the site from Castle Peak Road – Tam Mi shall be commented and approved by TD. HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – Tam Mi. Adequate drainage measures shall be provided to prevent surface water running from the site to the nearby public roads and drains;

- (g) note the comments of the Project Manager/New Territories West, Civil Engineering and Development Department that the boundary of the site is close to the limit of works area of project PWP Item No. 7259RS Cycle tracks connecting North West New Territories with North East New Territories – Tuen Mun to Sheung Shui section (Remaining). The programme of the project PWP Tem No. 7259RS is scheduled for commencement in end 2015 for completion in end 2019;

- (h) note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, Fire Services Installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporate with the proposed FSIs to his Department for approval. In addition, the applicant shall also be advised on that the following points: The layout plans shall be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed shall 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

- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted Houses), they are unauthorized under the BO and shall not be designated for any approved use under the captioned application. Before any new buildings works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD shall be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person shall be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when

necessary. The granting of any planning approval shall not be construed as an acceptance of any existing building works or UBW on the site under the BO. In connection with the above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the sites do not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/314 Temporary Open Storage of Construction Materials and Construction Machinery with Loading/Unloading Area for Lorry and Container Vehicle for a Period of 2 Years in “Green Belt” zone, Lots 2581 (Part), 2582 (Part) in D.D. 102 and adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/314)

Presentation and Question Sessions

105. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary open storage of construction materials and construction machinery with loading/unloading area for lorry and container vehicle for a period of 2 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) did not support the application as Ka Lung Road was a substandard road without footpath and the access road branched out from Ka Lung Road to the site was exceptionally narrow, it was not suitable for the use of heavy goods vehicle. Other 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 objecting comment was received from Designing Hong Kong Limited. The main objecting grounds were that the site was zoned “Green Belt” (“GB”) which was incompatible with urban sprawl; no impact assessment on the environment had been provided; the development would lead to degradation of land and environment; and permission and renewal of these temporary uses would make it difficult for the development of other more suitable uses; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The site fell within Category 4 areas under Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) in which applications would normally be rejected except under exceptional circumstances. The site also fell within 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 general presumption against development within the zone. The proposed temporary open storage of construction materials and construction machinery with loading/unloading area for lorry and container vehicle was not in line with the planning intention of “GB” zone. The applicant had not demonstrated that no suitable sites were available in the adjoining “OS” zone on the OZP, and no strong planning justifications had been given in the submission for a departure from the planning intention, even on a temporary basis.

Approval of the application would set an undesirable precedent for similar applications and would lead to a general degradation of the environment.

106. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with 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. 13E for Application for Temporary Open Storage and Port Back-up Uses in that there is no exceptional circumstance to justify the development, and there are adverse departmental comment; 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 application would result in general degradation of the environment of the area.”

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/458 Temporary Dog Kennel cum Dog Recreation Centre for a Period of 3
Years in “Residential (Group C) 2” zone, Lots 81 S.A RP (Part) and 81
S.B (Part) in D.D. 110 and Adjoining Government Land, Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTN/458)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary dog kennel cum dog recreation centre 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 uses in the vicinity of the site (the closest residential dwelling being less than 5m to its south-west) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, 1 public comment from the World Wide Fund for Nature Hong Kong was received. The commenter urged the Committee to reject the application as the proposed structures existed at the site before planning permission had been obtained. Any change in land use without planning permission should not be tolerated; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary dog kennel cum dog recreation centre could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The development, which was for dog kennel and dog recreation centre, was considered not incompatible with the surrounding rural land uses which were predominated by agricultural land, vacant farms, ponds, residential dwellings/structures, open storage/storage yards and unused/vacant land. Although DEP did not support the application, no environmental complaint had been received in the past three years. Details of housekeeping measures including separation of dogs from other animals, suitable drainage, disposal of animal, food and other waste with suitable means, regular programme for control and destruction of insects or pests, had been proposed by the applicant to mitigate the possible environmental nuisance. It was considered that if the applicant could maintain good housekeeping practice, the applied use would unlikely cause adverse environmental impact on the surrounding areas. Besides, it was noted that the structure for dog kennel was further away from the adjacent residential dwelling and air-conditioned to avoid noise nuisance and odour problem. In view of the applicant's effort and no adverse comment from the relevant departments, except DEP, sympathetic consideration could be given to the current application. The applicant would be advised to adopt the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to alleviate any potential impact.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.2.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., except for the overnight dog kennel, as proposed by the applicant, is allowed on the site during the

planning approval period;

- (b) the submission of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.8.2015;
- (c) in relation to (b) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.11.2015;
- (d) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.8.2015;
- (e) in relation to (d) above, the implementation of the revised 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 6.11.2015;
- (f) 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 6.8.2015;
- (g) in relation to (f), the provision 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 6.11.2015;
- (h) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) is not complied with by the specific date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission shall have been obtained before commencing the applied use at the site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) note the District Lands Officer/Yuen Long, Lands Department’s (DLO/YL, LandsD) comments that the site comprises Old Scheduled Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval from LandsD. No permission is given for occupation of Government land (GL) (about 40m² subject to verification) included in the site. Attention is drawn to the fact that the act of occupation of GL without Government’s prior approval shall not be encouraged. The site is accessible to Kam Tai Road via GL and private lots. LandsD does not provide maintenance work on this GL nor guarantee right of way. The lots owners will need to apply to LandsD to permit structures to be erected or regularize any irregularities on the site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) note the Commissioner of Transport’s comments that the site is connected to the public road network via a section of road which is not managed by the Transport Department. The land status of the road shall be checked with LandsD. Moreover, the management and maintenance responsibilities of the road shall be clarified with the relevant lands and maintenance authorities accordingly. Drivers shall drive slowly with great

care, particularly when there is an opposing stream of traffic on the local road;

- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures shall be provided to prevent surface water running from the site to the nearby public roads and drains;
- (f) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department (EPD) to minimise any potential environmental nuisances;
- (g) note the Director of Environmental Protection's comments that all wastewaters from the site shall comply with the requirements of the Water Pollution Control Ordinance;
- (h) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant shall clarify if the proposed tree will be planted at-grade in the landscape proposal and protection measures on the existing trees in the tree preservation proposal;
- (i) note the Director of Agriculture, Fisheries and Conservation's (DAFC) comments that there is an abandoned meander (95CD-6) to the south of the site. The applicant shall adopt necessary measures to prevent polluting the meander and is reminded to contact DAFC and visit their website (www.afcd.gov.hk/english/quarantine/quarantine.html) for more information regarding licences for any business in relation to animals;
- (j) note the Chief Engineer/Mainland North, Drainage Services Department's comments that regarding the drainage proposal in Drawing A-3 of the Paper, consideration shall be given to provide grating for the surface channels. The invert levels of the proposed catchpits shall be shown on the drainage plan for consideration. Drawing A-3 of the Paper showed the

size of the proposed U-channel as 300mm wide which does not tally with the text in the planning statement submitted by the applicant. The drainage connection details for stormwater discharge into the existing drainage facilities shall be provided for comments. Cross sections showing the existing and proposed ground levels of the site especially with respect to the adjacent areas in the east shall be given. Standard details shall be provided to indicate the sectional details of the proposed u-channel and the catchpit. Sand trap or provision alike shall be provided before the collected runoffs discharged to the public drainage facilities. Where walls or hoarding are erected along the site boundary, adequate opening shall be provided to intercept the existing overland flow passing through the site. EPD shall be consulted regarding the sewerage aspects of the development. The development shall neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant shall consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (k) note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed shall be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (l) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House), they are unauthorised under the BO and shall not be designated for

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

- (m) note the Director of Food and Environmental Hygiene's comments that the applicant shall ensure the operation of the applied use would not cause any environmental nuisance to the surrounding. Refuse generated by the applied use and its ancillary facilities are regarded as trade refuse and the applicant is responsible for its removal and disposal; and
- (n) note the Director of Electrical and Mechanical Services' comments that the applicant and/or his contractor shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior 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 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/459 Renewal of Planning Approval for Temporary “Open Storage of Private Cars and Light Goods Vehicles” for a Period of 3 Years in “Open Space” zone, Lot 525 S.B in D.D. 109, Kam Tin Road, Yuen Long

(RNTPC Paper No. A/YL-KTN/459)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of private cars and light goods vehicles for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, located to the north (with the nearest one about 10m away) and in the vicinity of the site, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, 2 public comments objecting to the application were received from a villager and a member of the public. Both commenters objected on traffic ground. The concerned section of Kam Tin Road, with numerous open storage yards and workshops for vehicles as well as illegal racing, was particularly unfavourable to residents, elderly and infants alike crossing it. Besides, the large neon-light advertising sign on-site was diverting attention of drivers. These would easily lead to traffic accident. Approval of the renewal application would aggravate the adverse traffic situation; and

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of private cars and light goods vehicles could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application being a renewal application was in line with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' (TPB PG-No. 13E) and the Town Planning Board Guidelines for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No. 34B). Similar previous approvals on the site had been granted and approval conditions in relation to drainage and fire safety aspects and run-in proposal under the last application (for application No. A/YL-KTN/374) had been complied with. No adverse comment on the current application from the relevant departments except DEP had been received. There had been no major change in planning circumstances since the last approval. In this regard, sympathetic consideration could be given to the current application. Although DEP did not support the application, there had not been any environmental complaint received by DEP in the past three years and no local objection was received during the statutory public inspection period. To minimize the possible environmental nuisance and to address the concern of the DEP, approval conditions restricting the operation hours and prohibiting medium/heavy goods

vehicles or container trailers/tractors and dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended.

113. Members had no question on the application.

Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 14.3.2015 until 13.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m. daily, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation of 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 are allowed on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle (exceeding 5.5 tonnes), including container trailer/tractor, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicle into or out from the site is allowed at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;

- (g) the drainage facilities implemented under Application No. A/YL-KTN/374 shall be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 14.9.2015;
- (i) the provision of fire extinguisher(s) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.4.2015;
- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.9.2015;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.12.2015;
- (l) 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;
- (m) if any of the above planning conditions (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the site comprises Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval from the government. The lot owner concerned will need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. There is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. The site is accessible to Kam Tin Road via Government land (GL). His office does not provide maintenance works on this GL and not guarantee right of way;
- (b) note the Commissioner of Transport’s comments that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road shall be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road shall be clarified with the relevant lands and maintenance authorities accordingly. Vehicles shall not queue outside the lot boundary;
- (c) adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (d) note the Chief Engineer/Mainland North, Drainage Services Department’s comments that presumably, the applicant would maintain the same drainage facilities as those implemented under previous Application No. A/YL-KTN/374. The applicant shall inform Planning Department if the drainage arrangement has been changed;
- (e) note the Chief Building Surveyor/New Territories West, Buildings

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

- (f) note the Director of Agriculture, Fisheries and Conservation's comments that the applicant shall adopt necessary measures to prevent damaging the trees surrounding the site during operation as far as practicable;
- (g) note the Director of Fire Services' comments that in consideration of the design/nature of the development, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit the relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed shall be clearly marked on the layout plans. The good practice guidelines for open storage site in Appendix VI of the paper shall be adhered to. Detailed fire safety requirements will be

formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. Should the applicant wish to apply for exemption from provision of certain FSIs, he is required to provide justifications to his department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant shall submit a valid fire certificate (FS 251) to his department for approval; and

- (h) note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans and overhead line alignment drawings 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. There is an LPG filling station opposite to the open storage of private cars and light goods vehicles. As there is a risk of gas leakage from the LPG filling station to the open storage yard, the owner shall establish a contingency plan for evacuation of staff and visitors in case of gas leakage and avoid naked flames such as hot work unless proper safety procedures are in place."

[Mr Edwin W.K. Chan left the meeting temporarily at this point.]

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/460 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 948 S.A ss.1 RP in D.D. 109, Tai Kong Po
Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/460)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed four houses (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as road access and water supply were available and the site was thus suitable for greenhouse cultivation or plant nursery. There was a pond to the north of the site. Should the application be approved, the applicant was advised to take appropriate measures to avoid interfering or polluting the pond. Other 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, 2 public comments objecting to the application were received from a member of the public and the Designing Hong Kong Limited respectively. They objected to the application mainly on grounds that approval of Small

Houses without impact assessments would accelerate rural and environmental degradation, were not in line with the planning intention and not compatible with the surrounding environment. Sewage from the Small Houses without public sewer connection would pollute the stream course in the surrounding area. Additional Small Houses in Tai Kong Po would increase pedestrian and traffic flow and aggravate the capacity in the area; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The subject application met the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH) / Small House in New Territories (the Interim Criteria) as the site was located entirely within the village 'environ' ('VE') of Tai Kong Po and there was no "Village Type Development" zone for Tai Kong Po to meet the outstanding and 10-year demand for Small Houses of Tai Kong Po. Sympathetic consideration could be given to the application according to the Interim Criteria. Although the proposed Small House developments were not in line with the planning intention of the "Agriculture" zone, the site was surrounded by a village cluster developed with numerous village houses / rural dwellings surrounding the site and the proposed houses were considered not incompatible with the surrounding area. A total of 12 similar applications within the 'VE' of Tai Kong Po had been approved by the Committee, mainly between 2005 and 2011. Approval of the current application would be in line with the Committee's decisions on similar applications in Tai Kong Po. To address the DAFC's concern, environmental measures in the form of provision of septic tanks and soakaway pits for each Small House would be required at the land grant stage. The applicant would also be advised to avoid polluting the nearby streamcourse.

117. Members had no question on the application.

Deliberation Session

118. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the TPB (TPB). The permission should be valid until 6.2.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) note the Commissioner of Transport’s comments that the site is connected to public road network via a section of local access road which is not managed by his department. The land status of the local access road shall be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road shall be clarified with the relevant lands and maintenance authorities accordingly;
- (b) note the Director of Fire Services’ comments that the applicants shall follow the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department;
- (c) note the Director of Agriculture, Fisheries and Conservation’s comments that the applicant shall take appropriate measures to avoid interfering or polluting the pond to the north of the site; and

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/657 Proposed Temporary Hobby Farm (Hydroponic Vegetable Demonstration) for a Period of 3 Years in “Agriculture” zone, Lot 1026 RP in D.D. 113 and Adjoining Government Land, Kam Ho Road, Ma On Kong, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/657)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary hobby farm (hydroponic vegetable demonstration) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, 3 public comments were received from the village representatives of Ho Pui

Tsuen, the user of part of the subject lot (and also the applicant of the last Application No. A/YL-KTS/597) and Kadoorie Farm and Botanic Garden Corporation. They objected to the application mainly on the grounds that part of the Government Land had been included in the subject site boundary which would induce adverse traffic impact as the concerned Government Land was the only access road to the adjoining lot the existing and future Small House developments in the vicinity; the proposed development would generate adverse drainage impact to the surroundings; the subject application would set an undesirable precedent for similar future applications and encourage other landowners to pave over or concrete their arable land rather than cultivation; and the wastewaters generated from the spent hydroponic solutions would potentially lead to water pollution; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary hobby farm (hydroponic vegetable demonstration) could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The applied use was generally in line with the planning intention of the “Agriculture” zone since the proposed development would involve the use of the site for farming purpose and no filling of land would be involved. The applied use was not incompatible with the surrounding rural land uses as farmland and village houses were found to the further west of the site. In view of the scale and nature, the proposed development would unlikely cause significant adverse environmental, traffic or drainage impacts and relevant departments consulted also had no adverse comment on the application. To minimize the possible environmental nuisance, an approval condition restricting the operation hours was recommended.

121. Members had no question on the application.

Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.2.2018, on the terms of the application as

submitted to the TPB (TPB) and subject to the following conditions :

- “(a) no operation of the proposed development is allowed from 5:00 p.m. to 9:00 a.m., as proposed by the applicant, on the site during the planning approval period;
- (b) no operation of the proposed development is allowed on public holidays, as proposed by the applicant, on the site during the planning approval period;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 6.5.2015;
- (e) 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 6.8.2015;
- (f) in relation to (e) 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 6.11.2015;
- (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 6.8.2015;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.11.2015;
- (i) if any of the above planning conditions (a), (b) or (c) is not complied with during planning approval, the approval hereby given shall cease to have

effect and shall be revoked immediately without further notice;

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

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

- “(a) resolve any land issues relating to the development with the concerned villager(s) and user(s) of the adjoining site;
- (b) note the District Lands Officer/Yuen Long’s comments that the site comprises of an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. The site is accessible to Kam Ho Road via Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The site falls within Ho Pui Site of Archaeological Interest. The lot owner concerned will need to apply to Lands Department (LandsD) to permit structures to be erected or regularize any irregularities on-site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (c) note the Commissioner of Transport’s comments that the site is connected to the public road network via a section of a local access road which is not

managed by the Transport Department. The land status of the local access road shall be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road shall be clarified with the relevant lands and maintenance authorities accordingly. Drivers shall drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;

- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the applicant shall construct a run in/out at the access point at Kam Ho Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures shall be provided to prevent surface water running from the site to the nearby public roads and drains;
- (e) note the Director of Agriculture, Fisheries and Conservation's comments that the applicant will need to apply for a Letter of Approval on the proposed on-farm agricultural structure separately;
- (f) note the Director of Food and Environmental Hygiene's comments that the applicant shall not generate any sanitary nuisance arising from the proposed activities. There shall be no food business at the subject location unless a valid licence is obtained from his department;
- (g) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structure, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed shall be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structure is erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the BO and shall not be designated for any approved use under the subject application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD shall be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person shall be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval shall not be construed as an acceptance of any existing building works or UBW on the site under the BO. In this connection, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (i) note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and/or overhead line alignment drawings obtained, if there is underground electricity cable (and/or overhead line) within or in the vicinity of the site, 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 electricity cable (and/or overhead electricity line) away from the vicinity of the proposed structure.

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/658 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1572 S.C in D.D.106, Yuen Kong, Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-KTS/658)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) 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 Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the site was a piece of vacant land with grasses where water supply and road access were available. It had potential for agricultural rehabilitation for greenhouse or plant nursery. Other 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, 1 public comment was received from Designing Hong Kong Limited. The commenter objected to the application mainly on the grounds that the proposed development was incompatible with the zoning intention; the cumulative impact of developments without public sewerage would result in water contamination; substandard engineering of road and parking areas might result in unsafe and inadequate provisions; no impact assessment had been made; villagers built houses for financial gain; and there was violence over access and parking in villages as well as danger caused by the lack of access; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The application did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH) / Small House in New Territories (the Interim Criteria) as the site and the proposed Small House footprint fell entirely outside the “Village Type Development” (“V”) zone and the draft village ‘environ’ (‘VE’) of Yuen Kong. Although there was insufficient land for meeting the long-term demand for Small Houses in Yuen Kong, there was still land available to meet the current outstanding applications. There were 10 similar approved applications for Small House development, but these applications were approved by the Committee mainly on the consideration that the proposed developments were in line with the Interim Criteria as they fell within the ‘VE’ of the concerned villages and/or with not less than 50% of the proposed NTEH footprint fell within the “V” zone. The current application did not warrant the same planning consideration as the approved similar applications;

125. Members had no question on the application.

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

Deliberation Session

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

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

- (b) the application does not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH) – Small House development in that the proposed NTEH – Small House footprint falls entirely outside the draft village ‘environs’ of Yuen Kong Tsuen and the “Village Type Development” zone. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. There is no exceptional circumstance to justify approval of the application.”

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/659 Proposed Temporary Hobby Farm for a Period of 3 Years in
“Agriculture” zone, Lots 774 RP (Part), 777 RP, 778 RP, 779 RP and
926 in D.D. 103, Sze Pai Shek, Kam Sheung Road, Kam Tin, Yuen
Long
(RNTPC Paper No. A/YL-KTS/659)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary hobby farm for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations to the application from the landscape planning point of view as most of the trees were very likely to be felled and transplanted. It was noted from the layout plan that there were newly transplanted trees along the west side of the structure while no information had been provided by the applicant on the proposed treatment of the transplanted tree. The potential landscape impact could not be ascertained. Other 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, 3 public comments were received from some of the land owners of the site, Kadoorie Farm and Botanic Garden Corporation and World Wide Fund for Nature Hong Kong. They objected to the application mainly on the grounds that the applicant was not authorised to use the site for the proposed development; the proposed concretised area was excessive and unnecessary; the inappropriate treatment of the waste from the proposed mobile toilet would result in pollution of an adjoining watercourse; the suspected “Destroy First, Build Later” activities carried out within the site and approval of the subject application would set an undesirable precedent; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary hobby farm could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The applied use was generally in line with the planning intention of the “Agriculture” zone since the proposed development would involve the use of the site for farming purpose and no filling of land would be involved. In view of the scale and nature, the proposed development would unlikely cause significant adverse environmental, traffic or drainage impacts and relevant departments consulted also had no adverse comment on the application. To minimize the possible environmental nuisance, an approval condition restricting the operation hours was recommended. Besides, to address CTP/UD&L's concern, an approval conditions on submission and implementation of landscape and tree preservation proposal was recommended. Regarding the concern raised by land owners, the applicant would be advised to resolve any land issues relating to the proposed development with the concerned owners of the site.

128. Members had no question on the application.

Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.2.2018, on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- “(a) no operation of the proposed development from 6:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) 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 6.8.2015;
- (c) in relation to (b) 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 6.11.2015;

- (d) 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 6.8.2015;
- (e) in relation to (d) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.11.2015;
- (f) 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 6.8.2015;
- (g) in relation to (f) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.11.2015;
- (h) if the above planning condition (a) is not complied with during planning approval, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) 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
- (j) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the development with the concerned

owners of the site;

- (b) to note the District Lands Officer/Yuen Long's comments that the site comprises of Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. The site falls within Shek Kong Airfield Height Restriction Area and "Site of Potential Hazardous Industrial Site No. 22" Area. Should planning approval be given to the subject application, the lot owners concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application(s) will be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (c) to note the Director of Agriculture, Fisheries and Conservation's comments that the concerned watercourse adjoining the site is a small lowland stream which is largely natural. The applicant shall be advised to avoid affecting this watercourse and its riparian vegetation during the operation of the proposed hobby farm and to separately apply to LandsD for approval on the proposed structures;
- (d) to note the Director of Environmental Protection's comments that all wastewaters from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance and the applicant is reminded to implement good practices and good housekeeping to avoid causing environmental impacts to the surrounding areas;
- (e) to note the Director of Food and Environmental Hygiene's comments that the applicant shall not generate any sanitary nuisance arising from the proposed activities. There shall be no food business at the subject location unless a valid licence is obtained from his department;

- (f) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structure, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed shall be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the site falls within the consultation zone of Au Tau Water Treatment Works, which is a Potentially Hazardous Installation. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structure is erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the BO and shall not be designated for any approved use under the subject application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD shall be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person shall be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval shall not be construed as an acceptance of any existing building works or UBW on the site under the BO. In this connection, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular

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

- (i) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and/or overhead line alignment drawings obtained, if there is underground electricity cable (and/or overhead line) within or in the vicinity of the site, 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 electricity cable (and/or overhead electricity line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/660 Temporary Public Car Park (Private Cars) for a Period of 3 Years in "Agriculture" zone, Lots 111 RP, 112 (Part), 113, 115 RP, 116 (Part) and 117 RP in D.D. 113, Kam Tin South, Yuen Long
(RNTPC Paper No. A/YL-KTS/660)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary public car park (private cars) for a period of 3 years;

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agricultural, Fisheries and Conservation (DAFC) did not support the application from the agriculture point of view. Although the site had been paved, it was still suitable for plant nursery and greenhouse cultivation. Other 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, 18 public comments were received from some of the lot owners. The concerned lot owners raised objection to the proposed development on the grounds that the applicant was not authorized to use the land for vehicle park use; and

[Ms Anita W.T. Ma left the meeting temporarily and Mr Edwin W.K. Chan returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary public car park (private cars) could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although the use of the site for public car park (private cars) was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application, the site was located close to the Tai Lam Tunnel Bus Interchange inside the toll plaza of Tsing Long Highway and

would provide a “park and ride” facility for the passengers using the interchange and would satisfy some of the local parking demand. Besides, the site had been paved and used as a temporary vehicle park since 1999. The temporary nature of the development would not jeopardize future rehabilitation of the site for agricultural purposes and the long-term planning intention of the “AGR” zone. Previous approvals for the same use had been granted by the Committee or the Board on review and there was no major change in the planning circumstances since the last planning approval under Application No. A/YL-KTS/553 was granted by the Committee on 6.1.2012. Approval of this case was in line with the Committee’s previous decisions. Regarding the concern raised by land owners, the applicant would be advised to resolve any land issues relating to the proposed development with the concerned owners 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 6.2.2018, on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- “(a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations, as proposed by the applicant, are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out at the

site at any time during the planning approval period;

- (d) no right turning of vehicles from the access road to Kam Ho Road, as proposed by the applicant, is allowed at any time during the planning approval period;
- (e) no vehicles exceeding 7 metres long, as proposed by the applicant, are allowed to enter the site through Kam Ho Road at any time during the planning approval period;
- (f) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (i) the submission of the record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.5.2015;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2015;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.11.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice;

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

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

- “(a) prior planning permission shall have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the site comprises of Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. The site is accessible to Kam Ho Road via Government land (GL). LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lots owners concerned will need to apply to his office to permit additional/excessive structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.
- (d) to note the Commissioner of Transport’s comments that the site is connected to the public road network via a section of a local access road

which is not managed by the Transport Department. The land status of the local access road shall be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road shall be clarified with the relevant lands and maintenance authorities accordingly. Drivers shall drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;

- (e) to adopt 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 nuisances;
- (f) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed shall be clearly marked on the layout plans;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and shall not be designated for any use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of BD shall be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person shall be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval shall not be construed as an acceptance of any existing works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a

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

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

Agenda Item 39

Section 16 Application

[Open Meeting]

A/YL-PH/710 Temporary Open Storage of Construction Machinery and Second-hand Vehicles for a Period of 3 Years in “Residential (Group D)” zone, Lot 2899 in D.D. 111, Wang Toi Shan Wing Ning Lei, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/710)

135. The Committee noted that the applicant requested on 14.1.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

136. 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 had been 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 Ms Maggie M.Y. Chin, DPO/FSYLE, Mr K.T. Ng and Mr Kepler S.Y. Yuen, STPs/FSYLE, for their attendance to answer Members’ enquires. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 40

Section 12A Application

[Open Meeting]

Y/YL/9

Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/21, To rezone the site from “Other Specified Uses” annotated “Public Car Park with Ground Floor Retail Shops” to “Other Specified Uses” annotated “Residential Development and Public Car Park with Ground Floor Retail Shops”, Yuen Long Town Lot 405, 28 Shui Che Kwun Street, Yuen Long
(RNTPC Paper No. Y/YL/9)

137. The Secretary reported that the application was submitted by Beauty Plaza Limited, with MLA Architects (HK) Limited (MLA), MVA Hong Kong Limited (MVA) and Environ Hong Kong Limited (Environ) as three of the consultants of the applicant. The following Members had declared interests in this item:

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

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

138. As the applicant had requested for deferment of consideration of the application and Mr Ivan C.S. Fu had no involvement in the application, the Committee agreed that he could stay in the meeting. The Committee noted that Ms Janice W.M. Lai had already left the meeting.

139. The Committee noted that the applicant’s representative requested on 15.1.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

140. 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 had been allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

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

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/291 Proposed Flat Development in "Residential (Group E)" zone, Lots 220 RP (Part) and 221 in D.D. 130, San Hing Road, San Hing Tsuen, Tuen Mun

(RNTPC Paper No. A/TM-LTY Y/291)

141. Mr K.C. Kan, STP/TMYLW drew Members' attention that two replacement pages (i.e. pages 3 and 21) and Appendix 1b (i.e. letter dated 2.2.2015 from the applicant) of the Paper were dispatched to Members on 5.2.2015.

Presentation and Question Sessions

142. Mr Kan presented the application and covered the following aspects as detailed in

the Paper :

- (a) background to the application;
- (b) proposed flat development;
- (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 the site fell within an area zoned “Residential (Group E)” (“R(E)”) and was surrounded by mixed uses of open storage, workshops as well as residential development. The applicant had not submitted adequate information to demonstrate that the new development would be environmentally acceptable, and suitable mitigation measures, if required, would be implemented to address the Industrial/Residential (I/R) interface problem. Besides, the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the application from traffic engineering point of view as the applicant had yet to submit a revised TIA to address the traffic impact of the proposed development to his satisfaction. Other 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, 2 objecting public comments were received. They objected to the application mainly on the grounds that there were already many village houses in the vicinity and the proposed development will cause adverse traffic, environmental (noise and pollution) and “fung shui” impacts during and after the construction period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The site was subject to potential I/R interface problem as there was a vehicle repair workshop abutting on the south-eastern corner of the site. There was no guarantee that the nearby workshop would be phased out

before the occupation of the current proposed development. There was a chimney at about 150 m to the south-east of the site and there were industrial activities (e.g. vehicle repair workshop) within 10-15 m of the site. However, the applicant had not submitted sufficient information on air quality impact and industrial noise impact. Moreover, the traffic impact assessment had not covered all relevant planned developments in the vicinity (including those in Tuen Mun Area 54) and the capacity of affected junctions had to be re-assessed.

143. The Chairman enquired whether the row of developments to the south of the site was Small House developments. In response, Mr K.C. Kan, STP/TMYLW, said that those developments were Small House developments approved in 1994 under the then “Undetermined” zone.

144. A Member did not support the application and suggested to include the traffic concern of the AC for T/NT, TD as one of the rejection reasons. In response, Mr K.C. Kan said that as the concern of TD might be addressed through the implementation of an approval condition requiring the submission of a revised TIA and implementation of the mitigation measures identified therein, it was therefore not recommended for inclusion as a rejection reason. However, the Committee considered that the traffic concern had not yet been addressed and agreed to add the traffic concern as one of the rejection reasons.

145. A Member noted that there were a number of chimneys in the locality and asked whether DEP had any concerns on the possible impact of the chimney emission on the local villagers. In response, Mr Johnson M.K. Wong, Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department, said that there was a chimney located at about 150 m at the south-east direction of the site and the air quality impact from the chimney emission had yet to be addressed by the applicant.

Deliberation Session

146. After further deliberation, the Committee decided to reject the application and agreed to add the traffic concern on top of the rejection reasons as stated in paragraph 12.1 of the Paper. The reasons were :

- “(a) the applicants fails to demonstrate that the proposed development would not be susceptible to adverse air quality and noise impacts;
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse sewerage impact on the surrounding area; and
- (c) the applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding area.”**

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/468 Renewal of Planning Approval for Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) For a Period of 3 Years in “Village Type Development” and “Other Specified Uses” annotated “Heritage and Cultural Tourism Related Uses” zones, Lots 384 (Part), 387 S.B RP, 387 S.B ss.1 RP, 387 S.B ss.4, 387 S.C ss.1 RP (Part), 387 S.C ss.2 RP (Part), 387 S.C ss.3 RP (Part), 388 (Part) and 390 (Part) in D.D, 122, and adjoining Government Land, Sheung Cheung Wai, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/468)

147. Mr K.C. Kan, STP/TMYLW, drew Members’ attention that a replacement page (i.e. page 8) of the Paper was tabled at the meeting.

Presentation and Question Sessions

148. Mr Kan presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) renewal of planning approval for temporary public vehicle park (private cars and light goods vehicles) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, with the nearest ones located to its north and southwest and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views –PlanD considered that the temporary public vehicle park (private cars and light goods vehicles) could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No. 34B) in that there was no material change in planning circumstances since the previous approval was granted; adverse planning implications arising from the renewal of the planning approval were not envisaged; all conditions under previous approval had been complied with; and the approval period sought was the same as that of the previous approval. To address DEP's concern, appropriate planning approval conditions could be imposed and 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 minimize the potential environmental impacts on the surrounding area.

149. Members had no question on the application.

Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 11.2.2015 to until 10.2.2018, on the terms of the application as submitted to the TPB (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 and light goods vehicles as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (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) the existing boundary fencing on the site shall be maintained at all times during the approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (h) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.5.2015;
- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.8.2015;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.11.2015;
- (l) the submission of landscape and tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 11.8.2015;
- (m) in relation to (l) above, the implementation of landscape and tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 11.11.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (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 be revoked immediately 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.”

151. 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 structures under application. It does not condone any other structures which currently exist 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;
- (c) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Amongst the lots, Lot No. 390 in D.D. 122 is currently covered by Short Term Wavier (STW) No. 3587 to allow the use of the land for the ancillary use to public vehicle park for the private cars and light goods vehicles. In addition, 2 applications namely STW No. 3586 and Short Term Tenancy 2631 are being processed by his office to cover Lot 387 S.B RP and the piece of Government land within the site respectively for the same purpose. The site is accessible through Tsui Sing Road and other private lots. His office provides no maintenance works for such access nor guarantee any right-of-way. The lot owners concerned will need to apply to his Office to permit structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as

may be imposed by LandsD;

- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in 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 unauthorized under the Buildings Ordinance (BO) and shall 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 shall be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person shall be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval shall 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 Regulations 19(3) of the B(P)R at the building plan submission stage;
- (e) to follow the latest Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;
- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's (TD) comment that sufficient manoeuvring spaces

shall be provided within the site. The local track leading to the site is not under the TD's purview. Its land status shall be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track shall be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed shall be clearly marked on the layout plans;
- (h) to note the Director of Electrical and Mechanical Services's comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. 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; and
- (i) to note the Director of Food and Environmental Hygiene's comments that the works shall not cause any environment nuisance to the surrounding."

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/469 Renewal of Planning Approval for Temporary Vehicle Park for Coaches for a Period of 3 Years in “Village Type Development” zone, Lots 448 (Part), 449 RP (Part), 450 (Part) and 452 RP (Part) in D.D. 122, Hang Mei Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/469)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary vehicle park for coaches for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary vehicle park for coaches could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’

(TPB PG-No. 34B) in that there was no material change in planning circumstances since the previous approval was granted; adverse planning implications arising from the renewal of the planning approval were not envisaged; all conditions under previous approval had been complied with; and the approval period sought was the same as that of the previous approval. Relevant government departments had no objection to or no adverse comment on the application.

153. Members had no question on the application.

Deliberation Session

154. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 25.2.2015 to until 24.2.2018, on the terms of the application as submitted to the TPB (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 coaches, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that only coaches are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (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 to or reverse onto/from 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 existing trees on the site shall be maintained at all times during the planning approval period;
- (i) the existing boundary fencing on the site shall be maintained at all times during the planning approval period;
- (j) the submission of record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.5.2015;
- (k) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.8.2015;
- (l) in relation to (k) above, the implementation of fire service installations proposal with 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.11.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately 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.”

155. 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 application without structure. It does not condone any structure which currently occur on the site not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (c) to note the District Lands Officer/Yuen Long, Lands Department’s comments that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval of his Office. The information provided in the s.16 application indicates that no structure is proposed within the site. The site is accessible through an informal track on private land and Government land extended from Ping Ha Road. His Office does not provide maintenance works for such track nor guarantee any right-of-way to the site;
- (d) to follow the latest Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department’s (TD) comment that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under the TD’s purview. Its land status shall be checked with the lands

authority. The management and maintenance responsibilities of the same road/path/track shall be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that Tsui Sing Road is currently maintained by the Home Affairs Department. HyD shall not be responsible for the maintenance of access connecting the site and nearby public road;
- (g) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed shall 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;
- (h) to note the Director of Food and Environmental Hygiene's comments that the works shall not cause any environmental nuisance to the surrounding; and
- (i) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. 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 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/470 Renewal of Planning Approval for Temporary War Game Centre for a Period of 3 Years in “Recreation” and “Village Type Development” zones, Lots 280 (Part), 282 (Part), 284, 285, 286, 287 (Part), 320 (Part), 321, 323 RP (Part) in D.D. 126 and Adjoining Government Land , north of Fung Ka Wai, Yuen Long
(RNTPC Paper No. A/YL-PS/470)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary war game centre 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, 1 comment from an individual was received. The commenter raised concern on the negative environmental impacts of the plastic pellets that

scattered around and suggested approval conditions shall be imposed to ensure degradable materials to be used as ammunition and to reinstate the site when the site was eventually vacated; and

- (e) the Planning Department (PlanD)'s views –PlanD considered that the temporary war game centre could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No. 34B) in that there was no material change in planning circumstances since the previous approval was granted; adverse planning implications arising from the renewal of the planning approval were not envisaged; all conditions under previous approval had been complied with; and the approval period sought was the same as that of the previous approval. Relevant government departments had no objection to or no adverse comment on the application. Regarding the public comment, approval conditions on tree preservation and reinstatement of the site and an appropriate advisory clause were recommended.

157. Members had no question on the application.

Deliberation Session

158. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 25.2.2015 to until 24.2.2018, on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the provision of a waterworks reserve within 3m from the centreline of the affected water mains within the site at all times during the approval period to the satisfaction of the Director of Water Supplies or of the TPB;

- (c) the existing boundary fencing on the site shall be maintained at all times during the approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 25.8.2015;
- (g) in relation to (f) above, the implementation of tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 25.11.2015;
- (h) the submission of record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.5.2015;
- (i) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.8.2015;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.11.2015;
- (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 specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of Government land (GL) (about 2,667m² subject to verification) included in the site. The act of occupation of GL without Government’s prior approval shall not be encouraged. The site is accessible to Tin Tsz Road via GL and other private lots. His office provides no maintenance works for the GL involved and does not guarantee right-of-way. The lot owners will need to apply to his office to permit structures to be erected or regularize any irregularities on private land. Besides, Short Term Tenancy application for occupation of GL is required. 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(s) will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by

LandsD;

- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in 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 unauthorized under the Buildings Ordinance (BO) and shall not be designated for any approved use under the application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA shall be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person shall be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval shall 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)Rs) 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 Regulations 19(3) of the B(P)Rs at the building plan submission stage;
- (d) to note the Director of Environmental Protection's comment that the applicant is advised to ensure site cleanliness and to make sure that plastic bullets and other garbage are properly handled and taken away regularly.
- (e) to follow the latest Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;

- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's (TD) comment that the local track leading to the site is not under the TD's purview. Its land status shall be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track shall be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that adequate drainage measures shall 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 Tin Wah Road;
- (h) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed shall be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's comments that no structure shall be erected over this Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize;

- (j) to note the Director of Agriculture, Fisheries and Conservation's comments that the war game activities shall be confined to the site and not encroach on the nearby "Conservation Area" zone;
- (k) to note the Director of Electrical and Mechanical Services' comments that 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; and
- (l) to note the Director of Food and Environmental Hygiene's comments that the works shall not cause any environment nuisance to the surrounding."

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/471 Renewal of Planning Approval for Temporary Vehicle Park (Private Cars, Light Goods Vehicles and Medium Goods Vehicles) with Ancillary Office and Storeroom for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 2428 RP (Part) and 2429 RP (Part) in D.D. 124, and adjoining Government Land, Ping Shan, Yuen Long

(RNTPC Paper No. A/YL-PS/471)

160. Mr K.C. Kan, STP/TMYLW drew Members' attention that a replacement page (i.e. page 8) of the Paper was table at the meeting.

Presentation and Question Sessions

161. Mr Kan presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary vehicle park (private cars, light goods vehicles and medium goods vehicles) with ancillary office and storeroom 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 the development involved traffic of medium goods vehicles, and there were sensitive receivers of residential uses within 100m from the site boundary or such traffic was expected to travel along access road within 50m from residential dwelling. The nearest residential development, Park Nara was about 30m to the west of the site and abuts on Hung Yuen Road. Environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that temporary vehicle park (private cars, light goods vehicles and medium goods vehicles) with ancillary office and storeroom could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No. 34B) in that there was no

material change in planning circumstances since the previous approval was granted; adverse planning implications arising from the renewal of the planning approval were not envisaged; all conditions under previous approval had been complied with; and the approval period sought was the same as that of the previous approval. Although DEP did not support the application, there was no substantiated environmental complaint received for the past three years. To address DEP's concern, appropriate planning approval conditions could be imposed and 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 minimize the potential environmental impacts on the surrounding area.

162. Members had no question on the application.

Deliberation Session

163. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 28.2.2015 to until 27.2.2018, on the terms of the application as submitted to the TPB (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, light goods vehicles and medium goods vehicles as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that only private cars, light goods vehicles and medium goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is

allowed to be parked/stored on the site at any time during the planning approval period;

- (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) the adherence to the parking layout, as proposed by the applicant, at all times during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (i) the provision of boundary fencing on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 28.5.2015;
- (j) the submission of record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.5.2015;
- (k) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.8.2015;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.11.2015;

- (m) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 28.8.2015;
- (n) in relation to (m) above, the implementation of tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 28.11.2015;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (p) if any of the above planning conditions (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note that the erection of fence walls and/or external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant shall 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 shall ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (c) the planning permission is given to the structures under application. It does not condone any other structures which currently exist on the site but not covered by the application. The applicant shall be requested to take

immediate action to discontinue such structures not covered by the permission;

- (d) to note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of Government land (GL) (about 30m² subject to verification) included in the site. Attention shall be drawn to the fact that the act of occupation of GL without Government's prior approval shall not be encouraged. The site is accessible directly to Hung Yuen Road. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on private land. Besides, Short Term Tenancy application for occupation of GL is required. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there is no record of approval by the BA for the structures existing at the site and BD is not in 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 unauthorized under the BO and shall 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 shall be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person shall be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the

BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval shall 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)Rs) 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 Regulations 19(3) of the B(P)Rs 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 minimize potential environmental nuisance to the surrounding area;
- (g) to note the Commissioner of Transport's comment that sufficient space shall be provided within the site for manoeuvring of vehicles. No parking, vehicle queuing and reverse movement of vehicles on public road are allowed;
- (h) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the applicant shall construct a run in/out at the access point at Hung Yuen Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures shall 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 Hung Yuen Road;
- (i) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit

relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed shall be clearly marked on the layout plans;

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

- (k) to note the Director of Food and Environmental Hygiene's comments that the works shall not cause any environment nuisance to the surrounding."

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/899 Proposed Temporary Open Storage for Construction Materials and Miscellaneous Goods for a Period of 3 Years in "Recreation" and "Village Type Development" zones, Lot 632 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/899B)

Presentation and Question Sessions

165. 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 for construction materials and miscellaneous goods 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 and along the access road (the closest being about 30m away) and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) had reservations on the application and considered the landscape proposal not acceptable from landscape planning point of view. It was also noted that the open storages use was a suspected unauthorized use and adverse impact on the existing landscape resources and character had been taken place;
- (d) during the statutory public inspection periods of the application, a total of 4 public comments, including 2 from Designing Hong Kong Limited and 2 from local residents, were received. The commenters objected to the application on the grounds that the proposed development would have adverse road safety, noise, dust and visual impacts on the nearby residents, cause potential fire risk, set a bad precedent for similar ‘destroy first’ applications, not in line with the planning intention of “Recreation” zone and no environmental assessment had been submitted to demonstrate that the proposed development would not cause environmental and drainage impact to the adjacent nullah; and

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The application was not in line with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E) in that about 93% of the site fell within the Category 4 areas and 7% fell within Category 2 areas under the TPB PG-No.13E. According to the TPB PG-No.13E, proposed open storage uses falling within areas under Category 4 would normally be rejected except under exceptional circumstances. The applied use was incompatible with the surrounding rural character dominated by village houses, farmland and tree groups. CTP/UD&L of PlanD had reservation on the application as she was concerned about the disturbance on existing landscape resources and characters and the compatibility to the surrounding landscape character. DEP did not support the application because environmental nuisance was expected. The applicant failed to demonstrate that the proposed open storage use would not have adverse landscape and environmental impacts on the surrounding areas. Approval of the application would set an undesirable precedent and encourage other applications for similar development within the subject "Village Type Development" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

166. Members had no question on the application.

Deliberation Session

167. 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 “Village Type Development” (“V”) zone which is to designate both existing recognized villages and areas of land considered suitable for village expansion. There is

no strong planning justification to merit a departure from the planning intention of the “V” zone, even on a temporary basis;

- (b) the development is not in line with the TPB Guidelines No. 13E for Application for Temporary Open Storage and Port Back-up Uses in that the applicant has not provided any strong planning justifications to demonstrate that the proposed open storage use in Category 4 area should be treated as exception under the Guidelines;
- (c) the development is not compatible with the rural neighbourhood and the surrounding landscape character and the applicant fails to demonstrate that the development would not generate adverse landscape and environmental impacts on the surrounding areas; and
- (d) approval of the application will set an undesirable precedent for applications for other similar developments within the “V” zone, the cumulative effect of which will result in a general degradation of the environment of the “V” zone.”

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/928 Temporary Logistics Centre and Warehouse for Storage of Metal with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots No. 1827 S.B (Part), 1827 S.B ss.1, 1828 (Part), 1843 (Part), 1844 (Part), 1845 (Part), 1846 (Part), 1848 and 1849 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/928)

Presentation and Question Sessions

168. 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 logistics centre and warehouse for storage of 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 users along Ping Ha Road and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, 1 public comment was received from a member of the public claiming representing a group of Ha Tsuen residents. The commenter objected to the application on the grounds that the development would have offensive noise, traffic and air impacts to the environment, seriously overloading the traffic of Ping Ha Road and the living standard in the area should be upgraded and not to be further damaged by having more logistics centre or open storage; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary logistics centre and warehouse for storage of metal with ancillary workshop could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The development was generally in line with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E) in that there was no adverse comment from concerned government departments except DEP. Although DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To address DEP's concern, appropriate planning approval conditions could be imposed and 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 minimize the potential environmental impacts on the surrounding area.

169. A Member asked why planning approval on a temporary basis for a period of 3 years instead of 1 year (i.e. same as the previous approval) was recommended. In response, Mr Lai said that there was no environmental complaint against the site over the past 1 year. Besides, as compared to the open storage use applied under the previously approved application, less environmental nuisance was expected for the logistics centre, warehouse and workshop use applied under the current application. In this regard, a planning approval on a temporary basis for a period of 3 years was considered appropriate for the current application.

Deliberation Session

170. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.2.2018, on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle queuing is allowed back to the public road and no vehicle reversing into/from the public road is allowed at any time during the planning approval period;
- (d) no material is allowed to be stored/dumped within 1m of any tree on the site at any time during the planning approval period;
- (e) the implementation of the accepted drainage proposal within 6 months to the satisfaction of the Director of Drainage Services or of the TPB by

6.8.2015;

- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.8.2015;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.11.2015;
- (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 6.8.2015;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.11.2015;
- (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 6.8.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (g), (h), (i), (j) or (k) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission shall have been obtained before commencing the development on the site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) 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 shall 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 shall ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (d) note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the land under site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. The private land of Lot 1827 s.B in D.D. 125 is covered by Short Term Wavier (STW) No. 3062 for the propose of ‘Water Tank Ancillary to Open Storage of Containers’. No permission has been given for the occupation of Government land (GL) (about 1,520m² subject to verification) included in the site. The act of occupation of GL without Government’s prior approval shall not be encouraged. The site is accessible to Ping Ha Road via a local track. His office does not guarantee right-of-way. The STW holder concerned would still need to apply to his Office for modification of the STW conditions. Besides, the lot owner would still need to apply to him to permit any

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

- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that that the development shall neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and adjacent areas. The applicant shall consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (g) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (h) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures shall 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 with Ping Ha Road;
- (i) note the comments of the Chief Town Planning Officer/Urban Design and Landscape, Planning Department that compared with the last site inspection conducted for previous application (No. A/YL-HT/811), it is noted that existing trees along the western boundary are missing. In addition, it is noted that only 34 existing trees are indicated in the landscape and tree preservation plan which is different to his recent site visit. Besides, 2

trees are in poor condition and a number of weed trees, *Leucaena leucocephala*, are found within the site. These trees shall be replaced. It is also observed that objects were dumped on the tree planting area and trees were affected by weeds and climbers. Base on the above, a revised tree preservation and landscape proposal shall be submitted;

- (j) 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 shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed shall 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

- (k) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and shall not be designated for any approved use under the captioned application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BA shall be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person shall 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 shall not be construed as an acceptance of any existing building works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto from a street and

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

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/933 Proposed Temporary Open Storage of Scrap Metal for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 798 S.A RP (Part), 799 (Part), 800 (Part), 801 (Part), 802(Part), 804 RP (Part), and Adjoining Government Land in D.D. 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/933)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of scrap metal for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users in vicinity of the site (the closest residential dwelling about 20m away) and along the access road (Ping Ha Road) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views –PlanD considered that the temporary open storage of scrap metal could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The development was generally in line with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E) in that there was no adverse comment from concerned government departments except DEP. Although DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To address DEP's concern, appropriate planning approval conditions could be imposed and 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 minimize the potential environmental impacts on the surrounding area.

173. Members had no question on the application.

Deliberation Session

174. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.2.2018, on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- “(a) no operation from 11:00 p.m. to 7:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, and workshop activity, as

proposed by the applicant, is allowed on the site at any time during the planning approval period;

- (d) the existing boundary fencing on site shall be maintained at all times during the planning approval period;
- (e) no vehicle queuing back to public road and vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.5.2015;
- (h) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 6.8.2015;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2015;
- (j) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.3.2015;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2015;
- (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 6.11.2015;

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

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

- “(a) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) the site shall be kept in a clean and tidy condition at all time;
- (c) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. No permission is given for occupation of Government land (GL) (about 165m² subject to verification) included in the site. Attention is drawn to the fact that the act of occupation of GL without Government’s prior approval shall not be encouraged. The private land of Lot No. 798 S.A RP in D.D.125 is covered by Short Term Waiver No. 3112 for the purpose of “Vehicle Repair Workshop” (excluding paint-spraying)”. The site is accessible directly to Ping Ha Road. Should the application be approved, the lot owner(s) concerned would still need to apply to his Office to permit any structures to be erected or regularize any irregularities on private land. Besides, Short Term Tenancy application for occupation of GL is required. Such application

would be considered by LandsD acting in the capacity as landlord at its sole discretion and no guarantee that such application will be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Ping Ha Road shall be commented and approved by the Transport Department. Adequate drainage measures shall be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the Ping Ha Road;
- (g) 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 shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed shall be clearly marked on the layout plans. Attached good practice guidelines for open storage shall be adhered to (Appendix V). The applicant is advised to submit a valid fire certificate (FS251) to his department for approval. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (h) note the comments of the Chief Town Planning Officer/Urban Design and Landscape, Planning Department that according to the landscape proposal, all 38 existing trees within the site would be preserved. Based on his site record conducted previously, some existing trees within the site are in poor condition. Replacement of poor trees is required. Besides, tree planting opportunity is available at the northern site boundary. Hence, revised tree preservation and landscape proposal with regular tree maintenance programme shall be submitted; and

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

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/934 Proposed Temporary Logistics Centre with Ancillary Office and Parking of Vehicle for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 2963 (Part), 2970 (Part), 2988 (Part), 2989 RP (Part), 2991 RP (Part), 2992 RP, 2993, 2994, 2995, 2996, 2997, 2998, 2999 (Part), 3000 RP (Part), 3011 RP (Part), 3065 (Part), 3066 (Part), 3067 (Part), 3068 (Part), 3069 (Part), 3070 (Part), 3072 (Part), 3073 S.A (Part), 3073 RP, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082 S.A, 3082 S.B, 3083, 3084, 3085 (Part), 3086 (Part), 3094 (Part), 3095, 3096 (Part), 3097 (Part), 3098, 3099, 3100 (Part), 3101, 3102, 3103 (Part), 3104, 3105 (Part), 3106 (Part), 3114 RP (Part), 3115 RP (Part) and 3116 RP (Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/934)

Presentation and Question Sessions

176. 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 as there were sensitive receivers in the vicinity of the site (the nearest dwelling being about 25m away) and along the access road (Lau Fau Shan Road) and environmental nuisance was expected. 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 public inspection period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary logistics centre with ancillary office and parking of vehicle could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The development was generally in line with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E) in that there was no adverse comment from concerned government departments except DEP. Although one substantiated noise complaint against part of the site previously approved for temporary open storage use was received in 2012, it related to noise originated from the motor of reefer containers stored at the premises. The reefer containers were subsequently re-located and the noise level was reduced. The current application was for a development as logistics centre. To address DEP's concern, approval conditions on restrictions on operation hours and no cutting, dismantling, cleaning, repairing, compacting, tyre repair, container repair and workshop activity on site were recommended to mitigate any potential environmental impacts. Besides, the applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the adjacent areas.

177. Members had no question on the application.

Deliberation Session

178. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.2.2018, on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the 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, repairing cleaning and dismantling or any other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.8.2015;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.11.2015;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a 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 6.8.2015;
- (i) in relation to (h) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 6.11.2015;

- (j) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.8.2015;
- (k) in relation to (j) above the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.11.2015;
- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 6.8.2015;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 6.11.2015;
- (n) the provision of fencing of the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.8.2015;
- (o) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (p) if any of the above planning conditions (e), (f), (h), (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) the planning permission is given to the development/uses under application. It does not condone any other development/uses (including open storage use)

which currently exist on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;

- (b) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure is allowed to be erected without the prior approval of the Government. Private Lots 3065 and 3114 RP in D.D. 129 are covered by Short Term Waivers (STW) No. 3073 and 1975 for the purpose of 'Maintenance Workshop and Office Ancillary to Vehicle Park and Open Storage of Containers' and 'Storage and Repair of Container Boxes' respectively. Portion of the GL is covered by Short Term Tenancy (STT) for the purpose of 'Storage and Repair of Container Boxes'. The act of occupation of Government land (GL) without Government's prior approval shall not be encouraged. Should the application be approved, the STW and STT holders would need to apply to him for modification of the STWs and STT conditions for regularizing on private land and the occupation of additional GL. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (d) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there is an existing cross road drain at Lau Fau Shan Road near lamp post No. FB9197 flow into the site's drainage path and the applicant shall take into account in his proposed drainage facilities' capacity calculation and ensure that this upstream flow will be maintained at all time.
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of

Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;

- (f) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site;
- (g) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant shall construct a run-in/out at the access point at Lau Fau Shan Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures shall 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;
- (h) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that according to site visit on 9.1.2015, it is noted that the locations of existing trees are different to tree preservation proposal. The existing trees along the western boundary and located in the centre of the site and a large *Ficus hispida* located at northern-east of the site are missing. In addition, a number of existing trees along the southern boundary are replaced by new trees. Besides, it was observed that there were 2 dead trees and 12 trees with poor condition. Replacement tree planting is required. Moreover, it was observed that the existing trees were affected by dumped objects and over-grown climbers. As the site is larger than 10,000m², a wider planting area to create an effective screen is required;
- (i) note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed

shall be clearly marked on the layout plans. The location of where the proposed FSIs to be installed shall be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (j) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and shall 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 the Building Authority (BA) shall be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person shall 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 shall not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the proposed use under application is subject to the issue of a license, please be reminded that any existing structures on the sites intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. In connection with above, each site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (k) 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 shall 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 shall ensure compliance with the simplified requirements under the Building (Minor Works) Regulation; and

- (l) note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to adopt good site practices and implement necessary measures to avoid causing disturbance to the nearby watercourse.”

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/708 Temporary Open Storage of Building Materials and Construction Machinery for a Period of 3 Years in “Undetermined” zone, Lots 490 RP (Part), 709, 710, 711, 723, 724, 725, 729, 730, 731 and 732 in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/708)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of building materials and construction machinery for a period of 3 years;
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structure to the east (about 40m away) and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of building materials and construction machinery could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The development was generally in line with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E) in that there was no adverse comment from concerned government departments except DEP. Although DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To address DEP's concern, approval conditions restricting the operations hours and the storage and handling of electrical/electronic appliances/parts and prohibiting dismantling, repairing, cleansing or other workshop activities were recommended to mitigate any potential environmental impacts. Besides, the applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the adjacent areas.

181. Members had no question on the application.

Deliberation Session

182. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.2.2018, on the terms of the application as

submitted to the TPB (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) no vehicle queuing is allowed back to the public road and no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 6.5.2015;
- (h) the provision of boundary fence 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 6.5.2015;
- (i) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the

Director of Planning or of the TPB by 6.8.2015;

- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.11.2015;
- (k) the provision of fire extinguisher(s) together with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.3.2015;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2015;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.11.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (p) upon 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.”

183. 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 site shall be kept in a clean and tidy condition at all times;
- (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 shall 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 shall ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (d) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the lot owner(s) will need to apply to his office to permit additional structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (e) to note the Commissioner of Transport’s comments that the land status of the road/path/track leading to the site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. Moreover, sufficient manoeuvring space shall be provided within the site and no parking of vehicles on public road is allowed;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department’s comments that adequate drainage measures shall be provided to prevent surface water running from the site to nearby public roads and drains. His department shall not be responsible for the maintenance of any

access connecting the site and Kung Um Road;

- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (h) to note the Director of Agriculture, Fisheries and Conservation’s comments that the implemented boundary fence and periphery planting in the site shall be properly maintained. The applicant shall also avoid affecting the “Green Belt” zone immediately adjoining the site and the trees thereon;
- (i) to note the Chief Town Planner/Urban Design and Landscape, Planning Department’s (PlanD) comments that there are discrepancy in the submitted landscape plan (Drawing A-4 of this RNTPC Paper) when compared with the site observation dated 28.2.2013. In particular, there are 15 nos. of mature trees missing at the northern part of the site;
- (j) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the applicant shall inform relevant Government departments if the drainage arrangement has been changed;
- (k) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associate with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots of WSD’s standards. Water mains in the vicinity of the above site cannot provide the standard pedestrian hydrant;
- (l) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are

anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans shall be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed shall be clearly marked on the layout plans. Also, the attached good practice guidelines for open storage (Appendix V of the Paper) shall 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;

- (m) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted Houses), they are unauthorized under the BO and shall not be designated for any approved use under the application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA shall be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person shall 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 shall not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (n) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of

cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures: (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the 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 contactors 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 51

Section 16 Application

[Open Meeting]

A/YL-TYST/709 Temporary Eating Place (Small Restaurant) and Shop and Services
(Convenient Store/Supermarket and Laundry and Real Estate Agency)
for a Period of 3 Years in “Residential (Group B) 1” zone, Lot 1145 S.J
RP in D.D. 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/709)

184. The Committee noted that the applicant requested on 22.1.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental and public comments received on the application. This was the first time that the applicant requested for deferment of the application.

185. 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 had been allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/710 Renewal of Planning Approval for Temporary 'Concrete Batching Plant' for a Period of 3 Years in "Industrial" zone, Lots 1290 S.C RP, 1293 S.C and 2019 in D.D. 121 and Adjoining Government Land, San Fui Street, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/710)

186. Ms Bonita K.K. Ho, STP/TMYLW, drew Members' attention that a replacement page (i.e. page 7) of the Paper was tabled at the meeting.

Presentation and Question Sessions

187. Ms Ho presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary concrete batching plant for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary concrete batching plant could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No. 34B) in that there had been no material change in planning circumstances since the granting of the previous temporary approval. Relevant government departments had no objection to or no adverse comment on the application.

188. Members had no question on the application.

Deliberation Session

189. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 18.2.2015 to 17.2.2018, on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- “(a) vehicles to and from the site are restricted to using the major trunk roads and industrial access roads in the vicinity of the site;
- (b) no vehicle queuing is allowed back to the public road and no vehicle reversing into/from the public road is allowed at any time during the planning approval period;

- (c) the existing trees on the site shall be maintained at all times 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 record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.5.2015;
- (f) the provision of a run-in/out at the vehicular access point at San Fui Street within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 18.8.2015;
- (g) the submission of fire service installations proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.8.2015;
- (h) in relation to (g) above, the implementation of fire service installations proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2015;
- (i) if any of the above planning conditions (a), (b), (c) or (d) is not complied with at any time during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to resolve any land issue relating to the development with the other concerned owner of the site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the lot owners and occupiers of the Government land (GL) concerned will need to apply to his office to permit additional/excessive structures (if any) to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, access of the site is open onto San Fui Street and San Hi Tsuen Street via a short stretch of GL. His office does not provide maintenance works on this access nor guarantees right-of-way;
- (c) to note the Commissioner of Transport’s comments that sufficient manoeuvring spaces shall be provided within the site;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department’s comments that the run-in/out to be constructed at the access point at San Fui Street shall be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set as appropriate to match with the existing adjacent pavement. Adequate drainage measures shall be provided to prevent surface water running from the site to the nearby public roads and drains. Moreover, his department shall not be responsible for the maintenance of any access connecting the site and San Fui Street;
- (e) to note the Director of Environmental Protection’s comments that the latest “Code of Practice on Handling the Environmental Aspects of Temporary

Uses and Open Storage Sites” issued by the Environmental Protection Department shall be observed by the applicant. Moreover, a concrete batching plant (cement works) is a “Specified Process” which requires a licence under the Air Pollution Control Ordinance;

- (f) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans shall be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed shall also be clearly marked on the layout plans. 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 Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments that according to his records, appraisal report for the existing concrete batching plant at the site which is unauthorized building work had been acknowledged via his letter to the Registered Structural Engineer (RSE) on 26.7.2004. However, after then, no maintenance survey report together with certification regarding the stability of the concrete batching plant from the RSE has been received as stipulated in paragraph 2 of the said letter. In this regard, the applicant is required to appoint a RSE and submit such certification to his Department immediately, or otherwise BD would consider taking enforcement action against the existing concrete batching plant; and
- (h) to note the Director of Electrical and Mechanical Services’ comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead

line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity 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 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/711 Temporary Open Storage of Construction Material and Metal Ware for a Period of 3 Years in “Undetermined” zone, Lots 2813 (Part), 2814 (Part), 2815 RP (Part) and 2816 RP (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/711)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of construction material and metal ware for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures to the west and in the vicinity of the site and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction material and metal ware could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The development was generally in line with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E) in that there was no adverse comment from concerned government departments except DEP. Although DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To address DEP's concern, approval conditions restricting the operations hours and the storage and handling of electrical/electronic appliances/parts and prohibiting dismantling, repairing, cleansing or other workshop activities were recommended to mitigate any potential environmental impacts. Besides, the applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the adjacent areas.

192. Members had no question on the application.

Deliberation Session

193. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.2.2018, on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to park/store on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no parking, queuing and reverse movement of vehicles on public road are allowed at any time during the planning approval period;
- (f) the provision of boundary fence on the site, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.5.2015;
- (g) the stacking height of the materials stored within 5m of the periphery of the site shall not exceed the height of the boundary fence, as proposed by the applicant, at any time during the planning approval period;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.8.2015;

- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.11.2015;
- (j) in relation to (i) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (k) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.8.2015;
- (l) in relation to (k) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.11.2015;
- (m) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.3.2015;
- (n) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2015;
- (o) in relation to (n) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.11.2015;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (g) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (f), (h), (i), (k), (l), (m), (n) or (o) is not complied with by the specified date, the approval hereby given shall

cease to have effect and shall on the same date be revoked without further notice; and

- (r) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission shall have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (c) the site shall be kept in a clean and tidy condition at all times;
- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant shall 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 shall ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (e) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. Should the application be given to the subject application, the owner concerned will still need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved.

If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on Government land extended from Kung Um Road. His office does not provide maintenance works for this track nor guarantee right-of-way;

- (f) to note the Commissioner of Transport's comments that the land status of the access road/path/track leading to the site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track shall be clarified with the relevant lands and maintenance authorities accordingly. Moreover, sufficient space shall be provided within the site for manoeuvring of vehicles;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures shall be provided to prevent surface water running from the site to the nearby public roads and drains. His office shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (h) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (i) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that with reference to submitted Tree Preservation and Landscape Proposal (Drawing A-3 of this RNTPC Paper), the number of trees in the current application is less than the numbers in previously approved application (No. A/YL-TYST/559);
- (j) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the submitted drainage proposal (Drawing A-4

of this RNTPC paper). The gradients of the proposed u-channels shall be shown on the drainage plan. The surface channel under previous Application No. A/YL-TYST/559 is noted to be 225mm wide. However, the current drainage proposal indicates that the existing u-channel is 375mm wide and the applicant is required to clarify on this aspect. Also, it is not clear as to which existing drainage facilities that the stormwater of the development would discharge and the associated connection details shall be provided for comment. Standard details shall be provided to indicate the sectional details of the proposed u-channel and the catchpit. The applicant shall consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works. The development shall neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.;

- (k) to note the Director of Fire Services' comments that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his Department for approval. In addition, the applicant is advised that the layout plan shall be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed shall be clearly marked on the layout plans. Also, the good practice guidelines for open storage (Appendix V of the Paper) shall be adhered to. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (l) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the BO and shall 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 sites, the prior approval and consent of BD shall be

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

- (m) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contactors 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 54

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/712 Renewal of Planning Approval for Temporary ‘Interim Housing’ Use for a Period of 3 Years in “Open Space” and “Road” zones, Long Bin Interim Housing Area, Junction of Castle Peak Road - Ping Shan and Long Tin Road, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/712)

195. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item:

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

196. The Committee agreed that the interests of the Chairman, Mr Edwin W.K. Chan and Mr Martin W.C. Kwan were direct and they shall be invited to leave the meeting temporarily for the item. The Committee noted that Mr H.F. Leung and Ms Janice W.M. Lai had already left the meeting. As the Chairman had to leave the meeting, Members agreed that the Vice-chairman should take over and chair the meeting.

[The Chairman left the meeting and Mr Edwin W.K. Chan and Mr Martin W.C. Kwan left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary interim housing use 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, 1 public comment was received from a Yuen Long District Council Member who considered that an approval period of 2 years, instead of 3 years sought by the applicant, for the subject renewal application would be sufficient given the clearance of the interim housing will take place in early 2016; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary interim housing use could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. As there was currently no development programme for the planned open space at the site, the continuation of the interim housing use for a further period of 3 years would not jeopardize the long-term planning intention of the “Open Space” (“O”) zone. The application was generally in line with the Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for

Temporary Use or Development' (TPB PG-No. 34B) in that there had been no material change in planning circumstances since the granting of the previous temporary approval. Regarding the public comments, the applicant's justifications on the need for extra time to handle potential complicated cases related to household clearance and demolition of the Interim Housing buildings for the planned public rental housing development were relevant.

198. Members had no question on the application.

Deliberation Session

199. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 28.2.2015 to 27.2.2018, on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- “(a) all the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (b) the existing drainage and sewage facilities on the site shall be maintained at all times and the inadequate/ineffective facilities shall be rectified during the planning approval period;
- (c) the existing fire service installations on the site shall be maintained in a good working order at all times during the planning approval period;
- (d) if any of the above planning conditions (a), (b) or (c) is not complied with at any time during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (e) 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.”

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

- “(a) to note the District Lands Officer/Yuen Long, Lands Department’s comments that a further extension of time of the Vesting Order (V.O. TH/TYL 46), which is due to expire by 27.2.2015, shall be applied for from his office; and
- (b) to note the Director of Electrical and Mechanical Services’ comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures: (i) prior to establishing any structure within the site, the applicant and/or his contactors 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; (ii) 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.”

[Mr Edwin W.K. Chan and Mr Martin W.C. Kwan returned to join the meeting at this point.]

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/713 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Residential (Group D)” zone, Lot 2734 (Part) in D.D. 124, Tan Kwai Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/713)

Presentation and Question Sessions

201. 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) proposed temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary interim housing use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, it could provide real estate agency service to serve some of the needs of the local residents and neighboring residential developments. Since there was no known programme for long-term development of the site, approval of the application on a temporary basis could be tolerated and would not jeopardize the long-term planning intention of the “R(D)” zone. The proposed development was relatively small in scale and was considered not incompatible with the surrounding uses which are predominantly rural residential uses intermixed with some open storage and warehouse/storage uses. Relevant government departments had no objection to or no adverse comment on the application.

202. Members had no question on the application.

Deliberation Session

203. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.2.2018, on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no light, medium or heavy goods vehicles, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to park/store on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle queuing is allowed back to the public road and no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (d) 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 6.5.2015;
- (e) 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 6.8.2015;
- (f) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.8.2015;
- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;

- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.8.2015;
- (i) in relation to (h) 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 6.11.2015;
- (j) if any of the above planning conditions (a), (b), (c) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (d), (e), (f), (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.”

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

- “(a) the planning permission is given to the development/uses under application. It does not condone any other development/uses (including parking of vehicles) which currently exist on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (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 shall 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 shall ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (d) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that the site comprises Old Schedule Agricultural Lot under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The lot owners will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions including, among others, the payment of premium or fee as may be imposed by LandsD. Besides, the site is accessible to Tan Kwai Tsuen Road via a local road on Government land (GL). His office provides no maintenance works for the GL involved and does not guarantee right-of-way;
- (e) to note the Commissioner of Transport's comments that the local track leading to the site is not under the Transport Department's purview. The land status of the road/path/track leading to the site shall be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track shall be clarified with the relevant lands and maintenance authorities accordingly. Moreover, sufficient manoeuvring space shall be provided within the site;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures shall be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Tan Kwai Tsuen Road;
- (g) to follow the latest "Code of Practice on Handling the Environmental

Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;

- (h) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the development shall neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant shall consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (i) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant shall submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed shall be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments that before any new building works (including containers and storage sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA shall be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person shall be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval shall not be construed as an acceptance of any existing building works or UBW on the site under the

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

- (k) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (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 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 56

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/714 Proposed Temporary Shop (Grocery Store) for a Period of 3 Years in “Residential (Group C)” zone, Lots 1279 S.A (Part), 1298 (Part) and 1301 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/714)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary shop (grocery store) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary shop (grocery store) could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not entirely in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone, it could serve some of the daily needs of the local residents and nearby residential developments as well as the workforce of the open storage yards, warehouses and workshops in the adjoining “Undetermined” (“U”) zone. Since there was no known

programme for long-term development of the site, approval of the application on a temporary basis could be tolerated and would not jeopardize the long-term planning intention of the “R(C)” zone. The applied use is not incompatible with the surrounding environment which comprises a mix of residential structures/developments, warehouses and open storage yards. Relevant government departments had no objection to or no adverse comment on the application.

206. Members had no question on the application.

Deliberation Session

207. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.2.2018, on the terms of the application as submitted to the TPB (TPB) and subject to the following conditions :

- “(a) no 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to park/store on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle queuing is allowed back to the public road and no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (d) the implementation of accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.5.2015;
- (e) the submission of a revised 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 6.5.2015;

- (f) in relation to (e) 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 6.8.2015;
- (g) in relation to (f) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) 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 6.5.2015;
- (i) in relation to (h) 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 6.8.2015;
- (j) if any of the above planning conditions (a), (b), (c) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (d), (e), (f), (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.”

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) shorter compliance periods are imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply

with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;

- (c) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that the site comprises Old Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The private land on Lots 1279 S.A, 1298 and 1301 in D.D. 119 are all covered by Short Term Waivers for the purpose of eating place and shops (grocery store). Should the application be approved, the lot owner concerned will need to apply to his office to permit additional/excessive structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, access to the site requires traversing through private lots and/or Government land (GL). His office provides no maintenance works for the GL involved and does not guarantee any right-of-way;
- (d) to note the Commissioner of Transport's comments that the land status of the road/path/track leading to the site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. Moreover, sufficient manoeuvring space shall be provided within the site and no parking of vehicles on public road is allowed;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road. Adequate drainage measures shall be provided to prevent surface water

flowing from the site to the nearby public roads/drains;

- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (g) to note the Director of Agriculture, Fisheries and Conservation’s comments that good site practices shall be adopted and necessary measures shall be implemented to avoid causing water pollution and disturbance to the nearby stream and its riparian vegetation;
- (h) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments on the submitted drainage proposal (Drawing A-5 of this RNTPC Paper). The 375mm surface channel is proposed to be constructed outside the site. The applicant is required to provide reasons why the 375mm surface channel is proposed to be constructed outside the site. It is more preferable to have the channel to be constructed within the site. The invert levels of the proposed catchpits shall be shown on the drainage plan for reference. The existing drainage facilities, to which the stormwater of the development from the site would discharge, shall be indicated on plan. The relevant connection details shall be provided for comments. In the case that it is a local village drains, the District Officer/Yuen Long shall be consulted. Cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas shall be given. Standard details shall be provided to indicate the sectional details of the proposed u-channel and the catchpit. Sand trap or provision alike shall be provided before the collected runoff is discharged to the public drainage facilities. The development shall neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant shall consult DLO/YL, LandsD and seek the consent from the relevant owners for any drainage works to be carried outside the site boundary before commencement of the drainage works;

- (i) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Also, the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

- (j) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans shall be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed shall be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there is no record of approval by the Building Authority for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under BO and shall not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD shall be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person shall 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 BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval shall 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

- (1) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans 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 site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary; (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with 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."

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

Agenda Item 57

Any Other Business

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