

TOWN PLANNING BOARD

Minutes of 530th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 27.3.2015

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

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr H.F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

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

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

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

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

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

Secretary

Absent with Apologies

Dr W.K. Yau

Professor K.C. Chau

Ms Christina M. Lee

In Attendance

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

Town Planner/Town Planning Board
Miss Anissa W.Y. Lai (Agenda Items 1 to 33)
Ms Floria Y.T. Tsang (Agenda Items 34 to 73)

Agenda Item 1

Confirmation of the Draft Minutes of the 529th RNTPC Meeting held on 13.3.2015

[Open Meeting]

1. The draft minutes of the 529th RNTPC meeting held on 13.3.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tuen Mun and Yuen Long West District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM-SKW/5 Application for Amendment to the Approved So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/11 to amend the Covering Notes (RNTPC Paper No. Y/TM-SKW/5)

Presentation and Question Sessions

3. Mr David C.M. Lam, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), and Ms Jessica Y.C. Ho, Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW), and Mr K.K. Sit, the applicant's representative, were invited to the meeting at this point.
4. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Ms Jessica Y.C. Ho, STP/TMYLW, to brief Members on the background of the

application. With the aid of a PowerPoint presentation, Ms Jessica Y.C. Ho presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) optional amendment to the Notes of the OZP, being made when individual OZP was amended by other causes, was suggested:

“(2) The always permitted use will not impede planning application for permission from the Town Planning Board.”

The applicant proposed to promulgate a new Town Planning Board Guideline on ‘planning application for Column 1 use is admissible if any applicant chooses to apply’ in order to inform the public that application for Column 1 use was allowable under section 16(1) of the Town Planning Ordinance (the Ordinance);

Previous Applications

- (b) the Committee rejected two previous applications No. Y/TM-SKW/3 and No. Y/TM-SKW/4 on similar amendments to the covering Notes of the So Kwun Wat OZP submitted by the same applicant.

Departmental Comments

- (c) concerned government departments had no comment on the application.

[Ms Janice W.M. Lai and Mr K.F. Tang arrived to join the meeting at this point.]

Public Comments

- (d) during the statutory public inspection period, one public comment was received. However, the comment was considered as irrelevant to the application as the commenter objected to the application on the grounds that any increase in building density and population in the area would bring about

adverse traffic impact to the area; and

The Planning Department (PlanD)'s Views

- (e) The nature of the application was largely the same as the two previous applications (No. Y/TM-SKW/3 and Y/TM-SKW/4) which were rejected by the Committee on 8.8.2014 and 28.11.2014. Since the rejection of the previous applications, there had been no change in planning circumstances. The planning considerations in the previous applications were also relevant to the current application. PlanD did not support the application for the similar reason of the previously rejected applications.

[Mr K.C. Siu and Professor S.C. Wong arrived to join the meeting at this point.]

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

- (a) the previous applications were rejected on the ground that the intention of specifying Column 1 and Column 2 uses was to balance between the need to provide certainty and flexibility of development. The request for amendment to the Covering Notes to make provision for Column 1 use to apply for planning permission was to facilitate applicants encountering difficulties in implementing the intended development;
- (b) the use and/or development that was always permitted might not conform with other relevant legislation, for example there were conflicting requirements on on-farm domestic structures between Town Planning Board guidelines and Building (Planning) Regulation;
- (c) the function of the Board was not to resolve problems in the implementation upon development, but it should be the responsibility of the Board to ensure that the intended uses were implementable.
- (d) only one of the three previous rejection reasons was proposed by PlanD in paragraph 11.1 of the Paper, it was apparent that the previous rejection

reasons (b) and (c) were no longer valid. There was no strong reason to reject the application; and

- (e) the justifications for the application put forth by the applicant were detailed in paragraph 2 of the Paper. The proposed amendment was an improvement to the planning application system.

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

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

Deliberation Session

7. The Chairman said that if project proponents encountered difficulties in implementing uses permitted by the Town Planning Board, they should resolve their problem with the concerned government departments. As the justifications for the current application were mostly the same as those for the previous applications (No. Y/TM-SKW/3 and No. Y/TM-SKW/4), and there was no change in planning circumstances, there were no grounds for supporting the application .

8. After further deliberation, the Committee decided not to agree to the application for the following reason :

- “the intention of specifying uses always permitted (i.e. Column 1 uses) and uses that require permission from the Board (i.e. Column 2 uses) is to balance between the need to provide certainty and flexibility of development in respective land use zones. The request for amendment to the Covering Notes to make provision for Column 1 use to apply for planning permission is not in line with this intention.”

Sai Kung and Islands District

[Mrs Alice K.F. Mak and Mr Richard Y.L. Siu, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

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

Agenda Items 4 and 5

Section 16 Applications

[Open Meeting]

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

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

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

10. The Secretary reported that on 19.3.2015, the applicant had requested for deferment of the consideration of the applications for two months in order to allow time to address departmental comments on mitigation measures to protect the existing trees. This was the third time that the applicant requested for deferment of the applications.

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

agreed to advise the applicant that a total of six months including the previous deferments were allowed for preparation of the submission of the further information, and no further deferment would be granted.

[Ms Janice W.M. Lai returned to join the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-LI/25 Proposed House (Redevelopment) in “Village Type Development”
zone, No. 8 Tung O Village, Lamma Island, New Territories
(RNTPC Paper No. A/I-LI/25)

Presentation and Question Sessions

12. With the aid of a PowerPoint presentation, 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 house (redevelopment);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) one public comment was received during the first three weeks of the statutory publication period opposing to the application as residents and habitats in the area had to suffer from building works and dumping activities; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper.

13. Members had no question on the application.

Deliberation Session

14. 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 27.3.2019, 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; and
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

“to note the comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that the applicant will be required to apply to the DLO/Is, LandsD for redevelopment of the house.”

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/35 Temporary Vehicle Park (Private Cars and Light Goods Vehicles)(for a Period of 3 Years) in “Village Type Development” zone, Lot 106 R.P in D.D. 239, Mang Kung Uk, Hang Hau, Sai Kung, New Territories
(RNTPC Paper No. A/SK-CWBN/35)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary vehicle park (private cars and light goods vehicles) on a temporary basis 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) four public comments received during the first three weeks of the statutory publication period supported the application because it could solve the problem of shortage in parking spaces; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper.

17. In response to the Chairman's question on the presence of bollards at the entrance of the site, Mrs Alice K.F. Mak explained that the site was subject to planning enforcement action against unauthorized parking of vehicles, the bollards were placed to ensure discontinuance of the unauthorized development.

[Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

Deliberation Session

18. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle without valid license issued under the Road Traffic Ordinance is

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

- (b) 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 time during the planning approval period;
- (c) a notice should 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) the submission of fire service installations and equipment for firefighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2015;
- (e) in relation to (d), the implementation of fire service installations and equipment for firefighting proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2015;
- (f) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.9.2015;
- (g) in relation to (f), the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2015;
- (h) if any of the above planning condition (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to note the comments of the District Lands Officer/Sai Kung, Lands Department that no structure should be erected within the site; and the applicant should submit an application for Short Term Tenancy to his office for a piece of Government land situated at the entrance of the site;
- (c) to note the comments of the Commissioner for Transport that part of the existing access road connecting the site is outside Transport Department’s purview. Relevant management/maintenance agents of this access should be consulted on the proposed use;
- (d) to note the comments of the Environmental Protection Department that:
- (i) prior to operation of the proposed vehicle park, the entire site should be paved to control potential dust nuisance because it is close to existing village houses; and
- (ii) to adopt environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that in order to preserve the existing trees at the southwest corner of the site, the proposed vehicular access is recommended to setback away these trees;
- (f) to note the comments of the Director of Fire Services that detailed fire safety

requirements will be formulated upon receipt of formal submission of the building plans;

- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (h) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that:
 - (i) the existing access road connecting the site with Mang Kung Uk Road is not maintained by HyD. HyD shall not be responsible for its maintenance. The management/maintenance agents of this existing access road should be consulted on the proposal; and
 - (ii) adequate drainage measures should be provided to prevent surface water running from the site to the nearby public area.”

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/19 Renewal of Planning Approval for Temporary Private Swimming Pools with Circulation Pumps for a Period of 3 Years in “Village Type Development” zone, Lots 114, 115, 117, 118 and 119 in D.D. 235, Sheung Sze Wan, Sai Kung, New Territories
(RNTPC Paper No. A/SK-CWBS/19)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary private swimming pools with circulation pumps for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. The proposed renewal application complied 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). All concerned departments had no adverse comment on or no objection to the application.

21. Members had no question on the application.

Deliberation Session

22. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, and be renewed from 31.3.2015 up to 30.3.2018, on the terms of the application as submitted to the Town Planning Board.

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

- “(a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall also 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
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that existing vegetation shall be properly maintained at all times within the application site.”

Agenda Item 9

Section 16 Application

[Open Meeting]

A/SK-HC/241 Proposed Utility Installation for Private Project (Storm-Water Drain) and associated Minor Excavation of Land (0.3m in depth) in “Green Belt” zone, Government Land adjoining Lots No. 530 and 531 in D.D. 210, Hing Keng Shek, Ho Chung, Sai Kung, New Territories
(RNTPC Paper No. A/SK-HC/241)

24. The Secretary reported that on 17.3.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address various departmental comments. This was the first time that the applicant requested for deferment.

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

consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/65 Proposed House (New Territories Exempted House - Small House) in
“Road” and “Village Type Development” zones, Lot 133 RP in D.D.
212, Che Keng Tuk, Hebe Haven, Sai Kung, New Territories
(RNTPC Paper No. A/SK-HH/65)

26. The Secretary reported that Landes Ltd. was one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in the item. As Mr Ivan C.S. Fu and Ms Janice W.M. Lai had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix III of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) one public comment from an individual supporting the application was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper.

28. Members had no question on the application.

Deliberation Session

29. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.3.2019, 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 of Geotechnical Planning Review Report and implementation of mitigation measures, if necessary, to the satisfaction of the Director of Civil Engineering and Development 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 provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standard;

- (b) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be provided in connection with the proposed development to deal with the surface runoff of the site without causing any adverse drainage impacts or nuisance to the adjoining areas;
- (d) to note the comments of the Director of Environmental Protection that the septic tank and soakaway system should follow the requirements stipulated in the Environmental Protection Department’s (EPD) Practice Note for Professional Persons ProPECC PN 5/93 “Drainage Plans Subject to Comment by the Environmental Protection Department” available in EPD’s website;
- (e) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with the Buildings Ordinance and an Authorized Person must be appointed for the site formation and communal drainage works; and
- (f) the surrender of non-building area, as proposed by the applicant, for construction of improvement works of the Che Keng Tuk Road as required by the Government in future.”

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/218 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot No. 600 R.P in D.D. 221, Sha Kok Mei
Village, Sai Kung, New Territories
(RNTPC Paper No. A/SK-PK/218)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed house (New Territories Exempted House - Small House);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix III of the Paper. Major departmental comments were summarised below:
 - (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application since the applicant failed to provide information to demonstrate that there would be no adverse impact on the surrounding agricultural land and natural stream nearby;

 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had potential for agricultural rehabilitation;

 - (iii) the Commissioner for Transport (C for T) had reservation on the application as approval of Small House development outside the

“Village Type Development” (“V”) zone would set an undesirable precedent case for similar applications in the future, and the resulting cumulative adverse traffic impact could be substantial. However, as the application involved only one Small House, it could be tolerated unless it was rejected on other grounds.

- (iv) other concerned government departments had no objection to or no adverse comment on the application;

- (d) five public comments from World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation, and two individuals were received during the first three weeks of the statutory publication period. They raised objection to the application on the grounds that it would jeopardize the planning intention of the “Agriculture” (“AGR”) zone, result in adverse impacts on the surrounding areas, and set an undesirable precedent for similar applications; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. 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 applications of Small Houses. It was more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services. The application did not meet the Interim Criteria for consideration of application for NTEH/Small House in New Territories in that the applicant had not provided sufficient information to demonstrate no adverse impact on surrounding agricultural land and stream and the proposed Small House would also frustrate the planning intention of the “AGR” zone. Approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone and the cumulative effect would result in the encroachment on the “AGR” zone by development and a general degradation of the rural environment of the area.

32. Members had no question on the application.

Deliberation Session

33. 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 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 fails 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 infrastructure 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.”

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TLS/46 Temporary House (Private Garden Ancillary to New Territories Exempted House) for a Period of 3 Years in “Road” and “Village Type Development” zones, Government Land adjoining Lot 1143 in D.D. 253, Tseng Lan Shue, Sai Kung, New Territories
(RNTPC Paper No. A/SK-TLS/46)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary house (private garden ancillary to New Territories Exempted House) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary house (private garden ancillary to New Territories Exempted House) could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 10 of the Paper.

35. Members had no question on the application.

Deliberation Session

36. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.9.2015;
- (b) in relation to (a) above, the implementation of a landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2015;
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (d) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to note the comments of District Lands Officer/Sai Kung that notwithstanding the granting of the planning approval by the Board, there is no guarantee that his office will grant a Short Term Tenancy (STT) and, if granted, the STT will be subject to the terms and conditions, including payment of rent and administrative fee, as his office considers appropriate;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be

provided in connection with the proposed development to deal with the surface runoff of the site without causing any adverse drainage impacts or nuisance to the adjoining areas; and

- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Additionally, if any existing water mains are affected, the applicant shall bear the cost of the necessary diversion works.”

[The Chairman thanked 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.]

Sha Tin, Tai Po and North District

[Mr C.K. Tsang, Ms Channy C. Yang, 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 13

[Open Meeting]

Proposed Amendments to Approved Sha Tin Outline Zoning Plan No. S/ST/30
(RNTPC Paper No. 4/15)

38. The Secretary reported that one of the proposed amendment items (Amendment Item A1) involved the rezoning of a site at Au Pui Wan Street, Fo Tan from “Industrial” (“I”) to “Residential (Group A)5” (“R(A)5”) for proposed public housing which would be developed by Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item :

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

39. According to the procedure and practice adopted by the Town Planning Board (TPB), as the proposed public housing development was the subject of the amendment to the Outline Zoning Plan (OZP) proposed by the Planning Department (PlanD), the Committee agreed that the interests of the Chairman, Mr Edwin W.K. Chan, Mr Martin W.C. Kwan, Ms Janice W.M. Lai and Mr H.F. Leung on this item only needed to be recorded and they could be allowed to stay in the meeting.

40. Mr C.K. Tsang, STP/STN, drew Members' attention that a replacement page (page 3 of Annex D) of the Paper was tabled at the meeting to update paragraph 2.12 of the Explanatory Statement regarding the amendments to the Notes of the OZP. With the aid of a PowerPoint presentation, Mr C.K. Tsang, presented the proposed amendments to the approved Sha Tin OZP No. S/ST/30 as detailed in the Paper and covered the following main points :

Background

- (a) To meet the pressing need for housing land supply as announced in the Policy Address, a site zoned “I” in Fo Tan was identified for public housing development. In relation to this, an “I” site in Fo Tan was identified for reprovisioning of an existing petrol filling station within the public housing site. Three sites zoned “Green Belt” (“GB”) located at the urban fringe, close to main roads, and with gentle gradient suitable for residential developments were also identified for medium-density private residential developments. Technical feasibility of increasing the development intensity of the housing sites by 20% was undertaken for the proposed amendments.
- (b) To take forward the proposal of allowing ‘Art Studio’ in the industrial and Industrial-Office (I-O) buildings with a view to supporting art development, the Notes of the “I” and “Other Specified Use” annotated “Business” (OU(B)) zones would be revised. Opportunity was also taken to amend the Notes of “Other Specified Uses (Amenity Area)” (“OU(A)”) to take forward the Committee’s decision on a s.12A application for construction of pedestrian escalators to the Po Fook Hill columbarium.

The Proposed Amendments to the OZP

- (c) Amendment Item A1

A site at Au Pui Wan Street at the eastern fringe of Fo Tan industrial area was proposed to be rezoned from “I” to “R(A)5” to facilitate public housing development. The site was being used as a temporary car park and a petrol filling station (PFS), and adjoining a proposed residential development in the “Comprehensive Development Area(1)” zone, which was under construction, and Fo Tan Station to its east. The major development parameters were as follows:

Site Area	:	0.7 ha (about)
Maximum Gross Floor Area (GFA)	:	38,580 m ² (about plot ratio (PR) of 6)
Maximum Building Height (BH)	:	140mPD (about 44 storeys)

Estimated No. of Flats	:	about 810
No. of Blocks	:	2
Estimated Population	:	about 2500

Broad technical assessments on traffic, environmental, infrastructure, as well as visual and air ventilation aspects were conducted to ascertain the feasibility of the proposed development.

(i) Traffic and Visual Aspects

Housing Department (HD) had undertaken Traffic Review and visual appraisal to ascertain no adverse impacts on the traffic and visual aspects. The site was well-served by public transport facilities. All the assessed junctions would operate satisfactorily with spare capacity and the proposed public housing development would not cause adverse traffic impact on the surrounding road network. The visual appraisal indicated that the proposed public housing development was not visually incompatible with the surrounding areas. The proposed building setback from the eastern boundary of the site would enhance the visual permeability. From the vantage points at Fo Tan Station and Fo Tan Road along the nullah, the view was predominated by the adjoining comprehensive private residential development and existing industrial buildings. For the vantage point from Wo Liu Hang Road to its north, the view of the proposed development would be partially blocked by industrial buildings along Wo Liu Hang Road.

(ii) Air Ventilation Aspect

An Air Ventilation Assessment (Expert Evaluation) (AVA(EE)) conducted by PlanD confirmed that, with appropriate mitigation measures, the proposed development would unlikely cause significant adverse air ventilation impact on the surrounding areas. A quantitative air ventilation study with appropriate mitigation measures would be conducted at the detailed design stage by HD.

(iii) Environment and Infrastructure Aspects

Concerned departments had confirmed that the proposed public housing development would not cause insurmountable problems on the environmental, drainage, sewerage and water supplies aspects. The proposed development would have a 20m building setback from Fo Tan Road and 10m setback as a buffer distance with adjacent industrial buildings and Fo Tan Road. Environmental Assessment Study would be conducted at the detailed design stage.

(d) Amendment Item A2

A site at Shan Mei Street, Fo Tan was proposed to be rezoned from “I” to “Other Specified Uses” annotated “Petrol Filling Station” (“OU(PFS)”) for the re-provisioning of an existing PFS affected by the proposed public housing development in Item A1 above. The site was being occupied by a temporary vehicle maintenance workshop, a refuse collection point (RCP) and a public toilet. The RCP and public toilet would be re-provided in Fo Tan area.

(e) Amendment Item B

A site at Lai Ping Road, located close to the residential neighbourhood of Kau To, was proposed to be rezoned from “Green Belt” (“GB”) to “Residential (Group B)2” (“R(B)2”) to facilitate private housing development. The site, accessible via Lai Ping Road and mostly paved, was being used for government works area/site office. There were a check dam in the west and some vegetation in the north and south-eastern portions of the site. The major development parameters were as follows:

Site Area	: 0.67 ha
Maximum PR	: 3.6
Maximum GFA	: 24,100 m ²
Maximum BH	: 140mPD (about 20 storeys)
Estimated No. of Flats	: about 400
Estimated Population	: about 1,200

(f) Amendment Item C - North of To Shek Service Reservoir near To Shek Street for Private Housing Development

A site near the To Shek Service Reservoir was proposed to be rezoned from “GB” to “Residential (Group B)2” (“R(B)2”) to facilitate private housing development. The site located at the fringe of the “GB” zone was accessible via a local road branching off To Shek Street to the north. Part of the site was formed for Government works area with a vegetated slope at the north-western portion. The Shui Chuen O public housing site under construction was located to the southwest with a PR of about 5 and a BH of 150 to 205mPD. The major development parameters were as follows:

Site Area	:	1.13 ha
Maximum PR	:	3.6
Maximum GFA	:	40,690 m ²
Maximum BH	:	120mPD (about 20 storeys)
Estimated No. of Flats	:	about 680
Estimated Population	:	about 2,000

[Mr Martin W.C. Kwan left the meeting temporarily at this point]

(g) Amendment Item D

A site abutting Tai Po Road – Sha Tin Heights section near Tai Wai was proposed to be rezoned from “GB” to “Residential (Group B)3” (“R(B)3”) for private housing development. The site was government land and partly formed for works area use before and currently vacant and covered with vegetation. The major development parameters were as follows:

Site Area	:	0.33 ha
Maximum PR	:	2.5
Maximum GFA	:	8,345 m ²
Maximum BH	:	160mPD (about 12 storeys)
Estimated No. of Flats	:	about 140
Estimated Population	:	about 420

- (h) Technical considerations of the three proposed private housing sites (Amendment Items B to D)

Traffic, Environmental and Infrastructural Aspects

- (iv) Concerned departments including Transport Department (TD), Environmental Protection Department, Drainage Services Department and Water Supplies Department had been consulted and confirmed that the three proposed private housing developments would not cause insurmountable problem on traffic, environmental, drainage, sewerage and water supplies aspects. TD advised that the future developer of the To Shek site (Amendment Item C) should be required to upgrade the section leading to the site to a standard 7.3m wide road with footpaths. Assessments on air quality, noise and sewerage aspects, Natural Terrain Hazard Study and Geotechnical Planning Review Report, where appropriate, would also be conducted by future developers. The required technical assessments would be stipulated in the future lease conditions.

Visual and Landscape Aspects

- (v) A visual appraisal had been conducted by the Planning Department and it concluded that the proposed medium-density private housing developments located in area with vegetated hillside as backdrop, when viewed along the road and from the surroundings, were considered not visually incompatible with the surrounding areas and blended in with the overall setting in the vicinity. The visual impact arising from the proposed developments were considered moderate but acceptable. Pre-land sale tree surveys were conducted by the Lands Department. There were 58, 277 and 100 trees on the sites of Amendment Items B, C and D respectively. No significant trees had been identified nor any of the existing trees had been listed in the Register of Old and Valuable Trees or Potentially Registrable Trees. Most of the trees were exotic and common species except one *Aquilaria sinensis* was recorded at the To Shek site (Amendment Item C). The tree was in fair condition and the Director of Agriculture,

Fisheries and Conservation (DAFC) had no adverse comment on the tree surveys and the proposed amendments. Relevant tree preservation clause would be incorporated in the sale conditions and appropriate greening measures and tree preservation/compensation proposals in accordance with established guidelines would be undertaken to minimize the landscape impact.

Air Ventilation Aspect

- (vi) Given the three sites were located in upland open areas and there were ample air space for ventilation purpose around the proposed developments, it was not envisaged that the proposed housing developments would result in major adverse impact on air ventilation in the concerned areas.

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

Risk Aspect

- (vii) The Civil Engineering and Development Department had carried out a Quantitative Risk Assessment (QRA) for the housing site at Tai Po Road (Amendment Item D) which fell within the consultation zone of a potentially hazardous installation, i.e. Sha Tin Water Treatment Works. The QRA was endorsed by the Coordinating Committee on Potentially Hazardous Installation on 19.11.2014.
- (i) Incorporation of ‘Art Studio (excluding those involving direct provision of services or goods)’ in Column 1 of the “I” and Schedule II of “Other Specified Use” annotated “Business” (“OU(B)”) and “OU(B)1” zones. As ‘Art Studio’ was subsumed under ‘Place of Recreation, Sports or Culture’, a corresponding amendment of ‘Place of Recreation, Sports or Culture’ to ‘Place of Recreation, Sports or Culture (not elsewhere specified)’ under Column 2 of the above mentioned zones was required.
- (j) Incorporation of ‘People Mover (Escalators/Lifts)’ in Column 1 of the “OU(Amenity Area)” zone to facilitate the construction of escalators to improve pedestrian movement to the upper hill area of Po Fook Hill

columbarium, which was the subject of a s12A application (Application No. Y/ST/26) agreed by the Committee on 13.3.2015.

Departmental Consultation

- (k) Departments consulted have no adverse comment on the proposed amendments from traffic, environmental, sewerage, drainage, water supplies, visual and landscape aspects.

Consultation

- (l) The Development and Housing Committee (DHC) of the Sha Tin District Council was consulted on the proposed amendments on 5.3.2015. DHC generally supported the initiative of increasing housing land supply to meet the acute housing demand but considered that site selection should be undertaken with care to minimize impacts on the neighbourhood, and adequate transport and supporting facilities should be provided for the new housing developments.
- (m) With regard to the public housing development at Fo Tan (Amendment item A1), there were concerns on traffic congestion, inadequate car parking spaces, insufficient capacity of railway station and public transport facilities in the Fo Tan area, and that sufficient community facilities should be provided.
- (n) As for the three private residential developments (Amendment items B to D), there were concerns on the rezoning of “GB” sites and possible adverse environmental, ecological and traffic impacts.

Amendment Item A

41. In response to the Chairman’s queries on whether the proposed public housing development in Fo Tan would have any adverse impact on traffic condition of the area and the requirements of traffic improvement measures, Mr C.K. Tsang said that TD had no objection to the proposed development and the traffic review prepared by HD. With the aid of Drawing 3

of the Paper, Mr C.K. Tsang pointed out that all the assessed junctions within the area would operate satisfactorily with spare capacity during peak hours. The proposed development would not cause adverse traffic impact on the surrounding road network and, according to the outcome of the traffic review, no traffic improvement measures would be required.

42. A Member asked whether the industrial/residential interface aspect, in particular air emission and noise, and uses in the surrounding industrial buildings had been taken into account in proposing the zoning amendment in the Fo Tan Industrial Area. With the aid of Drawing 1 in the Paper which showed the proposed conceptual layout of the development prepared by HD, Mr C.K. Tsang said that sufficient setbacks had been proposed including a 20m building setback from Fo Tan Road to its southwest and 10m setback from its western boundary with the adjacent industrial building. He further said that there were non-polluting godown establishments to the north and a proposed comprehensive residential development to the east of the site respectively. The Chairman pointed out that there was a drainage reserve in the eastern portion of the site and no development would be allowed in the area. The same Member asked whether a survey had been carried out to ascertain the types of industrial establishments in the adjoining industrial building to the west. In response, Mr C.K. Tsang said that there did not appear to be polluting industrial establishments operating in the building. He further said that in addition to the proposed setbacks, the Environmental Protection Department (EPD) had required that an environmental assessment study be specified in the planning brief for the public housing development. Mr K.F. Tang supplemented that whilst he did not envisage insurmountable environmental problems for the proposed public housing development, the HD would be required to carry out a detailed environmental assessment in the design stage and to implement mitigation measures, if required. The Chairman remarked that the proposed public housing development would be guided by a planning brief setting out the planning parameters, design requirements and technical assessments to be conducted.

[Mr Martin W.C. Kwan return to the meeting at this point]

43. With regard to the industrial-residential issue, a Member said that PlanD should provide adequate information to facilitate the Committee's consideration of similar zoning amendments.

44. In response to the Chairman's question, Mr C.K. Tsang said that the Sha Tin

District Council had concern on the car parking provision in Fo Tan area as the existing temporary vehicle park at the Au Pui Wan Street site would be affected by the proposed development. To address their concern, HD was requested to examine whether more car parking spaces would be provided in the public housing development. Whilst the site was in close proximity with the Fo Tan Railway Station, should TD had confirmed that there would be a need for reprovision of the existing temporary vehicle park, site search by the Lands Department would be conducted.

Amendment Item B

45. The Chairman asked whether there would be geotechnical problems in view of the presence of a check dam within the site to block soil movement, Mr C.K. Tsang clarified that the boundary of land sale area was yet to be finalised and the location of the check dam would be subject to further examination by concerned departments. The proposed “R(B)2” zoning boundary was only a broad-bush zoning. Besides, the Geotechnical Engineering Office of the Civil Engineering and Development Department had no objection to the proposed amendment and the site boundary.

Amendment Item C

46. In response to the Chairman’s question on the feasibility and responsibility of the access road widening requirement, Mr C.K. Tsang said that the existing local road which was only 4 -5 m wide would need to be upgraded to a standard 7.3m wide road with footpaths and the future developer of the site would be required to carry out the works. In response to the Chairman’s further question on whether the proposed development would affect the adjoining To Shek Service Reservoir, Mr C.K. Tsang said that the Water Supplies Department had been consulted and had no adverse comment on the proposal. As for the question regarding tree preservation as raised by the Chairman, Mr C.K. Tsang said that a pre-land sale tree survey at the site was conducted by the Lands Department. According to the tree survey, only one *Aquilaria sinensis* of fair condition was recorded at the site, and the remaining trees were exotic and common species and were located at the fringe of the site on a slope. AFCD had no adverse comments on the proposed amendment. A tree preservation clause would be incorporated in the land sale conditions.

47. A Member was concerned about the possible visual impact of the proposed housing development. Mr C.K. Tsang clarified that the photomontages shown earlier was taken at a view close to the site. He further illustrated the visual impact of the proposed development with another photomontage which was taken at a view located further away at Sha Tin Wai Road to its north. He said that the development would cause moderate visual impact which was considered acceptable. The Chairman supplemented that the public housing development under construction near the site was of similar development intensity.

48. In response to the question from a Member, Mr C.K. Tsang said that the “Government, Institution or Community” (“G/IC”) site to the west abutting To Shek Path was proposed for a sports centre and the adjoining “Open Space” (“O”) zone was reserved for open space development. The Member further asked whether the proposed residential site could be swapped with the “G/IC” or “O” zones. Mr C.K. Tsang advised that the Leisure and Cultural Services Department was already considering the development of a sports centre at the “G/IC” zone while there was no programme for open space development at the “O” zone. Besides, the subject site was larger in area than the said zones. The Chairman remarked that the “G/IC” and “O” sites, which were served by To Shek Street, would be more accessible to the public for the provision of public facilities while residential development at the sites might be subject to traffic and noise impacts.

Amendment Item D

49. A Member noted that the site was located close to Tai Po Road - Sha Tin Height and was not well-served by public transport and opined that the assumption of relatively small flat size of the housing development might not commensurate with the site location. With the possible land excavation that might be required at the site for parking facilities, the Member wondered whether it was worthwhile to rezone it for residential development with only 140 units, or even less if larger flat was proposed. Mr C.K. Tsang said that the site was partly formed, and was partly a previous works area which was comparatively flat. The Chairman remarked that though the site was small in size, it would still help contributing to the housing supply.

50. With regard to amendments to the Notes of the OZP involving the incorporation of ‘Art Studio (excluding those involving direct provision of services or goods)’ in Column 1 of

the “I” and Schedule II of “Other Specified Use” annotated “Business” (“OU(B)”) and “OU(B)1” zones and ‘People Mover (Escalators/Lifts)’ in Column 1 of the “OU(Amenity Area)” zone, Members generally had no objection to the proposal.

51. After further deliberation, the Committee decided to :

- “(a) agree that the proposed amendments to the approved Sha Tin OZP No. S/ST/30 and the draft Sha Tin OZP No. S/ST/30A at Annex B (to be renumbered to S/ST/31 upon exhibition) and its Notes at Annex C of the Paper are suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance) Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Annex D of the Paper for the draft Sha Tin OZP No. S/ST/30A at Annex B (to be renumbered to S/ST/31 upon exhibition) as an expression of the planning intention and objectives of the Town Planning Board (the Board) for various land use zones on the Plan and agree that the revised ES is suitable for exhibition together with the OZP.

52. Members noted that, as a general practice, the Secretariat of the TPB would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Town Planning Ordinance. Any major revision would be submitted for the TPB’s consideration.

Agenda Items 14 to 17

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TT/19 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 440 RP, 446 RP in D.D. 289 and Adjoining Government Land, Ko Tong, Tai Po, New Territories (RNTPC Paper No. A/DPA/NE-TT/19 to 22)

A/DPA/NE-TT/20 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 440 S.A, 446 S.B in D.D 289 and Adjoining Government Land, Ko Tong, Tai Po, New Territories (RNTPC Paper No. A/DPA/NE-TT/19 to 22)

A/DPA/NE-TT/21 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 446 S.A in D.D. 289 and Adjoining Government Land, Ko Tong, Tai Po, New Territories (RNTPC Paper No. A/DPA/NE-TT/19 to 22)

A/DPA/NE-TT/22 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lots 431 and 432 RP in D.D. 289 and Adjoining Government Land, Ko Tong, Tai Po, New Territories (RNTPC Paper No. A/DPA/NE-TT/19 to 22)

53. The Committee noted that the four applications were similar in nature and the sites were located in close proximity to one another. The application sites were all within the same “Unspecified Use” zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

54. Ms Channy C. Yang, 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 - Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Major departmental comments were summarised below:
 - (i) the Commissioner for Transport had reservation on the applications as

approval of Small House development outside the “Village Type Development” (“V”) zone would set an undesirable precedent case for similar applications in the future, and the resulting cumulative adverse traffic impact could be substantial. However, as each application involved only one Small House, it could be tolerated unless it was rejected on other grounds;

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications as the sites were only accessible by footpath of less than 1m in width which could not cater for transportation during construction; and no tree assessment and tree preservation proposal of the surrounding vegetation was provided to demonstrate that there would be no adverse landscape impact arising from the proposed Small Houses and the associated construction accesses. Approval of the applications would attract further Small House development that might cause adverse landscape impact beyond the sites; and
 - (iii) other concerned government departments had no objection to or no adverse comment on the applications.
- (d) during the first three weeks of the statutory publication period, 11, 9, 10 and 5 public comments were received for each application respectively. Public comments objecting to the applications were submitted by the Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and Ko Tong Village Owners & Tenants Society, mainly on the grounds that the proposed Small Houses were not in line with the planning intention of the Development Permission Area (DPA) Plan and the “Unspecified Use” area and would cause adverse ecological, landscape and environmental impacts; approval of the applications would set an undesirable precedent for other similar applications; and the proposed Small House might be built for profit. Supportive comments (7, 5, 6 and 2 for each application respectively) were submitted by individuals mainly for the reasons that the applicants were indigenous villagers; there was a genuine

need for Small House development in Ko Tong; there were inadequate “V” zones in Ko Tong; and the DPA Plan should not deter the Small House development, etc.; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper. The applications generally met the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) in that there was insufficient land within the subject “V” zone to meet the Small House demand. While CTP/UD&L, PlanD had reservation on the applications, the applicants had undertaken that no interference with trees outside the sites would be caused, no tree felling and pruning would be carried out and good site practice would be implemented, and a tree preservation and landscape proposal would be submitted. Although the footpath leading to the sites was less than 1m in width, it had a wider clearance space without trees on both sides. Besides, most of the slope on the side of the footpath was on Government land and under the authority of the Agriculture, Fisheries and Conservation Department (AFCD) for tree protection. The concerns of CTP/UD&L, PlanD could be addressed by the imposition of an approval condition on the submission and implementation of landscape and tree preservation proposal and relevant advisory clauses. Concerned government departments including AFCD and the Environmental Protection Department (EPD) had no objection to or no adverse comment on the applications. The sites fall within the “Unspecified Use” area on the approved DPA Plan pending detailed studies to establish the appropriate land uses for preparation of an OZP. There was insufficient land within the “V” zones of Ko Tong to meet the Small House demand, sympathetic consideration could be given to the applications. In addition, application No. A/DPA/NE-TT/11 adjacent to the sites within the same “Unspecified Use” area was approved with conditions by the Committee in February 2015 on similar considerations. The planning circumstances of the approved application were similar to the current applications.

55. In response to the Chairman's question, Ms Channy C. Yang, STP/STN, said that the proposed Small Houses would be located at the playground and the area occupied by toilet structures of a vacant village school.

Deliberation Session

56. 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 27.3.2019, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were 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 a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if and after planning approval has been given by the Board, his office will process the Small House application. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto. The site formation works and stormwater drainage works may involve Government land and other private land after land exchange. For works to be taken outside the proposed roofed over area of Small House, the applicant should obtain prior

permission/exemption from his office and/or seek consent from relevant lot owner(s) before commencement of the works;

- (b) to note the comments of the Director of Fire Services that the applicant should observe “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comment of the Commissioner for Transport that the existing village track road is not under Transport Department’s jurisdiction. The land status of the village track road should be checked with the Lands Authority. The management and maintenance responsibilities of the village track road should be clarified with the relevant lands and maintenance authorities accordingly.
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no public drain maintained by DSD in the vicinity of the site. The applicant/owner is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There is no existing public sewerage in the vicinity of the site. Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank. The applicant should be reminded of the following general comments:
 - (i) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at his expense;
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP and/or relevant private lot owners should be sought;

- (iii) the lot owner/developer should take all precautionary measures to prevent any disturbance, damage and pollution from the development to any parts of the existing drainage facilities in the vicinity of the lot. In the event of any damage to the existing drainage facilities, the lot owner/developer would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom;
- (iv) the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site and overland flow from surrounding of the site;
- (v) the drainage proposal should be designed by the applicant based on the actual site condition for DSD's comment/agreement. His office would not assist the applicant to design their drainage proposal. In the design, the applicant should consider the workability, the impact to the surrounding environment and seek comment from other concerned parties/departments if necessary. The applicant should make sure that no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected;
- (e) to note the comments of the Director of Environmental Protection that the applicant should follow the ProPECC PN 5/93 for the design and construction of the septic tank and soakaway system;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should not interfere with vegetation outside the lot boundary, in particular trees on Government land, without Government approval;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant should seek the ecological advice from the Agriculture, Fisheries and Conservation

Department and the proposed drainage channel alignment should be reviewed to minimize unnecessary impact on the existing landscape resources outside the site;

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

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

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

- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (j) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filing/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.”

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/105 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Government Land in D.D. 167, Sai O Village, Sai
Kung North, New Territories
(RNTPC Paper No. A/MOS/105)

Presentation and Question Sessions

58. Mr C.K. Tsang, STP/STN, drew Members’ attention that a replacement page (page 9) of the Paper making amendments to the recommended approval conditions in paragraph 13.2 of the Paper was tabled at the meeting. Mr C.K. Tsang then 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 - Small House);
- (c) departmental comments – departmental comments were set out in paragraph

10 and Appendix IV of the Paper. Major departmental comments were summarised below:

- (i) the Commissioner for Transport had reservation on the application as approval of Small House development outside the “Village Type Development” (“V”) zone would set an undesirable precedent case for similar applications in the future, and the resulting cumulative adverse traffic impact could be substantial. However, the application involved only one Small House, it could be tolerated unless it was rejected on other grounds;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as piece meal vegetation clearance to the woodland of the “GB” zone at the south of Sai O Village was found. Approval of the application would set a precedent for similar developments within the “GB” zone, leading to further deterioration of the environment. However, as the site was formed without vegetation, significant landscape impact within the site was not anticipated; and
 - (iii) other concerned government departments had no objection to or no adverse comment on the application.
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that the proposed Small House was not in line with the planning intention of the “GB” zone; cumulative impact of developments without public sewerage would result in water contamination; substandard and shortage of road access and parking areas; and no environmental, landscape, drainage and sewerage impact assessments had been provided; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper.

The application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Sai O Village, sympathetic consideration could be given to the application. The site was formed, paved and vacant without vegetation, significant landscape impact was not anticipated. The Agriculture, Fisheries and Conservation Department (AFCD) had no comment on the application. The application was also generally in compliance with the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for Application for Development within Green Belt zone under section 16 of the Town Planning Ordinance. Regarding the public comment received, it was considered that the proposed development would not have any significant adverse traffic, environmental, sewerage, and drainage impacts on the surrounding area as concerned government departments had no objection/sadverse comment on the application. Four applications for Small House developments in close proximity were approved by the Committee between 2001 and 2013 on similar considerations.

59. In response to the Chairman’s question, Mr C.K. Tsang indicated the location of the similar approved Small House applications in the vicinity of the site on Plan A-2a of the Paper.

60. Members had no question on the application.

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

Deliberation Session

61. 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 27.3.2019, 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; and
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) to note the Chief Engineer/Mainland North, Drainage Services Department’s (DSD) comments that there is no public drain maintained by DSD in the vicinity of the site. The applicant/owner is required to maintain the proposed 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 the damage and nuisance caused by failure of the systems. Besides, there is no existing public sewerage in the vicinity of the site currently. Nevertheless, proposed public sewerage system in the vicinity of the site will be implemented under the project “Tolo Harbour Sewerage of Unsewered Areas Stage 2” undertaken by DSD. The applicant/owner is required to consult the Director of Environmental Protection regarding the sewage treatment/disposal aspects of the proposed development and the provision of septic tank;
- (b) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments that for the provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards;
- (c) to note the Director of Fire Services’ comments that the applicant is reminded to observe the “New Territories Exempted Houses – A Guide to

Fire Safety Requirements” issued by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (d) to note the Commissioner for Transport’s comments that the existing village track road is not under his jurisdiction. The land status of the village track road should be checked with the lands authority. The management and maintenance responsibilities of the village track road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the Director of Electrical and Mechanical Services’ comments to approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the application site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the application site, the applicant shall carry out the following measures: (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary; (ii) prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable and/or overhead line away from the vicinity of the proposed structure; and (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the

relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Items 19 and 20

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/868 Proposed Shop and Services (Fast Food Shop) in “Industrial” zone,
Workshop C8 (Portion), LG/F Valiant Industrial Centre, Nos. 2-12 Au
Pui Wan Street, Sha Tin, New Territories
(RNTPC Paper No. A/ST/868)

A/ST/869 Proposed Shop and Services (Fast Food Shop) in “Industrial” zone,
Workshop C(7), LG/F Valiant Industrial Centre, 2-8 Au Pui Wan
Street, Fo Tan, Sha Tin, New Territories
(RNTPC Paper No. A/ST/869)

63. The Committee noted that the two applications were similar in nature and the two premises were located in the same building and adjoining one another. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed shop and services (fast food shop);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. Concerned government departments had no objection to or no adverse comment on the applications;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications on a temporary basis for a period of three years based on the assessments as detailed in paragraph 12 of the Papers. The applications generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D for Use/Development within “Industrial” Zone (TPB PG-No. 25D) including the fire safety and traffic aspects. Relevant departments had no objection to or adverse comment on the applications. Since previous approved application(s) on the sites were revoked due to non-compliance with the approval condition related to fire safety aspect, shorter compliance periods were proposed to monitor the progress of compliance. The applicants should be advised that should they fail to comply with the approval condition(s) again resulting in revocation of the planning permission, sympathetic consideration might not be given to any further application. Temporary approvals of three years were recommended in order not to jeopardise the long term planning intention of industrial use for the premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

65. Members had no question on the applications.

Deliberation Session

66. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of the 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 27.6.2015;
- (b) in relation to (a) above, the implementation of the fire service installations

proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2015;

- (c) if any the above planning condition (a) or (b) is not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises. The permission is for ‘Shop and Services (Fast Food Shop)’ use without any seating accommodation;
- (b) a temporary approval of three years is given in order to allow the Committee to monitor the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardized;
- (c) shorter compliance periods are imposed to monitor the progress of compliance. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (d) apply to the District Lands Officer/Shia Tin, Lands Department (LandsD) for a temporary waiver to permit the applied use. Such application, if received, will be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval given will be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as may be imposed by LandsD;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance (BO). For instance,

the shop shall be separated from adjoining workshops by fire barriers with a Fire Resisting Rating of 120 minutes, and the means of escape of the existing premises shall not be adversely affected. Building safety requirements will be formulated upon receipt of food premises licence application, where appropriate. The subdivision of the unit/premises should comply with the provisions of BO/Building (Minor Works) Regulations. The applicant should engage a registered building professional under the BO to co-ordinate the building works, if any. Adequate access and facilities for persons with a disability should be provided. Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008 is relevant; and

- (f) to note the comments of the Director of Fire Services that fire service installations are provided to the satisfaction of this department. Detailed fire safety requirements will be formulated upon receipt of building plans or referral from licensing authority. The “fast food shop” should be licensed as “food factory” or “factory canteen”. The applicant’s attention should be drawn to the “Guidance note on compliance with planning condition on provision of fire safety measures for commercial uses in industrial premises” and submit relevant documents to the TPB”. The applicant should be advised to comply with the ‘Code of Practice for Fire Resisting Construction’ which is administered by the BD.

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/870 Proposed Public Utility Installation (Aboveground Gas Governor Kiosk) in “Residential (Group B)” zone, Near Lamp Post CE1264, Lai Ping Road, Government Land in D.D. 171, Kau To, Sha Tin, New Territories
(RNTPC Paper No. A/ST/870)

68. The Secretary reported that the application was submitted by Hong Kong and China Gas Company Ltd. which was a subsidiary of Henderson Land Development Co. Ltd. (HLD). The following Members have declared interests in this item:

- Ms Janice W.M. Lai - having current business dealings with HLD;
- Mr Ivan C.S. Fu - having current business dealings with HLD;
- Dr W.K. Yau - being the Chief Executive Officer of Tai Po Environmental Association Limited which received a donation from HLD;
- Mr H.F. Leung - being an employee of the University of Hong Kong (HKU) which received a donation from a family member of the Chairman of HLD.
- Professor S.C. Wong - being an employee of HKU which received a donation from a family member of the Chairman of HLD;
- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong which received a donation from a family member of the Chairman of HLD.
- Ms Christina M. Lee - being the Secretary General of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from HLD; and
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which received a donation from a family member of the Chairman of HLD.

69. Members noted that Dr W.K. Yau, Professor K.C. Chau and Ms Christina M. Lee, had tendered apologies for being unable to attend the meeting. Since the interest of Ms Janice W.M. Lai and Mr Ivan C.S. Fu were direct, Members agreed that they should leave the meeting

temporarily for this item. As the interests of Professor S.C. Wong, Mr H.F. Leung and Mr Peter K.T. Yuen were indirect, Members agreed that they could stay in the meeting.

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed public utility installation (aboveground gas governor kiosk);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period. The District Officer (Sha Tin) had advised that the Sha Tin Rural Committee (STRC) and Village Representatives (VRs) of Kau To Village had expressed great concern about the safety and risk aspects of the proposed gas governor kiosk but he had not received any response from the locals including STRC and VRs of Kau To Village during the statutory public inspection; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper.

71. Members had no question on the application.

Deliberation Session

72. After deliberation, the Committee decided to approve the application, on the terms

of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.3.2019, 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.

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

- “(a) to note the District Lands Officer/Shia Tin, Lands Department’s (LandsD) comment that though the captioned installation is covered by Block License already obtained by the applicant, a separate application for excavation permit should be submitted to the LandsD before commencement of the installation works. The processing of excavation permit application will be subject to departmental comments and local consultation;

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

- (c) note the Commissioner for Transport's comment that the proposed installation shall not obscure any traffic signs and cause sightline problem to road users; and
- (d) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that since some excavation work would be undertaken outside the site, landscape reinstatement is recommended after the utility development is completed."

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/871 Proposed Vehicle Repair Workshop in "Other Specified Uses"
annotated "Business" zone, Godown A & B, G/F, and Godown A, B &
C, 1/F, Ever Gain Centre, 28 On Muk Street, Sha Tin, New Territories
(RNTPC Paper No. A/ST/871)

Presentation and Question Sessions

74. Mr C.K. Tsang, STP/STN, said that a replacement page (page 7) of the Paper to include an additional recommended advisory clause had been sent to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed vehicle repair workshop;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or

no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The application complied with the TPB Guidelines for Development within the “Other Specified Uses” annotated “Business” (“OU(B)”) zone (TPB PG-No.22D). A temporary approval of three years was recommended in order not to jeopardize the long term planning intention of “OU(B)” zone for the application premises and to allow the Committee to monitor the proposed development taking into account the supply and demand of business and industrial floor spaces in the area.

75. Members had no question on the application.

Deliberation Session

76. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of 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 27.9.2015;
- (b) in relation to (a) 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 27.12.2015; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) a temporary approval of three years is granted in order to allow the Committee to monitor the supply and demand of business and industrial floor spaces in the area to ensure that the long term planning intention of the “Other Specified Uses” annotated “Business” zone for the subject premises will not be jeopardized;
- (b) to apply to the District Lands Officer/Shia Tin, Lands Department for lease modification or temporary waiver for the vehicle repair workshop use at the application premises;
- (c) to note the comments of the Chief Building Surveyor/New Territories 2 & Rail, Buildings Department that Barrier Free Access and accessible toilets should be provided to the proposed vehicle repair workshop under Building (Planning) Regulations 72, which may necessitate the submission of plans for approval under the Buildings Ordinance (BO). Detailed comments under the BO can only be formulated at the building plan submission stage; and
- (d) to note the comments of the Director of Environmental Protection that the applicant should make reference to the green garage measures in their web site for implementation in order to operate an environmentally friendly vehicle repair workshop.”

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/150 Proposed Temporary Covered Goods Reshuffling Points for a Period of 3 Years in “Agriculture” zone, Lot 554 S.A RP (Part) in D.D.89, Man Kam To Road, Sha Ling, New Territories

(RNTPC Paper No. A/NE-FTA/150)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary covered goods reshuffling points;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major departmental comments were summarised below:
 - (i) the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity and the closest one was located less than 10m to the south of the site;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had objection to the application as the development was incompatible with the surrounding rural environment. The site was covered by trees and dense vegetation. When comparing the aerial photo with their observation at site inspection, majority of the trees and vegetation within the site were removed. Significant adverse impacts to the existing landscape character and resources had taken place. Approval of the application would likely encourage undesirable uses in the area leading to further deterioration of the rural landscape resources. No tree preservation and landscape proposal was submitted;
 - (iii) the Commissioner for Transport (C for T) did not support the application as vehicular access to the site was via a non-standard track connected to Man Kam To Road or Kong Nga Po Road. The applicant did not provide information on the estimated daily vehicular trip to/from the site as well as the loading/unloading/parking and manoeuvring arrangement within the site to demonstrate no vehicle

reversing on public road. The applicant should also indicate the minimum width of the access road and specify the width of the vehicular access points; and

- (iv) the Divisional Commander (Ta Kwu Ling Division), Hong Kong Police Force (DVC TKLDIV, HKPF) considered that the site was situated next to Man Kam To Road where there were heavy traffic movements. Any vehicle slowdown would easily cause traffic jam to the road and the adjacent road network. Trucks/heavy good vehicles to the site needed to slow down or line up at the entrance. Hence, the traffic flow would be affected causing danger to the public.
- (d) during the first three weeks of the statutory publication period, 37 public comments were received. The public comments submitted by individuals/local villagers, and the descendants of Yuen Chiu Fan Tso mostly objected to/raised concerns on the application on the grounds that the application was not in line with the planning intention of “Agriculture” (“AGR”) zone; not compatible with the surrounding land uses; creating adverse traffic and environmental impacts including noise and air pollution; loss of agricultural land and vegetation; illegal land occupation; non land-owner should not be allowed to submit application; setting of undesirable precedent for similar applications; and the site was the subject of unauthorized development/unauthorized building works. Sha Ling Villagers Welfare Association (打鼓嶺沙嶺村居民福利會) submitted a letter enclosing 107 signatures from the villagers who objected to the application. The Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed use was not in line with the planning intention of “AGR” zone; there was a shortage of agricultural land; and rejection of the application was consistent with the Committee’s previous decision. Local objection/view received by the District Officer (North) included a representative of 沙嶺村孟蘭會 who raised concern that the storage use might affect the living environment of the villagers; Sha Ling Villagers Welfare Association submitted a letter enclosing 107 signatures from villagers from the villagers who objected to the application which was the same as one of the public comments mentioned

above. The Vice-Chairman of Ta Kwu Ling District Rural Committee, the North District Council (NDC) member of the subject constituency, and the Indigenous Inhabitant Representative and Resident Representative of San Uk Ling expressed no comment on the application.

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 12 of the Paper. The application was not in line with the planning intention of the “AGR” zone. Extensive clearance of vegetation was found and the proposed development was incompatible with the surrounding rural character and significant adverse impacts to the landscape resources and character had taken place. There were domestic structures in the vicinity of the site and the proposed open storage use would cause environmental nuisance to the nearby residents. The applicant failed to demonstrate in the submission that the traffic arrangement, parking, loading/unloading arrangement and manoeuvring space within the site would not cause adverse traffic impact. The application did not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that the site fell within Category 3 areas where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. Approval of the application would set an undesirable precedent for similar applications in the “AGR” zone. The cumulative effect of approving such similar applications would result in adverse impacts on the traffic, environment and landscape of the area.

79. Members had no question on the application.

Deliberation Session

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

- “(a) the application was not in line with the planning intention of the

“Agriculture” (“AGR”) zone for the area which was primarily intended 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. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the application did not comply with the Town Planning Board Guidelines No. 13E in that there was no previous planning approval granted at the site; the proposed development was not compatible with the surrounding land uses which were predominantly rural in character; there were adverse departmental comments on the application; and the applicant failed to demonstrate that the development would have no adverse traffic, environmental and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/151 Proposed Temporary Goods Reshuffling Yards for a Period of 3 Years
in “Agriculture” zone, Lots 464, 465, 466, 520 RP, 521, 522 and 523 in
D.D 89, Fu Tei Au, Sheung Shui, New Territories

(RNTPC Paper No. A/NE-FTA/151)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary goods reshuffling yards;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major departmental comments were summarised below:
 - (i) the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity and the closest one was located less than 10m to the north-west of the site;
 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the site was a piece of abandoned farmland. Active agricultural activities were found in the vicinity. Footpath and water source were available. As the site possessed good potential for agricultural rehabilitation, he did not support the application from the agricultural development point of view;
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had objection to the application as the site was surrounded by farmland in a rural agricultural setting. The proposed use was incompatible with the surrounding environment. Approval of the application might set an undesirable precedent of spreading undesirable uses within the “Agriculture” (“AGR”) zone and threaten the surrounding active farmland, which was an important landscape resource. No landscape proposal was provided;
 - (iv) the Commissioner for Transport (C for T) did not support the application as vehicular access to the site was via a non-standard track connected to Man Kam To Road. The applicant did not provide information on the estimated daily vehicular trip to/from the site as well as the loading/unloading/parking and manoeuvring arrangement within the site to demonstrate no vehicle reversing on public road. The applicant should also indicate the minimum width of the access road and specify the width of the vehicular access points; and

- (v) the Divisional Commander (Ta Kwu Ling Division), Hong Kong Police Force (DVC TKLDIV, HKPF) considered that the site was situated next to Man Kam To Road where there were heavy traffic movements. Any vehicle slowdown would easily cause traffic jam to the road and the adjacent road network. Trucks/heavy good vehicles to the site needed to slow down or line up at the entrance, hence the traffic flow would be affected causing danger to the public.
- (d) during the first three weeks of the statutory publication period, 37 public comments were received. 31 public comments submitted by individuals/local villagers and the descendants of Lo Wu Tso Tong objected to/or raised concerns on the application mainly on the grounds of incompatibility with the surrounding land uses; creating adverse traffic and environmental impacts including noise and air pollution; loss of agricultural land and vegetation; the applicant without the land ownership should not be allowed to submit planning application; and the setting of undesirable precedent for similar applications. Another public comment submitted by the Sha Ling Villagers Welfare Association (打鼓嶺沙嶺村居民福利會) submitted a letter enclosing 112 signatures from villagers who objected to the application mainly on the grounds of land use incompatibility, and adverse environmental and traffic impacts. Another comment submitted by the Sheung Shui Vegetable Marketing and Credit Co-operative Society Limited objected to the application as some agricultural land cultivated by their members were within the site and the proposed change of use would reduce the agricultural land for cultivation purpose. Local objection/view received by the District Officer (North) included the letter submitted by the Sha Ling Villagers Welfare Association enclosing 112 signatures from villagers which was the same as one of the public comments mentioned above; and the Chairman of Ta Kwu Ling District Rural Committee, the North District Council (NDC) member of the subject constituency, the Indigenous Inhabitant Representative and Resident Representative of San Uk Ling and Resident Representative of Lo Wu expressed no comment on the application.
- (e) the Planning Department (PlanD)'s views – PlanD did not support the

application based on the assessments as detailed in paragraph 12 of the Paper. The application was not in line with the planning intention of the “AGR” zone. DAFC did not support the application as the site possessed good potential for agricultural rehabilitation. There was no strong justification in the submission for a departure use from the planning intention, even on a temporary basis. The site was situated in an area of rural landscape character and the proposed development was incompatible with the surrounding rural character and significant adverse impacts to the landscape resources and character would be resulted. Approval of the application would likely encourage more applications for similar use in the area leading to deterioration of the rural landscape resources and character. There were domestic structures in the vicinity of the site, and the proposed temporary goods reshuffling yard would cause environmental nuisance to the residents nearby. The applicant failed to demonstrate that the traffic arrangement, parking, loading/unloading arrangement and manoeuvring space within the site would not cause adverse traffic impact.

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 application is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which was primarily intended 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 in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines

No. 13E in that there is no previous planning approval granted at the site; the proposed development is not compatible with the surrounding land uses which are predominantly rural in character; there are adverse departmental comments on the application; and the applicant fails to demonstrate that the development would have no adverse traffic, environmental and landscape impacts on the surrounding area; and

- (c) approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

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

Agenda Item 25

Section 16 Application

[Open Meeting]

A/NE-STK/6 Proposed Temporary Public Vehicle Park for Coaches and Private Cars for a Period of 3 Years in “Recreation” zone, Lots 423 S.B RP (Part) and 424 (Part) in D.D. 41 and adjoining Government Land, Sha Tau Kok, New Territories

(RNTPC Paper No. A/NE-STK/6B)

84. The Secretary reported that on 12.3.2015, the applicant had requested for deferment of the consideration of the application for two months to allow time to prepare further information to address further comments of the Chief Town Planner/Urban Design and Landscape, Planning Department. This was the third time that the applicant requested for deferment of the application.

85. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two

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

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/502 Proposed House (New Territories Exempted House) in "Agriculture"
zone, Lot 1113 S.A in D.D. 82, Ping Che Road, Ta Kwu Ling, New
Territories
(RNTPC Paper No. A/NE-TKL/502)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House) (NTEH);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Major departmental comments were summarised below:

- (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. The applicant proposed to use the ground floor of the NTEH for mushroom cultivation or greenhouse planting. It would be difficult to assess the technical feasibility without more details on the operation; and
 - (ii) the Commissioner for Transport (C for T) had reservation on the application. Such type of 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. However, as the application involved only one NTEH, it could be tolerated unless it was rejected on other grounds.
- (d) other concerned government departments had no objection to or no adverse comment on the application;
- (e) during the first three weeks of the statutory publication period, two public comments were received. The public comment from a North District Council (NDC) member supported the application as it would bring convenience to the villagers. The other comment received from the Kadoorie Farm and Botanic Garden Corporation objected to the application mainly on the grounds that the proposed NTEH development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and NTEH should be built within the “V” zone. The District Officer (North) advised that the Vice-Chairman of the Ta Kwu Ling District Rural Committee, the NDC member of the subject constituency, the Indigenous Inhabitants Representative and Resident Representative of Tong Fong had no comment on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the

application based on the assessments as detailed in paragraph 11 of the Paper. The application was identical to a previous application (No. A/NE-TKL/479) rejected by the Town Planning Board on review on 9.1.2015. There had been no major change in the planning circumstances since the last rejection. There was no approval of similar application in the vicinity. Approval of the application would set an undesirable precedent and encourage other similar applications to spread into the “AGR” zone, hence defeating its planning intention.

87. Members had no question on the application.

Deliberation Session

88. The Chairman remarked that repeated rejected applications such as the subject application could not be avoided. The Secretary said under the Town Planning Ordinance (the Ordinance) that planning applications submitted should be processed under the provisions of the Ordinance. The Chairman supplemented that processing of such type of application could be simplified in future.

89. 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 in the Ta Kwu Ling area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It also intends to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention; and
- (b) approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the

environment of the area.”

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/503 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 4 RP in D.D.46, Tai Tong Wu, Ta Kwu Ling,
New Territories
(RNTPC Paper No. A/NE-TKL/503)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Commissioner for Transport had reservation on the application. Such type of 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 development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications. The resulting cumulative adverse traffic impact could be substantial. However, as the application involved only one New Territories Exempted House (NTEH), it 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) during the first three weeks of the statutory publication period, two public comments were received. A North District Council member supported the application as it would bring convenience to the villagers. The Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed development would have adverse impacts on the surrounding environment; and no environmental, landscape, drainage and sewerage assessments had been included in the submission. District Officer (North) advised that the Secretary of Sha Tau Kok District Rural Committee supported the proposal while the North District Council member of the subject constituency and the Resident Representative (RR) of Tai Tong Wu had no comment; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Although the proposed Small House was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view against the application as the site was paved and disturbed and was surrounded by domestic structures. The potential for agricultural rehabilitation was relatively low. The application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that there was insufficient land within the “V” zone to meet the Small House demand. The proposed Small House development was not incompatible with the rural landscape character. A previous application for the same use submitted by a different applicant was approved by the Committee. However, the proposed development had not commenced and the planning permission would lapse shortly. There were 15 similar applications within the same “AGR” zone approved by the Committee mainly on similar considerations. There were no major change in planning circumstances.

91. Members had no question on the application.

Deliberation Session

92. 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 27.3.2019, 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 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.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the existing access adjacent to the site is not maintained by her department;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the site is located within the flood pumping gathering ground;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed

fire safety requirements would be formulated upon receipt of formal application referred by LandsD; and

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

Agenda Items 28 and 29

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/487 Proposed House (New Territories Exempted House - Small House) in “Agriculture”, “Green Belt” and “Village Type Development” zones, Lots 745 S.D, 746 S.D and 746 S.H in D.D. 9, Yuen Leng Village, Tai Po, New Territories
(RNTPC Paper No. A/NE-KLH/487 and 488)

A/NE-KLH/488 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 746 S.C and 746 S.G in D.D. 9, Yuen Leng Village, Tai Po, New Territories
(RNTPC Paper No. A/NE-KLH/487 and 488)

94. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to one another. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed house (New Territories Exempted House - Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites had high potential for rehabilitation of agricultural activities. Other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, two public comments from an individual and Designing Hong Kong Limited were received objecting to the applications mainly on the grounds that the proposed developments would cause adverse impacts on traffic and safety in the area; no impact assessment had been submitted; potential cumulative sewerage impact; and the developments were not in line with the planning intention of the “Green Belt” (“GB”) zone and Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment as detailed in paragraph 12 of the Paper. The proposed Small Houses were not in line with the planning intention of the “Agriculture” (“AGR”) zone and the DAFC did not support the applications. However, the applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that there was insufficient land within the “V” zone to meet the Small House demand and more than 50% of the Small House footprints fell within the “Village Type Development” zone or the village ‘environs’ (‘VE’). Approval of the applications would not bring about adverse traffic, landscape, sewerage and drainage impacts on the surrounding area.

96. Members had no question on the applications.

Deliberation Session

97. 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 27.3.2019, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

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

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

- “(a) to note the comments of the Director of Environmental Protection (DEP) that actual construction of the house shall not be commenced before the programme of the planned sewerage system is fixed and the system is completed; the applicant shall connect the proposed house to the future public sewer at his own cost; the sewerage connection point shall be within the application site; and adequate land shall be reserved for the future sewer connection work;

(b) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:

- (i) since the proposed New Territories Exempted House (NTEH)/Small House is less than 30m from the nearest water course, the house should be located as far away from the water course as possible; the whole of foul effluent from the proposed NTEH/Small House shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchbox; and
- (ii) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

(c) to note the comments of the Commissioner for Transport that the road/footpath next to the site is not under Transport Department's management. It is suggested that the land status, management and maintenance responsibilities of the road and footpath should be clarified with the relevant lands and maintenance authorities in order to avoid potential land disputes;

(d) to note the comments of the Director of Electrical and Mechanical Services that:

the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:

- (i) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (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;
- (e) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that if and after planning approval given by the Board, LandsD will process the Small House application. If the application is approved by LandsD acting in the capacity as landlord at his discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto;
- (f) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Consultant Management, Drainage Services Department that there is no public drain in the vicinity of the site. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There is no existing public sewerage in the vicinity of the site. The Director of the Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development. According to the latest proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng, public sewerage connection point will be provided in the vicinity of the site. However, since this sewerage scheme was degazetted on 29.10.2010, there is no fixed programme at this juncture for the concerned public sewerage works;

- (g) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by LandsD. Detailed fire safety requirements will be formulated during land grant stage; and
- (h) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 30

Section 16 Application

[Open Meeting]

A/NE-LT/532 Proposed Temporary Barbecue Site and Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Agriculture” zone, Lot 1225 R.P. in D.D. 7, Lam Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/532)

99. The Secretary drew Members’ attention that a replacement page (page 1) of the Paper was tabled at the meeting to rectify the zoning of the site. He then reported that on 11.3.2015, the applicant had requested 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 Transport Department, Lands Department and Water Supplies Department. This was the first time that the applicant requested for deferment of the application.

100. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a

shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/542 Proposed Filling of Land for Agricultural Use in "Agriculture" and
"Road" zones, Various Lots in D.D. 17 and adjoining Government
Land, Ting Kok, Tai Po, New Territories
(RNTPC Paper No. A/NE-TK/542)

Presentation and Question Sessions

101. 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 filling of land (up to 1.6m) for agricultural use;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Major departmental comments were summarised below:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as land filling up to 1.6m in height was unnecessary for cultivation purpose. The site had already been filled extensively by the suspected unauthorized land filling activities in late 2014. The applicant had not provided any supporting information to substantiate their farming and planting proposal;

- (ii) the Director of Environmental Protection (DEP) did not support the application as the proposed land filling might not be of agricultural purpose and might involve unauthorized dumping of construction waste;
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation on the application as it would set an undesirable precedent leading to similar “destroy first, build later” practices, resulting in piecemeal developments destroying the tranquil nature of the rural area. The information provided by the applicant was too limited and it was not able to fully assess the potential landscape impact due to the proposed land filling;
- (iv) the Commissioner for Transport (C for T) did not support the application as the proposed land filling works extended to the area shown as ‘Road’ might affect future road works;
- (v) the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) was not prepared to support the application unless the applicant would provide an acceptable assessment on flooding risk and road drainage impact with regard to the filling of the land. The land filling would have an implication on the natural drainage and the subsequent implication on surface runoff onto Ting Kok Road;
- (vi) the Head of Geotechnical Engineering Office of Civil Engineering and Development Department (Head (GEO), CEDD) advised that large scale land filling works had been observed in late 2014, which would create a dangerous situation and enforcement action to remove the steep fill slopes would be required; and
- (vii) other concerned government departments had no objection to or no adverse comment on the application.

- (d) during the first three weeks of the statutory publication period, nine public comments were received from a Tai Po District Council Member, World Wide Fund for Hong Kong, Kadoorie Farm & Botanic Garden Corporation, and nearby residents objecting to the application mainly on grounds of adverse drainage/flooding impact on the surrounding area, illegal land filling activities should not be tolerated, and setting undesirable precedent for similar applications and possible cumulative adverse impacts on the surrounding area. The District Officer/Tai Po conveyed the local villagers' concerns on the potential flooding risk, especially during rainy seasons and adverse impact to the drainage and irrigation channels; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper. Despite the claim for agricultural use, filling of land with large rocks and construction waste was observed on the site and was not in line with the planning intention of the “Agriculture” (“AGR”) zone. DAFC considered filling of land of up to 1.6m high was not necessary for agricultural purpose and did not support the application. The applicant also failed to demonstrate that the filling of land at the site would not result in adverse drainage, landscape, traffic and geotechnical impacts on the surrounding area. Approving the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

102. In response to the Chairman's question, Mr C.T. LAU, STP/STN, said that the site was subject to planning enforcement action under the Town Planning Ordinance for unauthorized filling of land. Two Enforcement Notices were issued to the concerned parties in 2014 requiring the discontinuance of the unauthorized development.

103. Members had no question on the application.

Deliberation Session

104. 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 planning intention of the “Agriculture” (“AGR”) zone 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 justifications for land filling of 1.6m high for agricultural purpose;
- (b) the land filling falls partly within an area shown as ‘Road’ on the Outline Zoning Plan and would affect the future road works;
- (c) the applicant fails to demonstrate that the filling of land would not cause adverse drainage, landscape and geotechnical impacts on the surrounding area; and
- (d) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.”

Agenda Items 32 and 33

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/543 Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” and “Village Type Development” zones, Lots 1459 S.A, 1460 S.A, 1458 S.G, 1464 RP, 1465 RP, 1464 S.B, 1466 RP, 1465 S.A and 1467 RP in D.D. 17, Lo Tsz Tin Village, Tai Po, New Territories
(RNTPC Paper No. A/NE-TK/543 and 544)

A/NE-TK/544 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lots 1455 RP & 1521 S.C ss.2 and adjoining Government Land in D.D. 17, Lo Tsz Tin Yillage, Tai Po, New Territories
(RNTPC Paper No. A/NE-TK/543 and 544)

105. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to one another. The Committee agreed that the applications should be considered together.

[Mr David Y.T. Lui returned to join and Mr Peter K.T. Yuen left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed house(s) (New Territories Exempted House - Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. Concerned government departments had no

objection to or no adverse comment on the applications;

- (d) during the first three weeks of the statutory publication period, two public comments from an individual and Designing Hong Kong were received. They objected to the applications mainly on the grounds that the proposed developments would cause adverse impacts on traffic and safety in the area; no impact assessment had been submitted; potential cumulative sewerage impact; and the developments were not in line with the planning intention of the “Green Belt” (“GB”) zone and Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 12 of the Paper. The applications generally met the Interim Criteria for Consideration of Application for New Territories Exempted Houses (NTEH) / Small House in New Territories (the Interim Criteria) in that there was a general shortage of land within the “Village Type Development” (“V”) zone to meet the Small House demand. The proposed Small House developments were not incompatible with the surrounding rural landscape character. The sites were the subject of previous applications for the same use approved by the Committee. District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) also advised that the sites were being processed under applications for Small House grant and had been in an advance stage (except the one house under application No. A/NE-TK/543). Sympathetic consideration might be given to the applications. Concerned government departments had no objection to or no adverse comment on the application.

107. A Member asked why the two proposed Small House sites under application No. A/NE-TK/543 (i.e. Houses 2 and 3) with footprints falling largely within the “GB” zone (85% and 98%) could be approved if about 3.38ha (about 135 Small House sites) of land were still available for Small House development within the “V” zone. In response, Mr C.T. Lau, STP/STN, said that the outstanding Small House applications were 36 while the 10-year Small House demand forecast was 120. The 135 Small House sites could not meet the long-term

demand of 156 houses. Besides, the footprint of the two proposed Small Houses entirely or largely fell within the 'VE' (100% and 86%).

108. Members had no further questions on the applications.

Deliberation Session

109. Noting that a large part of the site and footprint of the proposed Small House under Application No. A/NE-TK/544 fell within the "V" zone, Members generally considered that the proposed development marginally encroached onto the "GB" zone and met the criteria under the Interim Criteria.

110. A Member remarked that existing land within the "V" zone was adequate to accommodate all the outstanding Small House applications and most of the long-term demand, favourable consideration might not be given to Small House development under Application No. A/NE-TK/543. In response, the Chairman said that the 135 Small House sites within the "V" zone could not meet the long-term demand of 156 Small Houses. Besides, nearly half of the subject application site (48%) fell within the "V" zone the boundary, which was not very different from the 'VE'. The Secretary supplemented that in considering whether there was sufficient land in the "V" zone for Small House development, the outstanding Small House applications, 10-year Small House demand forecast, as well as land available within the "V" zone would be taken into account. The Committee had recently adopted a more cautious approach in considering Small House applications, in particular when there was a tendency of planning application for Small House development to sprawl from the village cluster notwithstanding that land was still available within the "V" zone to meet the outstanding number of Small House applications. The Secretary further said that Application No. A/NE-TK/543 was the subject of a previous planning application for five Small Houses. Four Small Houses were approved by the Committee. Amongst them, application for one Small House grant had been completed, while the remaining three were being processed. Meanwhile, the planning permission had lapsed.

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

111. In response to the same Member's question, the Chairman said that processing of Small House grants might usually take a longer time to complete and it was not uncommon for

applicants to submit fresh applications after planning permission for their approved Small House had lapsed, so as to facilitate Small House grants applications. Should there be no major changes in planning circumstances, it had been the usual practice of the Committee to give sympathetic consideration to the previously approved applications. The Member considered that sympathetic consideration should only be given to those applications of which the delay in Small House grants was not the responsibility of the applicants. Having noted the Member asked whether further information with regard to Small House grants could be provided to facilitate the consideration of the subject application, Mr Edwin W.K. Chan explained that there were many reasons causing delays in processing Small House grants. It could be due to technical problems encountered, local objection received, and/or the number of applications in hand. Whilst he had no objection to providing the requested information to facilitate Members' consideration of the application, he remarked that a more cautious approach should be adopted in interpreting the information obtained. The Vice-chairman opined that even if such information was provided, the Committee would not be able to judge on whether it was the applicant's responsibility in the delay in the processing of Small House grants, if any. A Member concurred and said that the consideration of the application should base on the guidelines under the Interim Criteria.

[Mr Peter K.T. Yuen returned to join and Mr H.F. Leung left the meeting at this point.]

112. A Member said that the major consideration of the application was whether there was land available within the "V" zone to meet the Small House demand. Should the application be approved when there was still land available within the "V" zone, it would set a precedent for future similar applications. The Chairman said that in considering applications with previous approval, it was important for the Committee to maintain a consistent approach in making a decision should there be no major change in the planning circumstances. He said that with regard to the subject "V" zone, even if the current application was approved, there would not be a large number of similar applications in the future given that the boundary of the "VE" was only slightly larger than that of the "V" zone and there would not be any further sprawling out. The Vice-chairman concurred and said that if there was no change in the planning circumstances and no sprawling observed, a consistent approach making reference to the previous approved application should be maintained.

[Mr Philip Kan left the meeting at this point.]

113. After further 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 27.3.2019, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

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

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

114. 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 (DSD) that:
 - (i) there is no existing DSD maintained public drain available for connection in this area;
 - (ii) the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site and overland flow from surrounding area of the site, e.g. surface channel of sufficient size along the perimeter of the site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the site if any boundary wall/fence is to be erected. Any existing flow path affected should

be re-provided;

- (iii) the applicant(s)/owner(s) are required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant(s)/owner(s) shall also be liable to and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
 - (iv) for works to be undertaken outside the lot boundary, prior consent and agreement from the Lands Department (LandsD) and/or relevant private lot owners should be sought; and
 - (v) public sewerage connection is available in the vicinity of the site. The Environmental Protection Department (EPD) should be consulted on the sewerage treatment/disposal aspects of the proposed development;
- (b) to note the comments of the Director of Fire Services that the applicant(s) should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant(s) may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant(s) shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site cannot provide the standard fire-fighting flow;
- (d) to note the comments of the Director of Environmental Protection that there is a public sewer adjacent to the proposed development. In order to avoid

water pollution, the applicant(s) shall connect to the public sewerage at their own costs and reserve adequate land for the future sewer connection work; and if the use of septic tank and soakaway system is proposed for sewerage disposal, the design and construction need to comply with the requirements as stipulated in EPD's ProPECC PN5/93;

- (e) to note the comments of the Head of Geotechnical Engineering Office of Civil Engineering and Development Department that the applicant(s) is reminded to make necessary submission to LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemption is not granted, the applicant(s) shall submit a site formation plan to the Buildings Department in accordance with the provision of the Buildings Ordinance;
- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicant(s) shall approach the electricity supplier (i.e. CLP Power) 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 sites. 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(s) shall carry out the following measures:
 - (i) for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with CLP Power is necessary;
 - (ii) prior to establishing any structure within the site, the applicant(s) and/or the contractor(s) shall liaise with CLP Power and, if necessary, ask CLP Power 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(s) and the contractors when carrying out works in the vicinity of the electricity supply lines; and

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

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

[Ms Janice W.M. Lai left the meeting at this point. Mr Edwin W.K. Chan, Mr Ivan C.S. Fu and Mr Martin W.C. Kwan left the meeting temporarily at this point.]

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

Fanling, Sheung Shui and Yuen Long East District

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

Agenda Items 34 to 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/230 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Lot 1540 S.A in
D.D. 92, Tsung Pak Long, Sheung Shui, New Territories

(RNTPC Paper No. A/FSS/230)

A/FSS/231 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot 1540 S.B in D.D. 92, Tsung Pak Long, Sheung
Shui, New Territories

(RNTPC Paper No. A/FSS/231)

A/FSS/232 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot 1540 RP in D.D. 92, Tsung Pak Long, Sheung
Shui, New Territories

(RNTPC Paper No. A/FSS/232)

115. The Committee noted that as the three applications for Small Houses were similar in nature and the application sites were located in close proximity to one another and partly or wholly within the same “Green Belt” (“GB”) zone. The Committee agreed that they would be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. The Commissioner for Transport (C for T) had reservation on the applications and advised that the Small House developments should be confined within the “Village Type Development” (“V”) zone as far as possible. Also, such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had objection to application No. A/FSS/231 and A/FSS/232 as the sites fell within “GB” zone where there was a general presumption against development within this zone. The approval of the application was not in line with the planning intention as stipulated on the draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/19 and might set an undesirable precedent for similar applications, and the cumulative impact of approving the applications would further deteriorate the function of the “GB” zone. Moreover, there were some trees in or adjacent to the site under application No. A/FSS/232, which might be affected;
- (d) during the first three weeks of the statutory publication periods, three public comments from a member of the North District Council (NDC), World Wide Fund for Nature Hong Kong (WWF-Hong Kong) and Designing Hong Kong Limited were received. The member of NDC supported the applications on the grounds that the proposed Small Houses benefited the villagers. WWF-Hong Kong objected to the applications on the grounds that the proposed development was not in line with the planning intention of the “GB” zone; and the approval of the application would set a highly undesirable precedent for other similar applications in

the area, as well as putting the tranquil and natural environment at risk. Designing Hong Kong Limited objected to the applications on the grounds that the sprawls of small houses were not in line with the planning intention of the “GB” zone and not compatible with the character of the area where approval of the cases would further degrade the environment; inadequate provision of road and parking area leading to disharmony among residents; no impact assessment had been completed and the cumulative impact of developments would result in contamination of ground waters and nearby water bodies;

- (e) the District Officer (North) (DO(N)) advised that the Chairman of Sheung Shui District Rural Committee and two of the three Indigenous Inhabitant Representatives (IIRs) of Tsung Pak Long Tsuen supported the proposals while the NDC member of the subject constituencies, the other IIR, and the Resident Representative of Tsung Pak Long Tsuen had no comment on the applications; and

- (f) PlanD’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Papers. Although the proposed Small Houses were not in line with the planning intention of the “GB” zone, they generally complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that the footprint of the proposed Small Houses fell entirely within the village ‘environs’ of Tsung Pak Long and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the same village. Though CTP/UD&L objected to application No. A/FSS/231 and A/FSS/232, the site of application No. A/FSS/231 was covered with wild grass and the site of application No. A/FSS/232 was currently occupied by a vegetable garden; and the proposed Small Houses did not involve clearance of trees, and significant adverse impact on natural landscape features were not anticipated. Regarding the public comments, relevant Government departments had no adverse comment on or no objection to the applications.

117. In response to the Chairman's query, Mr Otto K.C. Chan said that the areas to the immediate west and southwest of the sites were temporary structures for storage, domestic and vehicle repair workshop uses. Whilst no planning application for the vehicle repair workshop use had been submitted, planning enforcement action could not be taken as the area was not previously covered by a development permission area (DPA) plan.

Deliberation Session

118. Members noted that the function of the subject "GB" zone was to provide a buffer between Tsung Pak Long and the Fanling Highway and was covered by abandoned agricultural land with some common or weedy vegetation. The Director of Agriculture, Fisheries and Conservation (DAFC) considered that the "GB" zone did not have conservation value and had no comment on the applications. A Member considered that the application site of No. A/FSS/232 was too close to the Fanling Highway, and the approval of the application would result in the loss of the function of the "GB" zone as a buffer between the highway and Tsung Pak Long. In response, the Chairman said that there were similar applications for Small House development (applications No. A/FSS/228 and A/FSS/229) within the "GB" zone approved by the Committee before.

119. A Member asked why uses which were incompatible with the "GB" zone, e.g. vehicle repair workshop and storage uses, existed in the area. The Chairman said that as the area was previously not covered by a DPA Plan, planning enforcement actions against unauthorized development could not be taken in the area.

120. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 27.3.2019, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were 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 landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’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 that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and

- (d) 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. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities of the proposed development.”

Agenda Item 37

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/204-1 Proposed Class B Amendment to the Approved Application for House (New Territories Exempted House – Small House) in “Green Belt” zone, Lot 3983 S.J in D.D. 51, Wo Hop Shek Village, Fanling, New Territories
(RNTPC Paper No. A/FSS/204-1)

Presentation and Question Sessions

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

- (a) background to the application for the proposed Class B amendment to the approved scheme under Application No. A/FSS/204;
- (b) the proposed Class B amendment to the approved application for house (New Territories Exempted House – Small House), for extension of time for commencement of approved development for three more years until 1.4.2018;
- (c) departmental comments – departmental comments were set out in paragraph 7 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) the District Officer (North) (DO(N)) conveyed that one of the three Indigenous Inhabitant Representative (IIR) of Wo Hop Shek Village raised objections whilst the Chairman of Fanling District Rural Committee, the two other IIRs and the Resident Representative (RR) had no comment on it. The landlord administrator of Lot 4252, 4254, 4262 and 4263 in D.D. 51 did not reply to the consultation; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for extending the time for commencement of approved development for a period of 3 years until 1.4.2018 based on the assessments made in paragraph 8 of the Paper. The planning parameters of the current application were essentially the same as the original approved scheme. There had been no material changes in planning circumstances since the previous approval was granted and no significant change in land-use of the planning areas. Moreover, District Land Officer/North, Lands Department was still processing the Small House Grant application, it was considered reasonable to allow more time to commence the approved development proposal. The local concern conveyed by DO(N) was mainly that the proposed development would affect the *fungshui* of the area.

123. In response to a Member's query, the Chairman explained that the TPB had delegated, under section 2(5)(b)(i) of the Town Planning Ordinance (the Ordinance), its authority to the Director of Planning to consider planning applications submitted under section 16A(2) of the Ordinance for extension of time for commencement of development. However, application which was considered unacceptable by the concerned Government departments would still be submitted to the TPB for consideration. As there was an objection from a IIR of Wo Hop Shek Village against the application, the application was submitted to the Committee for consideration.

124. In response to another Member's query on the factors to be taken into account in considering the application, the Chairman said that in general, a key factor in considering the application for extension of time for commencement of development was whether there was a material change in planning circumstances between the time of planning approval and the

time when the application for extension of time was considered, e.g. since the planning permission was granted, there was an amendment to statutory plan published which rendered the original planning intention for the site no longer valid; or there was a material change in the circumstances of the site, such as recent geotechnical hazard, that made it not suitable for the approved development.

Deliberation Session

125. 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 1.4.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the design and provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (d) 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.”

126. 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 (DSD) that the Consultants Management Division of DSD is planning sewerage works in the village. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development and the provision

of septic tank;

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, there may be a need to extend the inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Besides, the site is located within flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department; and
- (d) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works."

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/11 Renewal of Planning Approval for Temporary Soya Products Processing Workshop, Retailing and Outside Seating Accommodation for a Period of 3 Years in "Agriculture (1)" zone, Lots 1049 and 1050 in D.D. 95 and Adjoining Government Land, Kwu Tung North, Sheung Shui, New Territories
(RNTPC Paper No. A/KTN/11)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary soya products processing workshop, retailing and outside seating accommodation under previous application No. A/NE-KTN/151 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Commissioner for Transport (C for T) had no objection to the application but raised a concern that the rural access road was narrow and substandard;
- (d) no public comment was received during the statutory publication period. The District Officer (North) had consulted the locals regarding the application. The North District Council member of the subject constituency, the Chairman of Sheung Shui District Rural Committee cum Resident Representative of Ho Sheung Heung; and the two Indigenous Inhabitant Representatives of Ho Sheung Heung had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application generally complied with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No.34B) in that there were no adverse planning implications arising from the renewal of the

planning approval as the temporary approval would not pre-empt the long term development of the area. The planning conditions under the previous approval had been complied with and the approval period sought was reasonable. While C for T had no objection to the application, he raised a concern that the rural access road was narrow and substandard. The inclusion of the same approval condition as for the previous application No. A/NE-KTN/151 on prohibiting the medium/heavy goods vehicles including container vehicles, and buses to enter/exit the application site was recommended. Although there were domestic dwellings in the vicinity of the application site and DEP did not support the application, no pollution complaints relating to the application site was received in the past 3 years. Relevant approval condition restricting the daily operation hour was recommended to be imposed and the applicant would be advised to undertake environmental mitigation measures as set out in the latest Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites to minimise any possible environmental nuisance.

128. Members had no question on the application.

Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 31.3.2015 until 30.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) no medium/heavy goods vehicles exceeding 5.5 tonnes, including container vehicles, and buses exceeding 10 metres long as defined in the Road Traffic Ordinance are allowed to enter/exit the application site during the planning approval period;

- (c) maintain all existing drainage facilities properly and rectify those facilities if they are found inadequate/ineffective during the planning approval period;
- (d) maintenance of all existing trees and landscape plantings within the application site during the planning approval period;
- (e) the submission of a conditional record of the existing drainage facilities on site as previously implemented on the same site under planning application No. A/NE-KTN/151 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 1.7.2015;
- (f) the submission of proposals for fire service installations and water supplies for fire-fighting 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 1.10.2015;
- (g) in relation to (f) above, the provision of fire service installations and water supplies for fire-fighting 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 31.12.2015;
- (h) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (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.”

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

- “(a) the approval of the application does not imply that the necessary approvals would be given by any Government departments. The applicant should approach the relevant Government departments direct for any necessary approvals;
- (b) to note the comments of the District Lands Officer/North, Lands Department that:
- (i) the actual occupation area is larger than the application site. A few pieces of Government land outside the application site have been occupied without approval; and
 - (ii) if the planning application is approved, the owner of the lots/tenants concerned shall apply to his office for modification of Short Term Tenancy No. 1941 to regularise the irregularities, which will be considered by Government in its landlord’s capacity. There is no guarantee that the application will be approved. If the application is approved, it will be subject to such terms and conditions to be imposed including payment of rental and administrative fee as considered appropriate by his office;
- (c) to note the comments of the Commissioner for Transport that the rural access road to the application site is via an unnamed village track and Ho Sheung Heung Pai Fung Road. The unnamed village track and Ho Sheung Heung Pai Fung Road are not under Transport Department’s management. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities for the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that a watercourse connected to the River Beas runs in the proximity along the eastern and western boundary of the site. Should the

application be approved, precautionary measures should be undertaken to avoid any water pollution, particularly in terms of surface runoff/discharges, to the surrounding environment;

- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that:
 - (i) the site is located within the flood pumping gathering ground; and
 - (ii) water mains in the vicinity of the application site cannot provide the standard pedestal hydrant;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) there is no record of approval by the Building Authority (BA) for the structures existing at the application site except for structure D. For the structures without record, BD is not in a position to offer comments on their suitability for the use related to the application;
 - (ii) in accordance with our record, building plans for a single storey temporary building (i.e. abovementioned structure D) was approved by the BA on 2.6.2009. However, no Temporary Occupation Permit was issued up-to-date, thus, the construction of the temporary building has not been completed;
 - (iii) if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - (iv) before any new building works are to be carried out on the application site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW).

An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (v) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
 - (vi) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the application 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;
 - (vii) in connection with (iv) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
 - (viii) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.
- (g) to note the comments of the Director of Fire Services that:
- (i) emergency vehicular access arrangement shall comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by BD; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.”

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/12 Social Welfare Facility (Residential Care Home for Persons with Disabilities) in “Village Type Development” zone, Lots 1397 RP (Part), 1400 S.B ss.2 (Part), 1400 S.B ss.3 (Part), 1400 S.B RP (Part) in D.D. 95 and Adjoining Government Land, No. H32, Ho Sheung Heung, Sheung Shui, New Territories
(RNTPC Paper No. A/KTN/12)

Presentation and Question Sessions

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

(a) background to the application;

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

(b) the social welfare facility (residential care home for persons with disabilities) involving an existing New Territories Exempted House for providing 27 beds for persons with disabilities and three temporary structures for sitting-out, dining and storage;

(c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application. The Director of Social Welfare (D of SW) advised that under the Residential Care Homes (Persons with Disabilities) Ordinance, residential care home for persons with disabilities (RCHD) must be operated with a licence or certificate of exemption (CoE) and its operation must comply with the statutory requirements. The

RCHD was issued with a CoE by his department on 1 February 2013 in accordance with the Residential Care Homes (Persons with Disabilities) Ordinance with conditions of improvements for full compliance with the licensing requirements, including seeking planning permission from the Town Planning Board to use the site for operating an RCHD;

- (d) during the first three weeks of the statutory publication period, a public comment was received from a North District Councillor who supported the application and suggested that the villagers in the vicinity should be consulted;
- (e) the District Officer (North) had consulted the locals regarding the application. The incumbent North District Councillor, the Chairman of Sheung Shui District Rural Committee cum Resident Representative of Ho Sheung Heung, and two Indigenous Inhabitant Representative (IIRs) of Ho Sheung Heung had no comment on the application except a IIR of Ho Sheung Heung who hoped that there could be proper management of the residents of RCHD to prevent them from loitering; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. While the development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone and there was insufficient land within the “V” zone to meet the Small House demand in Ho Sheung Heung, the applied development could nevertheless provide residential care home services to person with disabilities. The residential nature of the subject private residential care home was not incompatible with the surrounding developments which were mainly village houses. As advised by D of SW, obtaining planning permission was part of the conditions of the CoE in order to allow the private residential care home to continue to provide service to persons with disabilities who were in need of residential care. It was not anticipated that the applied use would cause significant adverse traffic, environmental, drainage, sewerage, fire safety and landscape impacts on the surrounding area. Relevant government

departments consulted had no adverse comment on the application.

132. Members had no question on the application.

Deliberation Session

133. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- “(a) submission and implementation of a drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.12.2015;
- (b) provision of fire service installations and water supplies for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2015; and
- (c) if the above planning conditions (a) or (b) are 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.”

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

- “(a) prior planning permission should have been obtained before commencing the development on the application site;
- (b) the planning permission is given to the structures under application. It does not condone any other structures which currently occur on the application 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 comments of the Chief Town Planner/Urban Design &

Landscape, Planning Department to maintain all existing landscape plantings on the application site and avoid interfering with trees adjacent to the application site;

- (d) to note the comments of the District Lands Officer/North, Lands Department (LandsD) as follows:

if planning application is granted, the owners of the lots shall apply to District Lands office for Short Term Waiver and Short Term Tenancy to cover the said unauthorized structures. Such applications will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such applications will be approved and the unauthorized structures can be retained. If such applications are approved, they will be subject to such terms and conditions, including but not limited to payment of fees and premium, to be imposed by LandsD. If such applications are not approved, or the terms and conditions are not accepted by the owners of the lots, the owners may be required to remove the unauthorized structures notwithstanding planning permission is granted;

- (e) to note the comments of the Commissioner for Transport that the status of the parcel of land near Ho Sheung Heung Road, as proposed by the applicant for loading/unloading and manoeuvring purpose, should be checked with the lands authority. The management and maintenance responsibilities of the parcel of land should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site is in an area where no public sewage connection is available and the Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities of the development;
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the application site is located within the flood

pumping gathering ground;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
 - (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the application 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;
 - (v) in connection with (ii) above, the application site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and

- (vi) if the application 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;

- (i) to note the comments of the Director of Fire Services that Emergency Vehicular Access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

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

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

 - (iii) the “Code of Practice on Working near Electricity Supply Lines”

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

Agenda Item 40

Section 16 Application

[Open Meeting]

A/NE-KTS/390 Proposed School (International School) and Access Road in “Agriculture” and “Village Type Development” zones, Lots 257 (Part), 258 (Part), 259 (Part), 334, 336, 337, 338, 340, 341, 342, 344, 345, 346, 347, 348, 349, 351 S.B (Part), 352, 353, 354, 355 (Part), 356, 357, 378 S.A (Part), 379 (Part), 403 (Part), 405 (Part), 406 (Part), 408 (Part), 411 (Part), 412 (Part), 415 (Part), 416 (Part), 417 (Part), 430 (Part), 590 RP (Part), 590 S.A (Part), 591 (Part), 598 S.A ss.3 (Part), 598 S.A ss.7 (Part), 598 S.A ss.13 (Part), 598 S.B ss.10 (Part) and 693 (Part) in D.D. 100 and Adjoining Government land, Kwu Tung South, New Territories
(RNTPC Paper No. A/NE-KTS/390)

135. The Secretary reported that Environ Hong Kong Ltd. (Environ), MVA Hong Kong Ltd. (MVA), Mott MacDonald Hong Kong Ltd. (MMHK) and AECOM Asia Co. Ltd. (AECOM) were the consultants of the applicant. The following Members had declared interests in the item:

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

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

- 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.

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

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

137. The Committee noted that the applicant requested on 16.3.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the first time that the applicant requested for deferment of the application.

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

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/391 Renewal of Planning Approval for Temporary Private Swimming Pool and Private Garden for a Permitted House (New Territories Exempted House - Small House) for a Period of 3 Years in “Agriculture” zone, Lot 842 (Part) in D.D. 100, Hang Tau, Kwu Tung South, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-KTS/391)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary private swimming pool and private garden for a permitted house (New Territories Exempted House (NTEH) - Small House) under previous application No. A/NE-KTS/319 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a public comment was received from Designing Hong Kong Limited. It objected to the application mainly on the grounds that the aim of the proposed development differed from the “Agriculture” (“AGR”) zoning; there was no public gain for granting this development as the ancillary private garden and swimming pool did not serve the public or surrounding community; permission for renewal of the temporary uses would pose difficulty for the

land to be used for other developments in need; and it would set an undesirable precedent for similar applications in the future;

- (e) the District Officer (North) had consulted the locals regarding the application. The incumbent North District Council member, the Chairman of Sheung Shui District Rural Committee, the Resident Representative and the two Indigenous Inhabitant Representatives of Hang Tau had no comment on the application; and

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although the private swimming pool and garden were not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes, the site was located adjacent to an existing NTEH and had been hard paved and formed. The application generally complied with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG No.34B) in that there were no adverse planning implications arising from the renewal of the planning approval as the temporary approval would not pre-empt the long term development of the area. The planning conditions under the previous approval had been complied with and the approval period sought was reasonable. Regarding the public comment, the assessments above were relevant.

140. Members had no question on the application.

Deliberation Session

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 31.3.2015 until 30.3.2018, on the terms of the

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

- “(a) the temporary swimming pool and garden should not be opened to members of the public;
- (b) all existing trees and landscape plantings on the application site should be maintained at all times during the planning approval period;
- (c) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (d) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/North, Lands Department as follows:
 - (i) the swimming pool and the filtration pump have been erected on the lot concerned without prior approval from his office. His office reserves the right to take lease enforcement actions against these irregularities; and
 - (ii) there is no guarantee that the application for Short Term Waiver will be approved. If the Short Term Waiver is approved, it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office;
- (b) to note the comments of the Commissioner for Transport that the access

from Hang Tau Road to the application site is not managed by his department. In this regard, the land status of the access leading to the application site should be checked with the lands authority. The management and maintenance responsibilities for the same access should also be clarified with the relevant lands and maintenance authorities accordingly;

- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend the insider 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 application site is located within the flood pumping gathering ground;

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

and arrangement with the electricity supplier is necessary;

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

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/661 Proposed 4 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 286 S.E, 286 S.F, 286 S.G, 286 S.H in D.D. 106, Tin Sam Tsuen, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/661)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed 4 houses (New Territories Exempted Houses (NTEHs) - Small Houses);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site was surrounded by abandoned land overgrown with grasses and road access and water supply were available. As such, the site possesses potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, 10 public comments were received from the residents of Strong Sing Garden, villagers of Tin Sam Tsuen and Designing Hong Kong Limited (DHKL). The residents of Strong Sing Garden and villagers of Tin Sam Tsuen raised concerns or objected to the application mainly on the grounds that the proposed development might lead to security and fire safety issues, generate adverse environmental and traffic impacts, caused damage to local roads, disrupted the *fung shui* and harmony of the village, and reduced the available land for car park and Small Houses for indigenous villagers. DHKL objected to the application mainly on the grounds that the proposed development was incompatible with the zoning intention; approval of the application would set an undesirable precedent; no impact assessments had been made; 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 proposed Small House development was not in line with the planning intention of the “Agriculture” zone and there was no strong planning justification in the submission for a departure from the planning intention. DAFC did not support the application from the agricultural point of view as the site possessed potential for agricultural rehabilitation. Also, the

proposed NTEHs did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the footprints of the proposed NTEHs fell entirely outside the “Village Type Development” zone and village ‘environs’ of Tin Sam (Kau Tsuen) and Tin Sam San Tsuen. Approval of the subject application would set undesirable precedent for similar development within the same “AGR” zone. According to the Small House estimation from District Lands Officer/Yuen Long and latest assessment of PlanD, although there was insufficient land for meeting the long-term demand for Small House in Tin Sam and Shek Wu Tong, there was still land available to meet the current outstanding applications. As aforementioned, 10 public comments from the nearby residents and DHKL raising concerns or objected to the application were received during the statutory publication period.

144. Members had no question on the application.

Deliberation Session

145. 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 Consideration of Applications for New Territories Exempted House (NTEH)/Small House in New Territories in that the proposed NTEH/Small House footprints fall entirely outside the village ‘environs’ of Tin Sam (Kau Tsuen) and Tin Sam

San 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.”

[Mr K.F. Tang left the meeting at this point.]

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/662 Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Residential (Group C)” zone, Lots 341, 342, 344 (Part) and 348 in D.D. 109, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/662)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary 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 Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape planning point of view. She advised that based on the recent aerial photos taken on September 2012

and October 2013, significant vegetation clearance was observed on-site. The site was currently paved for suspected unauthorized parking use and no significant vegetation was found within the site boundary. The applicant failed to demonstrate that the adverse landscape impact resulted due to the loss of vegetation would be adequately mitigated in the proposed development and the approval of the application would set an undesirable precedent for similar uses degrading the rural character of the “Residential (Group C)” (“R(C)”) zone;

- (d) during the first three weeks of the statutory publication period, five public comments were received from the land owners of Lots 341, 343 and 344 in D.D. 109, Incorporated Owners of Super King Court and two nearby residents. The concerned landowners objected to the application on the grounds that the concerned lots were not rented or sold to anyone for development, and considered that the subject application was submitted illegally. The other commenters objected to the application mainly on the grounds that the proposed development would cause security problems and adverse traffic and environmental impacts including light and air pollution. One of the commenters raised concerns on the issues of suspected illegal occupation of Government land, vandalism, private land ownership and inappropriate change of land uses; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed temporary public vehicle park was not in line with the planning intention of the “R(C)” zone and no strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The proposed temporary public vehicle park was not compatible with the surrounding areas which were predominated by residential settlements, residential structures/dwellings, vacant/unused land and an open storage yard. The applicant failed to demonstrate that the development would not generate adverse environmental impacts on the surrounding areas. CTP/UD&L, PlanD had some reservations on the application as the applicant failed to demonstrate that potential adverse

landscape impact would be adequately mitigated and approval of the application would set an undesirable precedent for similar uses degrading the rural character of the “R(C)” zone. Also, there was no major change in planning circumstances that warranted a departure from the Committee’s previous decision. Approval of the current application would set an undesirable precedent for similar uses to proliferate in this area. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. Furthermore, five public comment objecting the application as stated above were received.

147. Members had no question on the application.

Deliberation Session

148. 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 “Residential (Group C)” (“R(C)”) zone which is intended primarily for low-rise, low-density residential developments. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development is not compatible with the surrounding land uses which are predominated by residential structures/dwellings;
- (c) the site is located within a cluster of residential settlements. The applicant fails to demonstrate that the development would not have adverse environmental and landscape impacts on the adjacent residential structures/dwellings; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the same/nearby

“R(C)” zones. The cumulative effect of approving such similar application would result in a general degradation of the environment and the rural character of the area.”

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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, New Territories
(RNTPC Paper No. A/YL-PH/710A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery and second-hand 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 the development would cause traffic of heavy vehicles which was expected to travel along access road within 50m from the nearest residential building and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, a public comment was received from a member of the public who raised objection

to the application mainly on the grounds that no impact assessments on traffic, noise, drainage and environmental contamination had been made; the development would cause contamination which made the land irreversible for agricultural use; the materials involved might lead to fire hazards; there had been incidents of fire on similar second-hand vehicle sites which produced smoke and caused concern to residents nearby; and such land should be retained for agricultural use or similar nature; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 3 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was considered generally in line with TPB PG-No. 13E in that there were previous approvals for similar uses on the site and relevant departments, except DEP, had no adverse comment on the application and the site was the subject of previous approvals since 2003. Although DEP did not support the application, no environmental complaint was received for the site in the past three years. To address DEP's concern, approval conditions restricting the operation hours and types of vehicles, as well as prohibiting workshop activities were recommended. Since the last two approvals were revoked, shorter compliance periods were recommended to closely monitor the progress on compliance with conditions. Regarding the public comment, relevant departments had no adverse comment on the application and appropriate approval conditions were recommended to minimise the potential impacts. Besides, the site fell within "Residential (Group D)" zone which was not intended for agricultural use.

150. Members had no question on the application.

Deliberation Session

151. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as

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

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the existing boundary fencing on the site should be maintained at all times during the planning approval period;
- (f) the implementation of the accepted 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 27.6.2015;
- (g) the implementation of the accepted landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.6.2015;
- (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 27.6.2015;
- (i) in relation to (h) above, the provision of 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 27.9.2015;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issue relating to the development with the concerned owners of the site;
- (c) shorter compliance periods are imposed to monitor the progress of the compliance. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that

no structure is allowed to be erected without the prior approval of the Government. The site is accessible to Kam Tin Road via Government land (GL). LandsD does not provide maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner concerned will need to apply to LandsD to permit 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 and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (f) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt necessary measures to prevent polluting the watercourse during operation as the site is in vicinity to a watercourse;
- (h) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to alleviate any potential environmental nuisance;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the

nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

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

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

effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (1) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractor shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary for 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 45

Section 16 Application

[Open Meeting]

A/YL-PH/711 Temporary Horse Riding School for a Period of 3 Years in “Agriculture” zone, Lots 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839 (Part), 2840, 2841, 2842 (Part), 2843 (Part), 2850 (Part) in D.D. 111 and Adjoining Government Land, Wang Toi Shan, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/711)

153. The Committee noted that the applicant requested on 4.3.2015 for deferment of the consideration of the application for two months so as to allow time to address the comments of relevant departments. This was the first time that the applicant requested for deferment of the application.

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

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/712 Proposed Utility Installation for Private Project (Pole-mounted Transformer) and Excavation and Filling of Land in “Village Type Development” zone, Lot 89 S.Q ss.6 (Part) in D.D. 111, Shui Kan Shek, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/712)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed utility installation for private project (pole-mounted transformer) and excavation and filling of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. As the proposed pole-mounted transformer was required for the provision of the necessary electricity supply for Small House development in the vicinity, the proposed development was considered not in conflict with the planning intention of the “Village Type Development” zone. The proposed development was also considered not incompatible with the

surrounding area in rural character predominated by residential dwellings/structures, future Small House developments and vacant/unused land. Concerned departments had no adverse comment on the application.

156. Members had no question on the application.

Deliberation Session

157. 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 27.3.2019, 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.

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lot held under Block Government Lease which contains the restrictions that no structure is allowed to be erected without prior approval of the Government. The site is accessible to Fan Kam Road via private land and Government land (GL). His office does not provide maintenance work for the GL involved and does not guarantee any right-of-way. Should the application be approved, the lot owner concerned will need to apply to his office to permit structures to be erected or regularize 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;
- (b) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment, where applicable) to find

out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site. Prior to establishing any structure within the site, the applicant and his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity 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;

- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that there is a watercourse to the west of the site. The applicant should adopt appropriate measures to avoid disturbance and pollution to the watercourse during construction;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscape treatment should be provided in the adjacent land owned by the applicant to screen the proposed pole-mounted transformer;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in the vicinity of an existing streamcourse, the applicant should place the proposed works 3m away from the streamcourse; the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and the applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works are to be carried out on leased land, the prior approval and consent of BD should be obtained, otherwise they are unauthorized building works. An Authorized

Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). The works involve excavation and filling of land, a Registered Geotechnical Engineer may be appointed for the proposed works in accordance with BO; and

- (g) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. Therefore, the project proponent must ensure that installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities.”

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/713 Private Club in “Village Type Development” zone, Lots 316 S.B ss.2
S.A (Part) and 316 S.B ss.3 (Part) in D.D. 111, Pat Heung, Yuen Long,
New Territories
(RNTPC Paper No. A/YL-PH/713)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the private club in a 2-storey temporary container-converted structure;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T), the Chief Highway Engineer/NT West, Highways Department (CHE/NTW, HyD) and the Chief Engineer 1/Major Works, Major Works Project Management Office, Highways Department (CE1/MW, MWPMO, HyD) advised that the proposed development may had conflict/interface with the highway project “Improvement to Fan Kam Road” under planning. CE1/MW, MWPMO also advised that no permanent structure should be built on the concerned lots; and the proposed development should only be approved on a temporary basis ending in early 2017. Extension of its use should be subject to review by the time;

- (d) during the first three weeks of the statutory publication period, six public comments objecting to the application were received, of which three of them were from local residents, another two from a local residents including 34 signatures from local residents and the remaining one from the Designing Hong Kong Limited. They objected to the application on the grounds that the ‘private club’ involved an illegal, dangerous and elevated structure completed without prior Government permission; the site was used for refuse collection point since mid-1980s; the sewage from the club and the accumulation and displacement of rubbish to the site next to the club would lead to pollution and environmental degradation; blocking village access and sightlines, thus creating danger; and

- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the private club use on a temporary basis for a period of 2 years based on the assessments set out in paragraph 11 of the Paper. The proposed ‘private club’ use was not in conflict with the planning intention of the “Village Type Development” zone and was considered not incompatible with the surrounding land uses which were rural in character. As the site encroached onto the boundary of the ongoing “Improvement to Fan Kam Road” project, CE1/MW, MWPMO, HyD though had no adverse comment on the application, requested for a temporary tenure of approval ending in

early 2017 taking into account the current proceedings of the project. Extension of the applied use should be subject to review by the time. In view of this, it was recommended that temporary approval of two years could be given to avoid interfering with the said project. Also, to minimise the possible environmental nuisance, approval condition restricting operation hours, as proposed by the applicant, was recommended. Regarding the public comments, the illegal structure on-site was suspected unauthorized building works, which were subject to enforcement action by the Building Department and the applicant would need to appoint an Authorized Person to make submission in accordance with the Buildings Ordinance and the Building (Planning) Regulations. For the use as private club, concerned Government departments had no objection to or no adverse comment on environmental, hygiene or traffic safety ground due to the small scale of the club abutting Fan Kam Road.

160. Members had no question on the application.

Deliberation Session

161. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years, instead of permanent sought, until 27.3.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 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) 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 27.9.2015;
- (c) in relation to (b) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.12.2015;

- (d) 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
- (e) if any of the above planning conditions (b) or (c) 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied used at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease, which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. The site is accessible from Fan Kam Road via Government land (GL). LandsD does not provide maintenance works for the GL nor guarantee right-of-way. Should the application be approved, the lot owner concerned will need to apply to LandsD 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 the application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to note the comments of the Chief Engineer 1/Major Works, Major Works Project Management Office, Highways Department (HyD) that no permanent structure should be built on the concerned lots and having regard

to the current proceedings of the 'Improvement to Fan Kam Road' project, it is advisable that the proposed use should only be approved on a temporary basis ending in early 2017. Extension of its use should be subject to review by the time;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, HyD that the applicant should be responsible for his own access arrangement. HyD is not and shall not be responsible for the maintenance of the existing vehicular access connecting the site and the public roads. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (f) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that there is a watercourse immediately adjacent to the site. The applicant should adopt appropriate measures to avoid disturbance and pollution to the watercourse during operation;
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains might be affected. The developer shall bear the cost of any necessary diversion works affected by the development. 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; and

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority for any existing structures at the site. The applicant should observe that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under 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 BD should be obtained. Otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. 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 the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the use under application is subject to the issue of a licence, the applicant should be reminded that any existing structure on the site are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.”

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/206 Renewal of Planning Approval for Temporary Camping Ground for Meditation Use for a Period of 1 Year in “Conservation Area” zone, Lots 1556 (Part) and 1558 in D.D. 114, Shek Kong, Yuen Long, New Territories
(RNTPC Paper No. A/YL-SK/206)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary camping ground for meditation use under previous application No. A/YL-SK/206 for a period of 1 year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application. The Director of Agriculture, Fisheries and Conservation (DAFC) noticed that some seedlings of an exotic ornamental plant *Platycladus orientalis* (側柏) were planted within the site. It was not a species proposed to be planted for compensation in the approved Tree Survey Report and Assessment and it was not complementary with the surrounding environment. If those exotic seedlings were mistakenly planted as compensation, they should be replaced with the seedlings of the two native species (*Macaranga tanarius var. tomentosa* and *Sterculia lanceolata*) which were proposed in the said Tree Survey Report and Assessment. Also, as the site was located near Tai Lam Country Park and a catchwater, DAFC and the Chief

Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) considered that no open burning should be conducted and no chemicals including fertilizers/pesticides should be used/stored within the site for protecting the Country Park and the water gathering ground;

- (d) during the first three weeks of the statutory publication period, a public comment was received from a Yuen Long District Council member who raised objection to the application mainly on the grounds of traffic congestion problem along the catchwater access road due to increase of traffic flow during public holidays; and the large statue at the site would affect the *fung shui* of Pat Heung Temple and would create adverse psychological impact on the local villagers. The commenter urged the Town Planning Board to take into consideration local comments/views and reject the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 1 year based on the assessments set out in paragraph 12 of the Paper. The application generally complied with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No.34B) in that there had been no material change in planning circumstances since the granting of the previous temporary approval under Application No. A/YL-SK/197; the conditions of the previous approval, including those related to landscaping and fire safety aspects had been complied with. Regarding the public comment, the Commissioner for Transport and CE/Dev(2), WSD had no adverse comment on the traffic aspect of the application. However, the applicant should be advised not to use the nearby catchwater access road as vehicular access to the site. Other departments had no adverse comment on the application. Relevant approval conditions are recommended to minimise and mitigate any potential impacts on the surrounding areas.

164. A Member asked whether the renewal period could be extended given the

applicant had been using the site in accordance with the terms approved by the Committee and had complied with the approval conditions of the previous planning approval. In response, Mr Kepler S.Y. Yuen said that the current application was a renewal application, and according to TPB PG-No.34B, under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval (i.e. one year under planning application No. A/YL-SK/197). A longer approval period could only be granted if a fresh planning application proposing to use the site for a longer period was submitted to the Committee for consideration.

Deliberation Session

165. The Chairman considered that the application could be approved as there had been no material change in planning circumstances since the granting of the previous temporary planning approval under application No. A/YL-SK/197 and the conditions of the previous approval had been complied with. Given the applicant had been using the site in accordance with the terms approved by the Committee, in particular the approval condition that no new fixture or structure was allowed to be placed/built on the site during the planning approval period had been complied with, the Chairman asked PlanD to liaise with the applicant to submit a fresh planning application with a longer period of use for the consideration of the Committee. Another Member also suggested PlanD to liaise with the applicant to note DAFC's comments that for compliance with the approval condition regarding tree preservation proposal including a tree survey report under the planning permission of previous Application No. A/YL-SK/197, exotic seedlings that were mistakenly planted as compensation should be replaced with the seedlings of the two native species (*Macaranga tanarius var. tomentosa* and *Sterculia lanceolata*) which were proposed in the said Tree Survey Report and Assessment.

166. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year from 29.3.2015 to 28.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no new fixture or structure is allowed to be placed/built on the application site during the planning approval period;

- (b) no trees within the application site are allowed to be interfered with by any means, felled or topped at any time during the planning approval period;
- (c) no open burning, as proposed by the applicant, is allowed on the application site at any time during the planning approval period;
- (d) no chemicals, including fertilizers/pesticides, are allowed to be used or stored on the application site at any time during the planning approval period;
- (e) no public announcement system, portable loudspeaker or any form of audio amplification system, as proposed by the applicant, is allowed to be used on the application site at any time during the planning approval period;
- (f) the submission and implementation of landscape and tree preservation proposals including a tree condition survey report 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 29.9.2015;
- (g) 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;
- (h) if planning condition (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (i) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) 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 Route Twisk via Government land (GL). His office provides no maintenance works for the GL involved and does not guarantee any right-of-way. The site falls within Water Gathering Grounds. The site falls within Shek Kong Airfield Height Restriction Area. Should planning approval be given to the application, the lot owner(s) 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 will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that it was noticed in a recent site visit that some trees have been felled within the site. He understands that the removal of these trees was carried out to implement the Tree Survey Report and Assessment in compliance with the relevant approval condition under the planning permission of previous Application No. A/YL-SK/197. It was also noticed that some seedlings of an exotic ornamental plant *Platcladus orientalis* (側柏) were planted within the site. It is not a species proposed to be planted for compensation in the approved Tree Survey Report and Assessment and it is not complementary with the surrounding environment. If these exotic seedlings were mistakenly planted as compensation, they should be replaced with the seedlings of the two native species (*Macaranga tanarius* var. *tomentosa* and *Sterculia lanceolata*) which were proposed in the said Tree Survey Report and Assessment;
- (c) to note the comments of the Commissioner for Transport that the site is

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

- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should remove the tree debris off-site;
- (e) to note the comments of the Director of Environmental Protection (DEP) to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimise any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the nearby catchwater access road should not be used as vehicular access to the application site. The “Conditions of Working within Water Gathering Ground” in Appendix IV of the Paper should be complied with in the course of erection of structures within the application site. Besides, water mains in the vicinity of the application site cannot provide the standard pedestal hydrant; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if it is proposed to erect any temporary structures not exempted under the provisions of the Buildings Ordinance, formal building plans should be submitted for his approval.”

Agenda Item 49

Section 16 Application

[Open Meeting]

A/YL-NTM/315 Proposed School (Kindergarten) in “Residential (Group C)” zone, G/F, Maple Garden Clubhouse Building, Ngau Tam Mei, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NTM/315)

168. The Committee noted that the applicant requested on 12.3.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information in support of the application. This was the first time that the applicant requested for deferment of the application.

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

[The Chairman thanked Mr Otto K.C. Chan, Mr Kevin C.P. 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 50

Section 12A Application

[Open Meeting]

Y/YL-LFS/6 Application for Amendment to the Approved Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/7, To rezone the application site from “Recreation” to “Government, Institution or Community (1)”, Lots 1966 S.A, 1966 RP, 1968, 1969, 1970 and 1975 RP in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long, New Territories

(RNTPC Paper No. Y/YL-LFS/6)

170. The Secretary reported that Environ Hong Kong Ltd. (Environ) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Environ. 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.

171. The Committee noted that the applicant requested on 19.3.2015 for deferment of the consideration of the application for two months to allow time for addressing the comments of relevant Government departments, including the Antiquates and Monuments Office of the Leisure and Cultural Services Department, the Hong Kong Police Force, and the Urban Design and Landscape Section of the Planning Department, to revise the proposed road widening scheme and to response to public comments. This was the first time that the applicant requested for deferment of the application.

172. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier

meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 51

Section 16 Application

[Open Meeting]

A/TM/469 Proposed Holiday Camp in "Recreation" zone, Lot 33 RP in D.D. 300,
Area 45, Tuen Mun, New Territories
(RNTPC Paper No. A/TM/469)

173. The Secretary reported that Environ Hong Kong Ltd. (Environ) and ADI Ltd. (ADI) were the consultants of the applicant. The following Members had declared interests in the item:

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

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

174. The Committee noted that Ms Janice W.M. Lai had left the meeting already. 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.

175. The Committee noted that the applicant requested on 19.3.2015 for deferment of the consideration of the application for two months so as 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.

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

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

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

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/290 Proposed Flat Development and Minor Relaxation of Plot Ratio and Building Height Restrictions in "Commercial" zone, Lots 531 RP, 532 S.D RP and 532 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/290)

Presentation and Question Sessions

177. The Chairman noted that the applicant had recently submitted further information (FI) to the Secretariat requesting for amendments to the proposed development scheme. He invited the Secretary to brief Members on the FI. The Secretary said that the applicant sought planning permission for a proposed flat development and minor relaxation of plot ratio (PR) restriction from 3.6 to 3.685 and building height restriction from 36m to 41.2m (but no relaxation on number of storeys) at the application site. On 26.3.2015, after issuance of the Paper, the applicant wrote to the Town Planning Board informing that the proposal of seeking permission for minor relaxation of PR from 3.6 to 3.685 would no longer be pursued. As a

result of this, the applicant stated that the reduction in gross floor area (GFA) was 146m². These would not be substantive corresponding changes in the design, as illustrated in the submitted and associated technical assessments. Such GFA changes could readily be accommodated in the detailed GFA calculation by deducting the GFA of mandatory Electrical and Mechanical (E&M) plant rooms in the proposed development. That adjustment needed not be reflected on the drawings submitted but would be shown in detailed design drawings submitted under the general building plan. Adjusting the above calculation had no implications on landscaping and tree felling proposal. The applicant also stated that the only implication was that the average flat size would change from 48m² to 46m² (i.e. 2m² less). The Committee was invited to consider whether the applicant's request for not pursuing with minor relaxation of PR from the current application could be accepted as FI for this application. The Chairman suggested and Members agreed to listen the case to be presented by the Planning Department (PlanD) prior to consideration of the applicant's FI and its request. The Chairman then invited the representative of PlanD to introduce the application.

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

- (a) background to the application – the site was the subject of five previous applications for proposed residential development with retail facilities. The last approved Application No. A/TM-LTYYY/151 was approved with conditions by the Committee on 10.8.2007. On 5.8.2011, the Committee approved Application No. A/TM-LTYYY/151-2 for extension of time for commencement of development, and the permission was valid until 10.8.2015;
- (b) the applicant originally proposed for flat development and minor relaxation of PR and building height (BH) restrictions from 3.6 to 3.685 and from 39.6m to 41.2m respectively. As compared with the last approved scheme under application No. A/TM-LTYYY/151, the current application mainly involved the following:
 - (i) combining three residential blocks into one joined residential block, with a total domestic GFA of 6,325.92m². On 26.3.2015, the

applicant submitted FI to reduce the total domestic GFA by 145.98m^2 to $6,179.94\text{m}^2$ (equivalent to a maximum PR of 3.6), i.e. to delete the proposed minor relaxation of PR restriction from the application. The proposed minor relaxation of BH restriction to 41.2m remained unchanged. Upon the proposed amendment, the average flat size of the proposed development would be reduced from 48m^2 to 46.82m^2 . The total number of flats and storeys remained unchanged;

- (ii) to mitigate the traffic noise impact on the site which was sandwiched between the elevated West Rail (WR) and at grade Light Rail (LR) to the west and Castle Peak Road – Lam Tei to the east, the applicant proposed single-aspect building design with non-noise sensitive rooms directly facing the WR and LR and architectural fins of 0.6m to 1m long, fixed windows and acoustic windows facing Castle Peak Road – Lam Tei;
 - (iii) to minimize the adverse air quality impact to 1/F residential floor and to comply with the Air Quality Objectives (AQO) thereat, the height of the G/F would be increased from 4.5m to 6.4m (inclusive of a 1.4m high above-ground platform and a 5m high lobby). With the 1.8m-high transfer plate, the openings/windows of the 1/F residential floor would be raised to 9.3m above ground to mitigate the air quality impact from the surrounding roads. However, to maintain the overall proposed building height of 41.2m, the residential floor-to-floor height would be reduced from 3.025m to 3m;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application. The District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) advised that the site was in close proximity to the existing graves/urns next to the north-eastern corner. The applicant should examine whether the site boundary and the design of

the development could address the concerns of interested parties at the outset of the current planning application stage. The Director of Environmental Protection (DEP) had no adverse comment on the application and suggested to stipulate approval conditions requiring the applicant to implement the mitigation measures identified in the air quality impact assessment and submit an updated noise impact assessment and implement the noise mitigation measures identified to his satisfaction;

- (d) during the first three weeks of the statutory public inspection periods of the application and the FI, a total of 39 public comments were received. Among them, three public comments from individuals supported the application on the grounds that the proposed development would diversify housing supply and increase small-/medium-size flats in Lam Tei; the site which was in close proximity to LR was a convenient location; the building design was acceptable; and there was a planning permission for residential use related to the site. The 35 public comments from villagers and descendants of the deceased in ancestral graves objected to the application on grounds that the proposed development would adversely affect *fung shui* of the ancestral graves and affect the traditional rights of *fung shui* of the indigenous villagers enshrined in Article 40 of the Basic Law; it would cause adverse traffic, environmental, visual, landscape, social and cultural heritage impacts; the proposal involved Government land, which should be prioritized for public use instead of for private development; the consultation procedures should include the Tuen Mun District Council (TMDC) and the Antiquities and Monuments Office of Leisure and Cultural Services Department (AMO of LCSD). The remaining comment submitted by the Mass Transit Railway Corporation Limited cautioned that the noise from train operations of the WR Line and LR system might have potential impact on future occupants of the proposed development and urged the Town Planning Board to impose approval condition requiring the applicant to implement all practicable noise mitigation measures to the satisfaction of the DEP if the application was approved. The District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD) noted that the village representatives (VRs) of Nai Wai had raised objections on the

grounds of the potential adverse *fung shui* impact as the site was located in the vicinity of the ancestral grave of TO's clan of Nai Wai. As the applicant did not address the VRs' concern, it was anticipated that the villagers concerned would maintain their objection to the application on the same grounds; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper and were summarised as follows:

Planning Intention

- (i) although the proposed pure residential development was not entirely in line with the planning intention of the "C" zone, there were three previously approved applications mainly for residential development at the site and the last approved one (Application No. A/TM-LTYY/151) was mainly for residential use with the GFA for retail facilities of 52m²;

Minor relaxation of BH restriction

- (ii) the increase in BH from 36m to 41.2m was mainly due to the need to raise the 1/F residential floor so that the openings/windows of the 1/F will be raised to 9.3m above ground to minimize the air quality impact from the surrounding roads for compliance with the AQO. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had no objection to the minor relaxation of BH restriction on visual grounds;

Maximum PR of the proposed development

- (iii) originally PlanD did not support the minor relaxation of PR restriction as there was no justification given in the application to demonstrate that the proposed relaxation of PR restriction was

required for innovative design adapted to the characteristics of the application site. Further, the proposed GFA of 6,325.92m² derived from a withdrawn application (No. A/TM-LTYYY/278) not considered by the Committee was not an appropriate reference. Also, the land involved in the reduction in site area as claimed by the applicant was in fact Government land. Provided that the FI submitted by the applicant on 26.3.2015 suggesting to delete the minor relaxation of PR restriction of 0.085 would be maintained and the maximum PR of 3.6 would comply with the statutory PR restriction of the “C” zone, PlanD had no objection to the application;

Technical Issues

- (iv) other concerned government departments had no objection to or no adverse comment on the application. Their requirements/concerns could be addressed through imposing approval conditions/advisory clauses should the application be approved; and

Public Comments

- (v) regarding the public comment, the assessments above were relevant. As to the public concerns on the consultation procedures, consultation letters and materials of the application were sent to Members of TMDC. AMO of LCSD had also been consulted when processing the application, who advised that the graves in the vicinity were not declared monuments or historic buildings.

179. In response to a Member’s query on the need for minor relaxation of building height (BH) restriction, Mr K.C. Kan said that the proposed development comprised a 6.4m high ground floor (including a 1.4m high above-ground platform and a 5m high lobby) and a 1.8m transfer plate to minimise the adverse air quality impact to 1/F residential floor and to comply with the Air Quality Objectives (AQO) thereat. To maintain the overall proposed BH similar to that of the previously approved application No. A/TM-LTYYY/151, the

residential floor-to-floor height of the proposed development was reduced from 3.18m to 3m. The number of storeys remained unchanged. Mr K.C. Kan further said that the BH restriction of 12 storeys stipulated on the Outline Zoning Plan was maintained and the application only involved minor relaxation in absolute BH, which the Committee had previously approved similar minor relaxation of BH restriction from 36m to 39.5m for proposed residential development at the site. As compared with the previously approved application, the current application involved an additional 1.7m increase in BH to address the air quality impact.

180. In response to the Vice-chairman's query on the interface of the proposed development with the proposed cycle track being implemented by the Civil Engineering and Development Department (CEDD), Mr K. C. Kan said that as compared with the previous application (No. A/TM-LTY/151), there was an improvement in reducing the length of the cycle track to be affected by relocating the ingress/egress point of the proposed development to the south of the site. While CEDD considered that the proposed development would not affect the cycle track, the Commissioner of Police suggested that the section of the cycle track between the ingress and egress points of the proposed development could be built underground. Concerned government departments, such as the Commissioner for Transport and the Project Manager (New Territories West), CEDD had no adverse comment on the proposal and the applicant would be reminded to consider the suggestion should the application be approved.

Deliberation Session

The proposed deletion of minor relaxation of PR restriction in the application

181. The Chairman said that PlanD considered the applicant's request for not pursuing with minor relaxation of PR restriction of 0.085 as well as the corresponding changes in the GFA and the average flat size were minor in nature which did not constitute a material change to the application, and could be exempted from the publication and recounting requirements. He invited Members to consider the FI and the applicant's request. After deliberation, Members agreed that the FI could be accepted and exempted from the publication and recounting requirements, and the applicant's request could be acceded to. The application would be considered based on a maximum PR of 3.6.

The application for residential development

182. The Chairman then invited Members to consider the application for change of use from commercial to residential. He recapitulate for Members' information that there were three previously approved applications mainly for residential development at the site. Although the site was surrounded by sources of noise nuisance (i.e. Castle Peak Road to its immediate east and Light Rail/elevated West Rail to its immediate west) which would constrain its development for residential use, the applicant had demonstrated in the Noise Impact Assessment that various traffic noise mitigation measures had been exhaustively considered and practicable ones had been recommended for implementation. DEP also had no adverse comment on the application.

183. A Member considered that the site was not suitable for residential development as the future occupants would be subject to traffic noise impact. He asked whether there was a change in planning circumstances since the last planning approval to warrant a reconsideration of the current application. The Chairman said that in considering the current application, the decisions of previous applications were relevant. The Vice-chairman concurred and said that the major difference between the previous planning approved application (application No. A/TM-LTYYY/151) and the current application was the minor relaxation of BH restriction. The application should be considered on the basis of whether the current application had planning merits as compared with the previous one. On this aspect, he considered that the current application to facilitate the implementation of the proposed cycle track could be considered as a planning merit that warranted an approval of the application. The Chairman also said that the current application could be approved if there were improvements of the scheme on compared with that of the previous one. While the same Member had no further comment on the application, he cautioned that the aforementioned concerns raised by him should be thoroughly considered if future similar applications were submitted for the Committee's consideration.

Application for minor relaxation of BH restriction

184. With regard to the proposed minor relaxation of BH restriction, the Chairman said noted that the relaxation of BH from 39.5m to 41.2m was mainly due to the need to raise

the 1/F residential floor so that the opening/windows of the 1/F would be raised to 9.3m above ground to minimize the air quality impact from the surrounding roads for compliance with the Air Quality Objectives (AQO). Given the site constraints and CTP/UD&L, PlanD had no objection to the application from a visual perspective, the Chairman considered that the application could be approved. A Member agreed and considered that the BH relaxation was minor that would not create significant adverse visual impact.

Interface of the cycle track with the proposed development

185. A Member asked how the impact of the proposed development on the cycle track could be minimized. The Chairman said that it was not uncommon that the alignment of the cycle track would be affected by the ingress/egress point of the developments along it. The relocation of the proposed ingress/egress point of the proposed development under the current application was an improvement to the previous application in that the section of cycle track to be affected would be shortened. Members noted that an approval condition requiring the applicant to design and provide the vehicular access to the satisfaction of the Commissioner for Transport; and an advisory clause requiring the applicant to investigate the provision of an underground passageway, or the like, for the section of cycle track at the proposed ingress/egress point of the proposed development, or requiring the applicant to seek the CEDD's advice when conducting any tasks under or after the application had been recommended by PlanD. Under these circumstances, the Chairman considered and Members agreed that the concerns on the interface of the proposed development with the cycle track project had been addressed.

186. 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 27.3.2019, 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 implementation of mitigation measures identified in the air quality impact assessment and in the applicant's submission to the satisfaction of the Director of Environmental Protection or of the TPB;

- (b) the submission of an updated noise impact assessment and the implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the design and provision of vehicular access, parking and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission and implementation of detailed drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the diversion of affected water mains or provision of Waterworks Reserve for the affected water mains to the satisfaction of the Director of Water Supplies or of the TPB; and
- (g) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) that the approval of the application does not imply that the proposed building design elements could fulfill the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department and the Lands Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the TPB may be required;

- (b) to note the comments of the the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the site comprises 3 private lots, namely Lot Nos. 531 RP, 532 s.D RP and 532 RP all in D.D. 130, which are all old schedule agricultural lots, and the adjoining Government land of considerable size (about 1,053.35m² as quoted in the applicant's submission) as compared to land owned by the applicant. While the total registered site area of the 3 private lots is about 10,811 square feet (i.e. about 1,004.4m²), the surveyed area by his District Survey Office is only about 663.3m². It is noted that the applicant has based on the site area of 663.3m² for the private lot portion under the current submission. The applicant will need to apply to the LandsD for a land exchange for the proposal. He advises that the proposal will only be considered upon receipt of formal application to his Office from the applicant. He also advises that there is no guarantee that the application, if received by the LandsD, will be approved and he reserves his comment on such. The application will be considered by Lands Department acting in the capacity as the landlord at its sole discretion. In the event that if the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging the payment of premium and administrative fee as may be imposed by LandsD. Apart from the said Government land of about 1,053.35m² which is proposed to be included into the lot boundary under the current submission, the proposed access road connecting Castle Peak Road – Lam Tei will encroach onto another piece of adjoining Government land to its west which has been included for the Water Services Department (WSD)'s project "Replacement and Rehabilitation of Water Mains, Stage 3, Tuen Mun". Besides there are 3 WSD's manholes thereon and one of which partly falls within the site. It is noted that the proposed vehicular access and run-in and out would bisect the proposed cycle tracks connecting Northwest and Northeast New Territories. Due to the proximity of the site to the existing graves/urns next to the north-eastern corner of the site, strong local objections are expected. The applicant should examine whether the proposed site boundary and the development design can address the concerns of interested parties at the outset of the

current planning application stage. The tree felling proposal which involves felling of 99 trees and also compensatory tree planting proposal as contained in the Tree Preservation Proposal Report under the current submission is noted. Besides, as felling of some roadside trees and compensatory planting on roadside area is proposed, the proposed tree felling, compensatory planting and future maintenance responsibility of the compensatory planting should be subject to the Director of Leisure and Cultural Services' comment/agreement. Some of the proposed parking spaces on the ground level are covered or partly covered. The applicant should note that the quality and sustainable built environment (QBE) requirements in relation to building separation, building setback, greenery, cap on the GFA concession in respect of green/amenity features and non-essential plant room/services and GFA concession for car park will be imposed in the lease for cases involving land exchange. The applicability of each QBE requirement will be examined in detail during the processing of the land exchange application. Detailed checking of the proposed site boundary and site area will be made during the processing of the land exchange application. If there is any encroachment by the site onto the West Rail Vesting Boundary, the applicant would be required to set back the site boundary, if necessary. The acceptability of the design of the proposed development will be considered in the building plans submission stage. He would reserve his comment on such;

- (c) to note the comments of the Chief Estate Surveyor/Railway Development, LandsD that the site falls within the West Rail Protection Boundary, the applicant is advised to seek comment of the MTR Corporation Limited (MTRCL);
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that noting that acoustic and fixed windows are proposed for the building, the proposed windows of all habitable rooms (i.e. bedroom, living room, kitchen, store room, etc.) in domestic flats marked in the Noise Impact Assessment report should be in compliance with Building (Planning) Regulations (B(P)R) 30, and 31. The site shall be provided

with means of obtaining access thereto from a street and emergency vehicular access (EVA) in accordance with Regulations 5 and 41D of the B(P)R respectively. Detailed comments on EVA under the Buildings Ordinance (BO) will be provided in the building plan submission stage. In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements, viz. building separation, building setback and site coverage of greenery should be included, where possible, in the conditions of planning approvals. In this connection, the Sustainable Building Design Guidelines set out in the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-152 may only be implemented in the building plan approval stage under the BO when the proposed building development applies for GFA concessions (i.e. excluding/disregarding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA and/or site coverage calculations). Detailed comments under the BO will be provided at the building plan submission stage;

- (e) to note the comments of the Director of Environmental Protection that the collection, treatment and disposal of all wastewater arising from the site shall comply with the requirements of the Water Pollution Control Ordinance;
- (f) to note the comments of the Director of Fire Services that provision of emergency vehicular access (EVA) shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department;
- (g) to note the comments of the Commissioner for Transport that the vehicular access will be located on Government land, Lands Department should be consulted on its feasibility. Furthermore, its management and maintenance responsibility should be clarified and clearly specified in the land grant conditions. The proposed ingress and egress design is based on

a priority junction design for a road with speed limit of 70km/h. To enhance safety of vehicles exiting the development, the exit should be designed as a STOP junction instead of Give Way. The applicant should seek the Civil Engineering and Development Department (CEDD)'s agreement on the revised cycle - track alignment in case its modification works fall within the contract period of CEDD's cycle track improvement Contract YL/2013/01. The applicant is advised to study the feasibility of Commissioner of Police's suggestion to build the cycle track between the section of the entrance of ingress and exit of egress underground;

- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the whole vehicular access should be maintained by the lot owner as it serves only the development;
- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the site falls within the railway protection boundary of the West Rail (WR) Line, the MTRCL shall be consulted and their requirements with respect to the operation, maintenance and safety of the WR shall be complied with;
- (j) to note the comments of the Commissioner of Police (C of P) that the applicant should provide a detailed layout plan of the design of the ingress and egress of the site and the road condition of Castle Peak Road - Lam Tei for examination. The cycle track between the section of the entrance of ingress and exit of the egress is suggested to be built underground. To provide sufficient bicycle parking space and to prevent bicycles being illegal parked by local residents of site, the number of bicycle parking spaces inside the site should be increased to 66 or more. For the safety of the passengers of Light Rail (LR) and WR, MTRCL should be consulted whether objects can be thrown from the higher level of the site towards the track of LR and WR and shelter be installed on the top of railway of LR and WR. His detailed comments are at Appendix IV of the Paper;
- (k) to note the comments of the Chief Engineer/Mainland North, Drainage

Services Department that the Sewerage Impact Assessment (SIA) for the site needs to meet the full satisfaction of the Environmental Protection Department (EPD), the planning authority of sewerage infrastructure. DSD's comments on the SIA report submitted by the applicant are subject to views and agreement of the EPD. It is the applicant's responsibility to provide proper sewerage facilities for the development;

- (l) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that semi-mature size trees are proposed in the landscape proposal "to create a relatively instant greening impact." The applicant should use heavy standard trees for the trees' long term health growth. The Tree Preservation Proposal has excluded the existing weed tree species in the compensatory planting proposal. The applicant is reminded that compensatory planting proposal should consider all existing trees within the site;
- (m) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department that his detailed comments at Appendix IV of the Paper shall be followed/considered in the detailed design stage ;
- (n) to note the comments of the Project Manager (New Territories West), CEDD that the site lies on the west side of the cycle track to be widened. The cycle track will be widened on the road side. As such, the permanent work would not affect the site. However, the site boundary of the works during the construction up to mid-2017 may need to be checked against the site. The applicant is reminded that if there are any interface issues with the cycle track project when the applicant investigates the C of P's suggestion of an underground passageway, or the like, at the proposed ingress/egress point of the proposed development or when the applicant conducts any tasks under or after the application, the applicant has to seek his Office's comments;
- (o) to note the comments of the Chief Engineer/Development (2), WSD that

existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, a Waterworks Reserve within 1.5 metres measuring from the centerline of the affected water mains shall be provided to the WSD. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority, his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise;

- (p) to note the comments of the Director of Leisure and Cultural Services that there are trees in conflict with the proposed vehicular run-in/run-out outside the site. Should any trees be unavoidably affected by the proposed works, separate tree removal application with full justifications should be submitted to relevant Government department(s) for consideration and approval in accordance with Development Bureau Technical Circular (Works) No. 10/2013;

- (q) to note the comments of the Director of Electrical and Mechanical Services that due consideration shall be given to the requirements of the preferred working corridor of the 400kV overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG) (i.e. a 50m working corridor shall be maintained along the 400kV overhead lines (25m on either side from the centre line of the transmission towers)). Prior to establishing any structure within the application 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. As regards the electric and magnetic fields arising

from the 400kV overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity; and

- (r) to note the public comments and liaise with relevant parties to address their concerns.

[Professor Eddie C.M. Hui left the meeting and Ms Anita W.T. Ma left the meeting temporarily at this point.]

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/293 Temporary Open Storage of Containers for Storage of Construction Materials for a Period of 3 Years in “Village Type Development” zone, Lot 3870 in D.D. 124, Shun Tat Street, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/293)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers for storage of construction materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application from environmental planning perspective as the site boundary was within 100m from the nearest sensitive receivers and the proposed open storage use was anticipated to

generate dust and noise nuisance. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from the landscape planning point of view. She considered that approval of the application might set an undesirable precedent of spreading undesirable uses in the “Village Type Development” (“V”) zone and thus erode the rural landscape character. Moreover, there was no landscape proposal provided in the submission and the permission of the last 3 applications (applications No. A/TM-LTYT/140, A/TM-LTYT/165 and A/TM-LTYT/185) were revoked due to non-compliance of landscape conditions. The commitment to implement the landscape proposal was in doubt;

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

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); 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 development did not comply with the planning criteria for Category 4 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous planning permission for open storage development had been granted at the site; there were adverse departmental comments; and there was no exceptional circumstance that warranted the approval of the application. The DEP did not support the application from environmental planning perspective. There were sensitive receivers (i.e. residential dwellings) within 100m from the site and the open storage use was anticipated to generate dust and noise nuisance. The applicant failed to demonstrate that the development would not generate adverse environmental impact on the nearby residential dwellings and there were no environmental assessment or proposed mitigation measures in the submission to address the environmental impacts. As the Committee had not approved any open

storage development within the “V” zone, the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications with the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

189. Members had no question on the application.

Deliberation Session

190. 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 planning intention of the “Village Type Development” (“V”) zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The development is not in line with the planning intention of the “V” zone. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development does not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) in that the site falls within Category 4 areas and the applicant has not provided any strong planning justification to demonstrate that there is exceptional circumstance which warrants approval of the application; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

191. The Chairman proposed to consider agenda item 54 after the consideration of the remaining agenda items as Mr Ivan C.S. Fu had a direct interest on agenda item 54 and he should leave the meeting temporarily on that item. The Committee agreed with this arrangement.

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/475 Proposed Temporary Shop and Services (Convenience Store) for a Period of 3 Years in “Village Type Development” zone, Lot 289 S.B in D.D. 123, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/475)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (convenience store) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although the site fell within the Wetland Buffer Area under the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C), the guidelines also specified that planning applications for local and minor uses (including temporary uses) were exempted from the requirement of ecological impact assessment. The Director of Agriculture, Fisheries and Conservation had no comment on the application noting that the site and its surrounding area were fairly disturbed. To further minimise the potential nuisance of the proposed development, planning condition on operation hours was recommended

193. Members had no question on the application.

Deliberation Session

194. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 10:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to public road or reverse onto/from public road during the planning approval period;
- (c) the submission of run-in/run-out proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Highways or of the TPB by 27.9.2015;
- (d) in relation to (c) above, the implementation of run-in/run-out proposal within 9 months from the date of the planning approval to the satisfaction

of the Director of Highways or of the TPB by 27.12.2015;

- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of condition 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 27.6.2015;
- (g) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2015;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2015;
- (i) if any of the above planning conditions (a), (b) 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;
- (j) if any of the above planning conditions (c), (d), (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 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.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the private land involved is Old Schedule Agricultural Lot

held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. The site is accessible to Fuk Shun Street through Government land. His office does not provide maintenance work for the Government land involved and do not guarantee any right-of-way. 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. Such application will be considered by the Lands Department acting in the capacity of the 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 the Lands Department;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with Buildings Department's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (c) to follow the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental

Protection Department to minimise the potential environmental impact on the surrounding area;

- (d) to note the comments of the Director of Environmental Protection that all wastewaters from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (e) to note the comments of the Commissioner for Transport that the applicant is reminded to ensure sufficient clearance between the existing cable poles and the proposed run-in/out. Sufficient manoeuvring spaces shall be provided within the site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the proposed access is via unallocated Government land. The applicant should construct a run-in/out at Fuk Shun Street in accordance with the latest version of Highways Standard Drawings Nos. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match the existing adjacent pavement. The Highways Department shall not be responsible for maintenance of any access between the site and Fuk Shun Street;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide the applicant's own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and

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

- (i) to note the comments of the Director of Food and Environmental Hygiene that no sanitary nuisance shall be created; and

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

Agenda Item 56

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/349 Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Village Type Development” zone, Lot 3563 S.C RP (Part) in D.D. 116, Tong Tau Po Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/349)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for private car and light goods vehicle for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

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

- (d) during the first three weeks of the statutory publication period, a public comment was received from a member of Yuen Long District Council indicating that he had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. To minimise any possible nuisances on the surrounding developments, approval conditions

on restricting the type of vehicles allowed to enter/park on the site and prohibiting workshop activities, as proposed by the applicant, were recommended. Relevant approval conditions were also recommended to prohibit queuing and reverse movement of vehicles on public road, require the maintenance of the existing trees, landscape plantings and drainage facilities and submit a record of existing drainage facilities on site. The last renewal application (No. A/YL-TT/331) was revoked due to non-compliance with approval condition on the submission of a record of the existing drainage facilities within 3 months time. In this regard, the applicant submitted a record of the existing drainage facilities under the current application. In view of the applicant's sincerity and effort, it was considered that the application might be tolerated one more time. There had been no material change in the planning circumstances since the last approval and thus, it was considered that approval of the subject application was also in line with the Committee's previous decisions.

197. Members had no question on the application.

Deliberation Session

198. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations, as proposed by the applicant, is allowed to be parked/stored on 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) a notice should be posted at a prominent location of the site at all times to indicate that no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and 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 public road 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 existing drainage facilities on the site 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 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.6.2015;
- (i) 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;
- (j) if the above planning condition (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 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) should the applicant fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is accessible to Tai Shu Ha Road East via an informal village track on Government land and other private land. LandsD does not provide maintenance works on this track nor guarantee any right-of-way;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same road/path/track should be clarified. The relevant lands and maintenance authorities should be consulted accordingly. The applicant is reminded that sufficient space should be provided within the site for manoeuvring of vehicles;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Tai Shu Ha Road East;
- (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 adopt environmental mitigation measures to minimise any possible environmental nuisances;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should inform relevant Government departments if the drainage arrangement has been changed. The applicant should 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 applicant is reminded to maintain all the drainage facilities on site in good condition and ensure that the proposed development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant is required to rectify the drainage system at their own expense to the satisfaction of the government parties concerned if they are found to be inadequate or ineffective during operation; and

- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out 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 57

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/717 Temporary Open Storage of Construction Machinery and Material for a Period of 3 Years in “Undetermined” zone, Lots 2417 (Part), 2418 (Part) and 2421 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/717)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery and material for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses, i.e. residential structures to its immediate north and about 15m away to its south, and environmental nuisance is expected. There were two non-substantiated environmental complaints on noise aspects in 2014;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer (Yuen Long); and

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The application 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 the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses, and the concerns of relevant Government departments were technical in nature which could be addressed through the implementation of approval conditions. Although DEP did not support the application, there had been no substantiated environmental complaint in the past 3 years. According to the applicant, 2.5m peripheral fencing would be erected along the site boundary and the stacking height of the storage materials within 5m periphery of the site boundary was restricted below the height of boundary fence to minimise possible environmental impact. To address DEP's concerns, approval conditions restricting the operations hours and type of vehicle used, prohibiting cutting, repairing, cleaning, dismantling or other workshop activities, requiring the provision of boundary fence and restricting stacking height of storage materials, as proposed by the applicant, were recommended.

201. Members had no question on the application.

Deliberation Session

202. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 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 cutting, 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 heavy goods vehicle exceeding 24 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) the stacking height of the materials stored within 5m of the periphery of the site shall not exceed the height of boundary fence, as proposed by the applicant, at any time during the planning approval period;
- (f) 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;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.6.2015;
- (i) the provision of boundary fence on 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 27.9.2015;
- (j) 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 27.9.2015;

- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2015;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2015;
- (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 27.12.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned

owner(s) at the site;

- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises of Old Schedule Agriculture Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The private Lots Nos. 2417 & 2418 in D.D. 120 are covered by Short Term Waiver No. 3790 which permits the structures being used for the ancillary use to open storage of construction machinery and materials. The site is accessible through an informal village track on Government land and private land extended from Kung Um Road. His office does not provide maintenance works for this track nor guarantee any right-of-way. Should the application be given to the subject application, the lot owner(s) will need to apply to his office to permit any 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;
- (f) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road shall be checked with the lands authority. The management and maintenance

responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within the site for manoeuvring of vehicles and no parking vehicles on public road is allowed;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water 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 the road near 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 Director of Environmental Protection to minimise any potential environmental nuisances;
- (i) to note the comments of the Director of Fire Services that 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 should be drawn to scale and depicted with dimensions and nature of occupancy; the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and the Good Practice Guidelines for Open Storage Sites (Appendix V in the Paper) should be adhered to. The applicant is also advised to submit a valid fire certificate (FS 251) to Fire Services Department for approval and reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief 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 House), they are unauthorized under the BO and should not be designated

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

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier (i.e. CLP Power) 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. 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 contactors shall liaise with CLP Power and, if necessary, ask CLP Power 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 58

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/718 Temporary Warehouse for Storage of Construction Material and Used Electrical Appliance for a Period of 3 Years in “Undetermined” zone, Lots 774 (Part), 784 S.A, S.B & S.C (Part) and 785 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/718)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of construction material and used electrical appliance for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structure to the northeast (about 25m away) of the application site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although DEP did not support the application, no environmental complaint was received for the site in the past three years and the development was mainly for storage purpose within enclosed warehouse structure. The residential structure was buffered by a storage yard to its immediate northeast. To address DEP's concerns, approval conditions restricting the operation hours and type of vehicle used, prohibiting repairing, dismantling, cleaning or other workshop activities, restricting the storage of used electrical appliances outside the covered structure and the storage of electronic waste within the site, as proposed by the applicant, were recommended.

205. Members had no question on the application.

Deliberation Session

206. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, cleaning 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 storage of used electrical appliances, as proposed by the applicant, is allowed outside the concrete-paved covered structure on the site at any time during the planning approval period;
- (f) no storage of electronic and computer 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;
- (g) 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;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.9.2015;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2015;
- (j) the submission of the revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.9.2015;
- (k) in relation to (j) 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 27.12.2015;
- (l) in relation to (k) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (m) 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 27.9.2015;
- (n) in relation to (m) 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 27.12.2015;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (l) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (h), (i), (j), (k), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains

the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of Government land (GL) (about 335m² subject to verification) included in the site. Should the planning approval be given to the subject planning application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on the site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of fee, as may be imposed by LandsD. Besides, the site is accessible via Kung Um Road through GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way;

- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within the site for manoeuvring of vehicles and no parking is allowed on public road;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His Department shall not be responsible for the maintenance of any access connecting the site and the road near Kung Um Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential

environmental nuisances;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the locations and number of existing trees as shown in the landscape and tree preservation plan (Drawing A-3 of the Paper) are different from her site inspection record;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Drawing A-4 of the Paper) that the invert levels of the proposed catchpits should be shown on the drainage plan for reference. The details of connection with existing drainage facilities, to which the stormwater of the development from the site would discharge, should be indicated on plan. In the case that it is a local village drains, District Officer/Yuen Long should be consulted. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult 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. The applicant is requested to submit a revised drainage proposal incorporating the required information for comments;
- (i) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his Department for approval. In addition, the applicant is advised that the layout plan should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

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

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

Agenda Item 59

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/719 Temporary Warehouse for Storage of Construction Material, Exhibition Material and Furniture for a Period of 3 Years in “Undetermined” zone, Lots 1250 (Part), 1255 (Part), 1256 (Part), 1258, 1259, 1260, 1261 (Part) and 1267 (Part) in D.D.119, Pak Sha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/719)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of construction material, exhibition material and furniture 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 to the immediate east and northeast (about 5m away) and in the vicinity of the site, and environmental nuisance is expected;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although DEP did not support the application, there was no environmental complaint concerning the site received in the past 3 years and the applicant stated that the residential structure to the immediate east of the site was the residence of one of the land owners. Besides, the development was mainly for storage purpose within the enclosed warehouses and container structures. To address DEP's concerns, approval conditions restricting the operations hours, the type of vehicles used and prohibiting the carrying out of workshop activities and handling/storing of electrical/electronic appliances/components within the site, as proposed by the applicant, were recommended.

209. Members had no question on the application.

Deliberation Session

210. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no dismantling, repairing, cleansing, spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including 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;
- (f) 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;
- (g) the implementation of the accepted tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.9.2015;
- (h) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.9.2015;
- (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 27.12.2015;
- (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 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 27.9.2015;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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;
- (n) if any of the above planning conditions (g), (h), (i), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agriculture lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior

approval of the Government. The private land of Lots 1256, 1258, 1259, 1267 and 1255 in D.D. 119 are covered by Short Term Waivers (STWs) which permit structures for the purpose of warehouse for storage of exhibition materials and construction materials. Portions of Lots 1259 and 1267 in D.D. 119 are also covered by STWs which permit structures being used for purpose of warehouse for storage of construction materials and sanitary ware. Should the application be approved, the lot owner(s) concerned will need to apply to his office to permit any 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. Besides, the site is accessible through an informal village track on Government land and other private land extended from Kung Um Road. His office does not provide maintenance works for such track nor guarantees any right-of-way;

- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should also be clarified with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the site for manoeuvring of vehicles and no parking of vehicles are allowed on public road;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the

Environmental Protection Department to minimise any potential environmental nuisances;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Drawing A-5 and Annex I of Appendix Ia of the Paper). The invert levels of the proposed catchpits should be shown on the drainage plan for reference and channel at acute angle should be avoided where possible. The existing drainage facilities, to which the applicant proposed to discharge the storm water from the site, is not maintained by his office. The applicant should identify the owner of the existing drainage facilities and obtain consent from the owner prior to commencement of the proposed works. In the case it is a local village drain/stream course within village area, the District Officer/Yuen Long should be consulted. Also, the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside the lot boundary before commencement of the drainage works;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside service within the private lots to WSD's standards;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with

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

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

within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures: (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 CLP Power and, if necessary, ask CLP Power 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 60

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/720 Renewal of Planning Approval for Temporary Eating Place (Outside Seating Accommodation of a Licensed Restaurant) for a Period of 1 Year in “Residential (Group A)” zone, Government Land in front of Shops No. 4-5, G/F, Blocks 1-9, Treasure Court, 8 Ying Fuk Street, Hung Shui Kiu, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/720)

Presentation and Question Sessions

212. 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;

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

- (b) the renewal of planning approval for temporary “eating place (outside seating accommodation (OSA) of a licensed restaurant)” under previous application no. A/YL-TYST/669 for a period of 1 year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 9 public comments from individuals, residents of nearby residential developments (i.e. Treasure Court) and Hung Shui Kiu, as well as the Owners Occupiers of Block 1-9 Treasure Court, objected to the application. The objections were mainly on the grounds that the OSA would have adverse impacts on pedestrian safety, environmental hygiene, noise nuisances, public security, personal safety concerns, potential health concerns, illegal parking of vehicles and late-night operation. A commenter also enclosed copies of the comments made in respect of the previous applications (No. A/YL-TYST/635 and 669) and expressed that further renewal should not be granted for the subject site; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of 1 year based on the assessments set out in paragraph 12 of the Paper. The current renewal application for 1 year was generally in line with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No.34B) in that there had been no material change in planning circumstances since the granting of the previous approval; and the 1-year approval period sought was of the same timeframe as the previous approval. Given its small-scale operation, the OSA was unlikely to cause significant adverse traffic, drainage and environmental impacts on the surrounding

areas. Regarding the public comment, the applicant assured that he had always complied with the approval condition on operation hours and had made effort to maintain clear width of the pavement of not less than 3.5m and to undertake measures to mitigate the potential environmental hygiene concerns. To address the public comments on the environmental nuisances, approval condition restricting the operation hours was recommended.

213. Members had no question on the application.

Deliberation Session

214. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year from 12.5.2015 to 11.5.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 10:30 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period; and
- (b) 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.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department that site is covered by a Land Licence YLOSA No. 37 issued by his office on 8.7.2013 for the purpose of outdoor restaurant seating accommodation for a period of one year certain commencing on 12.5.2013 and thereafter from year to year subject to the Licence shall be spent of effect if no valid planning permission and other terms and conditions are provided in the Licence;

- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant shall at his own cost and to the satisfaction of his Department make good of any damage to the public carriageway, footpaths and other street furniture arising from his works. The applicant is also requested to submit initial photos of the concerned footpath for record;
- (c) the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department should be followed. The applicant needs to comply with various pollution control ordinances, for example, Air Pollution Control Ordinance, Noise Control Ordinance and Water Pollution Ordinance to address various environmental concerns;
- (d) to note the comments of the Director of Food and Environmental Hygiene that for operation of food business, a valid food licence by his department should be available and any requirements/conditions stipulated by the relevant departments should be complied with. No sanitary nuisance should be created to the surrounding during the operation of the food business; and
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact on the adjacent areas and the existing drainage facilities.”

Agenda Item 61

Section 16 Application

[Open Meeting]

A/YL-TYST/721 Proposed Dangerous Goods Godown in “Industrial (Group D)” zone,
Lot 1092 S.B ss.7 RP in D.D. 121, Tong Yan San Tsuen Road, Yuen
Long, New Territories
(RNTPC Paper No. A/YL-TYST/721)

216. The Committee noted that the applicant requested on 13.3.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of supplementary information to address departmental comments received on the application. This was the first time that the applicant requested for deferment of the application.

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

Agenda Item 62

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/937 Temporary Storage of Construction Machinery, Vehicles Assembling, Recycling of Used Electrical Appliances with Ancillary Workshop and Office for a Period of 3 Years in “Undetermined” zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/937)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary storage of construction machinery, vehicles assembling, recycling of used electrical appliances with ancillary workshop and office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

[Mr Martin W.C. Kwan left the meeting temporarily at this point.]

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The current application would not jeopardize the long term development of the site and considered not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone. Since granting the previous approval, there had been no material change in the planning circumstances. Due to the demand for open storage and port back-up uses in the area, the Committee had approved a similar application in the vicinity of the site for various temporary storage uses within the same “U” zone. Approval of the subject application was in line with the Committee’s previous decision.

220. Members had no question on the application.

Deliberation Session

221. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment is allowed on the site at any time during the planning approval period;
- (d) handling (including loading, unloading and storage) of electrical/electronic appliances and vehicle assembly activities on the site must be carried out within concrete-paved covered structures, as proposed by the applicant, at

all times during the planning approval period;

- (e) no dismantling of electrical/electronic appliances is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (g) the existing fencing on site shall be maintained at all times 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 a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.6.2015;
- (j) 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 27.9.2015;
- (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 27.9.2015;
- (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 27.12.2015;
- (m) 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;

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

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

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

manoeuvring spaces shall be provided within the subject site. The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (f) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under this application. Before any new building works including converted containers and open sheds are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are

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

- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should be advised to implement necessary measures to avoid causing water pollution and disturbance to the nearby watercourses and the riparian vegetation;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that 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 standards; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans and the relevant drawings obtained, for the application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning

Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. 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 63

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/939 Temporary Logistics Centre and Ancillary Parking of Vehicle for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 94 (Part), 99 (Part), 100 (Part), 105(Part), 106 (Part), 107 (Part), 108 (Part), 110 (Part), 116 (Part) and 760 (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/939)

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

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

Presentation and Question Sessions

224. 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;

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

- (b) the temporary logistics centre and ancillary 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 residential dwelling was about 26m away) and along the access road (Ping Ha Road) and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in general in line with the TPB PG-No. 13E in that there was no adverse comment from concerned Government departments. Although DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and prohibition of workshop activities were recommended. Since granting the previous approval (Application No. A/YL-HT/873), there had been no material change in the planning circumstances.

225. Members had no question on the application.

Deliberation Session

226. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 8:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activity is allowed on the site, as proposed by the applicant, 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 all times during the planning approval period;
- (e) the implementation of the drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.9.2015;
- (f) the submission of 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 27.9.2015;
- (g) in relation to (f) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2015;
- (h) 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 27.9.2015;

- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 27.12.2015;
- (j) 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 27.9.2015;
- (k) the provision of paving for the site, as proposed by the applicant, within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 27.9.2015
- (l) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

227. 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 application site;
- (b) the site should 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 should obtain the Building Authority's (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, 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. The site is accessible to Ping Ha Road via a local track on private lots. The lot owner should apply to his office to permit any additional/excessive 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 there is 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) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas, and that the applicant should 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) to note the comments Commissioner for Transport that sufficient space

should be provided within the application site for maneuvering of vehicle. The local track leading to the subject site is not under Transport Department's purview. The land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (i) to note the detailed comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans; the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers/open sheds as temporary building) are to be carried out on the application site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed

building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. In connection with 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 site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans and the relevant drawings obtained, for the application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. 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 64

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/940 Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Warehouse with Ancillary Workshop for a Period of 3 Years in “Recreation” zone, Lots 215, 374, 378, 379 and 380 in D.D.125, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/940)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of construction materials and warehouse with ancillary workshop under previous application no. A/YL-HT/778 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 2 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in general in line with the TPB PG-No. 13E in that there was no adverse comment from concerned Government departments. To mitigate any potential environmental impacts, approval conditions on restrictions of operation hours and the stacking height of materials were recommended. The application was in line with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No.34B) that there was no adverse planning implication arising from the renewal of the planning approval and the applicant had complied with all the approval conditions.

230. Members had no question on the application.

Deliberation Session

231. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 31.3.2015 to 30.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation 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) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning

approval period;

- (d) no material is allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
- (e) the existing boundary fencing on site should be maintained at all times during the planning approval period;
- (f) 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;
- (g) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of existing drainage facilities within 3 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.6.2015;
- (i) the submission of a tree preservation and landscape proposal within 6 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Planning or of the TPB by 30.9.2015;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Planning or of the TPB by 31.12.2015 ;
- (k) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.5.2015;

- (l) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.9.2015;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the TPB by 31.12.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j) (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- “(a) resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the

Government. The private land of the site is covered by Short Term Waiver No. 1707 which permits structures for the purpose of “Storage of Construction Materials and Equipment with Ancillary Workshop and Office”. The site is accessible directly to Kai Pak Ling Road through a pavement on Government land (GL). His office provides no maintenance works to the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner(s) concerned would need to apply to his Office to permit the structures to be erected or regularize any irregularities on site. Such application(s) would be considered by the LandsD acting in the capacity as landlord at its sole discretion and no guarantee that such application(s) will be approved. If such application(s) is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fees, as may be imposed by LandsD;

- (d) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site and the local track leading to the subject site is not under Transport Department’s purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the road near Fung Kong Tsuen Road;
- (g) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department that with reference to the pervious site visit record, some trees were in fair condition and objects were dumped at the planting areas. The applicant should replace these trees if found dead and remove the objects off the tree planting areas. Hence, updated landscape and tree preservation proposals should be submitted;

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

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the planning application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with 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 65

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/941 Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years in “Open Space” zone, Lots 904 S.B RP and 907 RP in D.D.125, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/941)

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site (the nearest dwelling was about 51m away) and along the access road (Ping Ha Road), and environmental nuisance was expected. The Commissioner for Transport (C for T) had no objection to the application but raised a concern that the rural access road was narrow and

substandard. Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although DEP did not support the application, there was no substantiated environmental complaint against the site over the past three years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours, type of vehicles parked limited to private cars and light goods vehicles only, and requirement for notice posting indicating the type of vehicle parked were recommended.

235. Members had no question on the application.

Deliberation Session

236. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night time operation between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the site during the planning approval period;
- (c) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on the site during

the planning approval period;

- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site during the planning approval period;
- (e) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities implemented 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 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.6.2015;
- (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 27.9.2015;
- (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 27.12.2015;
- (j) the submission of a landscaping 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 27.9.2015;
- (k) in relation to (j) above, the implementation of the 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 27.12.2015;
- (l) the submission of a fire service installations proposal within 6 months from

the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2015;

- (m) in relation to (l), 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 27.12.2015;
- (n) if the above planning conditions (a), (b), (c), (d), (e) or (f) 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;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected prior without the prior approval of the Government. The site is accessible to Ping Ha Road through a

pavement on Government land (GL). His office provides no maintenance works to the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner(s) concerned still need to apply to the LandsD to permit any structure to be erected or regularize the irregularities on site. Such application(s) will be considered by the LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (d) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site. No vehicle is allowed to queue back to public road or reverse onto/from the public road;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the road near Ping Ha Road;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that temporary structures were found in the captioned site. Hence, an updated landscape plan to reflect these structures should be submitted an updated landscape plan to reflect the existing structure found on the site should be submitted;
- (h) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should

be submitted to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans;

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

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

preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. 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 66

Section 16 Application

[Open Meeting]

A/YL-HT/943

Temporary Open Storage of Vehicles Not Yet Licenced to Run on the Road and Private Car Parking with maintenance workshop for a Period of 1 Year in “Government, Institution or Community” and “Recreation” zones, Lots 515 RP (Part), 518 (Part), 521 (Part), 522, 523, 524 (Part), 525 (Part), 526 (Part), 1247 RP (Part), 1249 (Part), 1250 (Part), 1251 RP, 1252, 1253, 1254, 1255 (Part), 1256 (Part), 1257, 1258 RP, 1259 (Part), 1260, 1261 and 1262 RP(Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories

(RNTPC Paper No. A/YL-HT/943)

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

239. The Committee noted that the applicant requested on 19.3.2015 for deferment of

the consideration of the application for two months to allow time for preparation of further information to address departmental comments and a revised layout. This was the first time that the applicant requested for deferment of the application.

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

Agenda Item 67

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/944 Temporary Open Storage of Construction Materials with Ancillary Workshop for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 34 RP (Part), 35 (Part), 36 (Part), 37 (Part), 38 (Part), 39(Part) and 41 (Part) in D.D.128, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/944)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary open storage of construction materials with ancillary workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (about 30m away) and along the access roads (Fung Kong Tsuen Road and Ping Ha Road) and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, a public comment objecting to the application was received but no elaboration was given on her objection; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that there was no adverse comment from concerned Government departments. Although DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours were recommended. Regarding the public comment, no elaboration was given on her objection.

242. Members had no question on the application.

Deliberation Session

243. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the existing trees on the site should be maintained at all times during the planning approval period;
- (d) the existing fencing on site should 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 shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.6.2015;
- (h) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2015;
- (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 27.9.2015;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2015;

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

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

- “(a) the planning permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (b) planning permission should have been obtained before continuing the development on site;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. The site is accessible to Kai Pak Ling Road through a local

tack on Government land (GL) and other private lots. His office provides no maintenance works for the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner(s) would need to apply to his office to permit the structures to be erected or regularize any irregularities on-site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that the land status of the local track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Attached good practice guidelines for open storage should be adhered to (Appendix VI of the Paper). 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 comments of the Chief Building Surveyor/New Territories West,

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

- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practices and implement necessary control measures to avoid causing water pollution to the nearby watercourse;
- (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 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 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 comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant may need to extend his inside services to the nearest suitable Government water mains for connection, to resolve any land matters (such as private lots) associated with the provision of water supply and that he shall be responsible for the construction, operation and maintenance of any inside services within the private lots to WSD's standards; and that water mains in the vicinity of the site cannot provide the standard pedestal hydrant."

Agenda Item 68

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/946 Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 57 (Part), 66 (Part), 67 (Part), 68, 69, 70 (Part), 71 (Part), 73 (Part), 74 (Part), 75 (Part), 76 S.A (Part), 76 S.B, 77 (Part), 78, 79, 80 (Part), 84 (Part), 85, 86, 87, 88, 89 (Part), 91 (Part), 781 S.B RP, 782 S.B RP, 783 S.B RP, 784 S.B RP, 785, 786, 787, 788, 789, 790, 791, 792 and 793 in D.D. 125, Lots 3212 RP (Part), 3228 (Part), 3234 (Part), 3235 (Part), 3237 (Part), 3238, 3239 (Part), 3240 (Part), 3241 (Part), 3251 RP (Part), 3281 (Part), 3282 (Part), 3283 (Part), 3284 (Part), 3285 (Part), 3286 (Part), 3287 RP (Part), 3288 RP (Part), 3289 S.B RP (Part) and 3442 (Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/946)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary logistics yard, open storage of containers, container vehicle park with ancillary workshop (for works including compacting and dismantling, and repairing of tyre) and canteen for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the

vicinity of the site (about 3m to the north) and along the access road (Ping Ha Road) and environmental nuisance was expected;

- (d) during the first three weeks of the statutory publication period, a public comment from an individual indicating objection to the application was received but no elaboration was given in the comment; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that there was no adverse comment from concerned Government departments. 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 and to mitigate any potential environmental impacts, approval conditions on restrictions of operation hours, restricting the types of workshop activity on site and the stacking height of containers on-site were recommended. Since granting of the previous applications on the site, there had been no material change in planning circumstances. Regarding the public comment, the commenter did not elaborate on the ground of objection.

246. Members had no question on the application.

Deliberation Session

247. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night time operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site at any time during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (c) no workshop activities other than tyre repairing, compacting and dismantling is allowed on the site at any time during the planning approval period;
- (d) no storage of container within 5m of the periphery of the site, as proposed by the applicant, is allowed at any time during the planning approval period;
- (e) the stacking height of containers stored within the site should not exceed eight units, as proposed by the applicant, at any time during the planning approval period;
- (f) the existing fencing on site should be maintained at all times during the planning approval period;
- (g) no vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (h) the existing drainage facilities on site should be maintained at all times during the planning approval period;
- (i) the submission of the 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 27.6.2015;
- (j) the implementation of 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 27.9.2015;

- (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 27.9.2015;
- (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 Director of Fire Services or of the TPB by 27.12.2015;
- (m) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 27.9.2015;
- (n) in relation to (m) above, the implementation of 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 27.12.2015;
- (o) if any of the above planning conditions (a), (b), (c), (d) (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (i), (j), (k), (l), (m), or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before continuing the development on the site;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) a canteen is found at the site. Although the canteen is in small scale and serving mainly staffs working at the site and/or individuals visiting the site, the applicant would be reminded that the permission does not condone to general restaurant use serving the general public and any other use/development not covered by the application;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the application site comprises Old Schedule Agricultural Lots held under the Block Government Lease and New Grant Lot which contain the restriction that no structures are allowed to be erected without prior approval of the Government. No permission is given for occupation of Government land (GL) (about 1,480m² subject to verification) included in the application site. Your attention is drawn to the fact that the act of occupation of GL without Government's prior approval should not be encouraged. The application site does not fall within any Airfield Height Restriction Area. Should the application be approved, the lot owner would still need to apply to him to permit structures to be erected or regularize any irregularities on-site. The applicant has to either to exclude the GL portion from the site or apply to him for a formal approval prior to the actual occupation of the GL portion. 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;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any potential environmental nuisance;

- (g) to note the comments of the Commissioner for Transport that sufficient space should be provided within the application site for manoeuvring of vehicles;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should construct a run-in/out at the access points at Ping Ha Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, 5134 and H5135, whichever set is appropriate to match with the adjacent pavement; adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads/drains; and HyD shall not be responsible for the maintenance of any access connecting the application site and Ping Ha Road;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line)

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

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the application site and BD is not in a position to offer comments on their suitability for the use related to the application; if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application; before any new building works (including containers/ open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO; for UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO; if the proposed use under application is subject to the issue of a licence,

the applicant is 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; the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and 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 69

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/947 Temporary Open Storage of Containers and Container Repairing Area for a Period of 3 Years in “Open Storage” and “Recreation” zones, Lots 395 (Part), 396 (Part), 399 (Part), 400 (Part), 401 (Part), 402 (Part), 406 (Part), 407 (Part), 427 (Part), 428 (Part), 429, 430 (Part), 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443 S.A, 443 S.B, 445, 446, 447 (Part), 448, 450 (Part), 451 (Part), 453 (Part), 454 (Part), 457 (Part), 546 S.B (Part), 547 (Part), 548 (Part), 549, 550 (Part), 551 (Part), 552 (Part), 553 (Part), 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574(Part), 575 (Part), 576 (Part), 577 (Part), 578 (Part) and 579 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/947)

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

Presentation and Question Sessions

250. 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;

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

- (b) the proposed temporary open storage of containers and container repairing area for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The site fell mainly within Category 2 areas with a small portion (4%) within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that there was no local objection and no adverse comment from other concerned Government departments. DEP had no objection to the application. Notwithstanding, to mitigate any potential environmental impacts, approval conditions restricting the operation hours, workshop activities on-site, and left turning of container vehicles into Ha Tsuen Road upon leaving the site were recommended.

251. Members had no question on the application.

Deliberation Session

252. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) in relation to (a) above, no operation on Saturdays between 2:00 p.m. and 6:00 p.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no left turn of container vehicles into Ha Tsuen Road upon leaving the site during the planning approval period;
- (d) the erection of a ‘Turn Right’ traffic sign at the junction of the access road with Ha Tsuen Road to the satisfaction of the Commissioner for Transport or of the TPB during the planning approval period;
- (e) other than container repairs as applied for and minor ancillary tyre-repair workshop, no vehicle dismantling, repairing or workshop activity is allowed on the site during the planning approval period;
- (f) no vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (g) the existing drainage facilities should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on-site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by

27.6.2015;

- (i) the existing trees on site should be maintained at all times during the planning approval period;
- (j) no material is allowed to be stored/dumped within 1m of any tree during the planning approval period;
- (k) the stacking height of containers stored on the site shall not exceed 7 units during the planning approval period;
- (l) the existing fencing should be maintained at all times during the planning approval period;
- (m) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2015;
- (n) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2015;
- (o) in relation to (n) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2015;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (i), (j), (k) or (l) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (h), (m), (n) or (o) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;

and

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

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lots under application are situated on Old Schedule Agricultural Lots granted under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government, and he is processing the applications for Short Term Waiver and Short Term Tenancy for regularization of the irregularities on-site. Such applications would be considered by the LandsD acting in the capacity as landlord at its sole discretion. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD. Vehicular access to the site would require passing through an informal local track on other private land. He does not guarantee right-of-way;
- (c) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site. The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action may be taken by the Building Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Formal submission under the BO is required for any proposed new building works, including any temporary structures, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The converted containers for temporary office are considered as temporary buildings, and are subject to control under Building (Planning) Regulations (B(P)R) Part VII. Prior approval and consent of the BA should be obtained before any new building works are to be carried out on the site. If the site is not abutting on a specified street having a width of not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage. The site shall be provided with means of obtaining access from a street under B(P)R 5 and emergency vehicular access shall be provided under B(P)R 41D;

- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant shall bear the cost of any works of existing water mains affected by the development; if diversion is not feasible, a waterworks reserve within 1.5m from the centerline of the water mains shall be provided to WSD, and no structure shall be erected over this waterworks reserve and such area shall not be used for storage purpose; and WSD reserves the right to enter the site for carrying out investigation works in the vicinity of the proposed water mains under the project "Water Supply to Hung Shui Kiu New Town"; and

- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition

of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans and the relevant drawings obtained, for the application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. 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 70

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/268 Proposed Filling of Land (by about 1.5m) for Permitted Agricultural Use in “Village Type Development” zone, Lot 2816 in D.D. 129, Sha Kong Wai, Yuen Long, New Territories
(RNTPC Paper No. A/YL-LFS/268A)

Presentation and Question Sessions

254. 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 – the south-eastern portion and south-western portion of the site were the subject of two enforcement cases (No.

E/YL-LFS/310 and No. E/YL-LFS/357 respectively) which involved filling of land. Regarding enforcement case No. E/YL-LFS/310, the concerned parties of this lot had complied with the Enforcement Notice (EN)'s and Reinstatement Notice (RN)'s requirements. Regarding enforcement case No. E/YL-LFS/357, the site inspection revealed that the unauthorized development was discontinued upon the expiry of the EN. In order to restore the greenery and amenity of the area, the site would be subject to reinstatement action;

- (b) the proposed filling of land (by about 1.5m) for permitted agricultural use;
- (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 no in-principle objection to the nature of the proposed land filling but had reservation on the application as the proposed 1.5 m land filling seemed too high and would likely be above the existing level of the adjacent area. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period and the publication of the further information, 13 public comments from 5 local villagers objecting to the application were received. They objected to the application mainly on grounds that the land was originally agricultural land, no filling was required; the proposed development would generate hygiene and mosquito problems to the vicinity; the site was the subject of illegal filling of land; and the site and the nearby area were lower in level, permission to the application to fill the site would generate flooding to nearby land lots;
- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. CTP/UD&L, PlanD had no in-principle objection to the nature of the proposed land filling but reservation on the application as the proposed 1.5 m land filling seemed too

high. In this regard, the applicant clarified that the site was lower than the surrounding land level and subject to severe flooding. The proposed filling of land could help utilize the site for farming purpose and reduce mosquito problems. Regarding the public comments objecting to the application the assessments above were relevant. Approval conditions were recommended to mitigate any potential environmental and drainage impacts.

255. In response to the Chairman's query on the drainage impact of the proposed development on the surroundings, Mr Vincent T.K. Lai said that despite the site was in the vicinity of a site subject to complaint regarding land filling and causing ponding to the aqua privy conversion site in Sha Kong Wai, CE/MN, DSD had no objection in principle to the application and suggested that an approval condition requiring the applicant to propose, implement and maintain drainage facilities to the satisfaction of the Director of Drainage Services or of the Town Planning Board should be stipulated should the application be approved.

Deliberation Session

256. 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 27.3.2019, 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) no part of the site shall be filled to a depth exceeding 1.5 m, as proposed by the applicant;
- (b) no contaminated soil and waste as defined under the Waste Disposal Ordinance Cap. 354, including construction and demolition material, shall be used to fill the site;
- (c) the submission of a drainage proposal including drainage mitigation measures before commencement of land filling works on the site to the

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

- (d) the implementation of a drainage proposal including drainage mitigation measures identified therein upon completion of the land filling works on the site to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) the implemented drainage facilities on the site shall be maintained at all times;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from his Office. According to the information provided in the application, no structure is proposed within the site. The site is accessible to Man Tak Road via a local track on both Government land (GL) and other private lots. His office provides no maintenance work to the GL involved and does not guarantee right-of-way;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that site formation works and drainage works are building works under the control of the Buildings Ordinance (BO). Before any new site formation and/or drainage works are to be carried out on the site, the prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise, they are Unauthorised Building Work. An Authorised Person (AP) should be appointed as the co-ordinator for the

proposed site formation and/or drainage works in accordance with the BO. Notwithstanding the above, the Director of Lands may issue a certificate of exemption from prior approval and consent of the BA in respect of site formation works and/or drainage works in the New Territories under the BO (Application to the New Territories) Ordinance. The applicant may approach DLO/YL, LandsD or seek AP's advice for details; and

- (d) to note the comments of the Director of Food and Environmental Hygiene that no sanitary nuisance is created; the access to the existing aqua privy will remain unobstructed under the prevailing design manual on barrier free access requirements; and users of the aqua privy are not affected by the proposal.”

Agenda Item 71

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/272 Temporary Open Storage (Marbles, Construction Materials, Aluminum Cans and Cylinders/Frames, Small-scale Machinery, Parking for Car, Lorries and Motorcycles, Mini Elevating Platforms and 4 Loading/Unloading Spaces) for a Period of 3 Years in “Recreation” and “Residential (Group E)” zones, Lots 2219 RP (Part) and 2226 (Part) in D.D. 129 and adjoining Government Land, Lau Fau Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-LFS/272)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary open storage (marbles, construction materials, aluminum cans and cylinders/frames, small-scale machinery, parking for car, lorries and motorcycles, mini elevating platforms and 4 loading/unloading spaces) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses (residential dwellings) in the vicinity of the site (the closest being about 3m away) and along the access road (Deep Bay Road), and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, a public comment was received from a private individual objecting to the application mainly on grounds that the proposed development caused adverse drainage, noise, environmental impacts on the surrounding areas and there were spraying activities and damaged fencing found at the site; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 1 year instead of 3 years sought based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 2 areas (68%) and partly within Category 3 areas (32%) under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The proposed temporary open storage use was generally in line with the TPB PG-No. 13E in that the applicant had complied with all approval conditions under the previous planning permission (Application No. A/YL-LFS/255) and submitted the landscape and drainage proposals with the current application to demonstrate that the proposed uses would not generate adverse drainage, landscaping impacts on the surrounding areas, and there was no adverse comment from other concerned Government departments, except DEP. Although DEP did not support the application, there was no substantiated environmental complaint against the site from 2012 to 2014.

Considering the close proximity of the site to two isolated residential dwellings, a cautious approach should be adopted and hence, a shorter approval period of 1 year, instead of 3 years being sought, was recommended to monitor the situation on-site and to provide time for the applicant to relocate the operation to other suitable location. Since granting the previous approvals, there had been no material change in the planning circumstances. Regarding the public comment, the assessments above were relevant.

259. Members had no question on the application.

Deliberation Session

260. The Chairman noted that approval conditions restricting the operation hours, types of vehicles entering the site, storing area, stacking height and prohibition of workshop activities of the proposed development had been recommended and any non-compliance with these approval conditions would result in revocation of the planning permission. He asked whether the application could be approved on a temporary basis for a period of three years, instead of one year as recommended. In response, Mr Vincent T.K. Lai said that there were previous applications for the same use on a temporary basis for a period of three years, which the Committee, after taking into consideration that the site was in close proximity to the surrounding residential developments, approved the application on a temporary basis for a period of one year. Approval of the subject application was in line with the Committee's previous decision.

261. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 3 years sought, until 27.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. to 7:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the site during

the planning approval period;

- (c) no cutting, dismantling, cleansing, melting, repairing, compaction and workshop activity is allowed on the site at any time during the planning approval period;
- (d) no vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle, is allowed to enter, park or operate at the site at any time during the planning approval period;
- (e) no vehicle over 10m long, including container vehicle/trailer/tractor, is allowed to enter, park or operate at the site at any time during the planning approval period;
- (f) no vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (g) no materials are allowed to be stored within 3m from the south-western boundary of the site;
- (h) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at all times during the planning approval period;
- (i) the existing trees on site shall be maintained at all times during the planning approval period;
- (j) the implemented drainage facilities on site shall be maintained at all times during the planning approval period;
- (k) the submission of a 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 27.6.2015;

- (l) in relation to (k) above, the implementation of the 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 27.9.2015;
- (m) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2015;
- (n) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.6.2015;
- (o) in relation to (n) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2015;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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;
- (q) if any of the above planning conditions (k), (l), (m), (n) and (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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

development on site;

- (b) the permission is given to the temporary open storage of marbles, construction materials, aluminium cans and cylinders/frames, small-scale machinery, parking for cars, lorries and motorcycles, mini elevating platforms and 4 loading/unloading spaces. It does not condone to any other use/development not covered by the application;
- (c) to note that a shorter approval period of 1 year and correspondingly shorter compliance periods are granted in order to monitor the situation on site;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) the site should be kept in a clean and tidy condition at all time;
- (f) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. No permission is given for occupation of Government land (GL) (about 425m² subject to verification) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Deep Bay Road through GL and private land. His office provides no maintenance works to the GL involved and does not guarantee right-of-way. 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) would be considered by LandsD acting in the capacity of the Landlord as its sole discretion and there is no guarantee that such application(s) would 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;

- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (h) to note the Director of Drainage Services that the existing drainage system may not be effective and need to be review and have corresponding improvement in order to avoid recurrent drainage blockage incident in the future. In this regard, the applicant should review their drainage proposal;
- (i) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (j) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains;
- (k) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. The requirements of formulating fire service installations proposal is stated in Appendix V of the Paper; and
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on

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

Agenda Item 72

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/273 Temporary Logistics Center with Ancillary Office for a Period of 3 Years in "Green Belt" zone, Lot 1601 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-LFS/273)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary logistics center with ancillary office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had objection to the application from the landscape planning perspective as the applied use was not compatible with the surrounding landscape context as the west, north and northeast of the site were vegetated slopes. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as there was active agricultural life within and in vicinity of the site;
- (d) during the first three weeks of the statutory publication period, three public comments from the Designing Hong Kong Limited and two private individuals objecting to the application were received. They objected to the application mainly on grounds that the proposed development was a “destroy first, build later” case; it was not compatible with the surrounding environment and not in line with the Town Planning Board Guidelines for Application for Development within “Green Belt” (“GB”) Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10); no traffic and environmental assessments were submitted; the use would degrade the environment and cause adverse drainage, landscape, noise, traffic, environmental, ecological impacts as well as fire risks on the surrounding areas; and approval of the application would set an undesirable precedent;
- (e) the District Officer (Yuen Long) had received a comment from the village representatives of Mong Tseng Tsuen and Sha Kiu Tsuen objecting to the application mainly on grounds that the access leading to the site was a single-lane path with heavy traffic; approval of the application would increase the number of heavy good vehicles using the local track; and traffic congestion would be resulted; and

- (f) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. There was no strong planning justification in the submission to support the applied use in this “GB” zone. CTP/UD&L, PlanD objected to the application on grounds that the applied use was not compatible with the surrounding landscape context. As such, the proposed development was not in line with the requirements of TPB PG- No. 10. Also, the site fell within Category 4 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was not in line with TPB PG-No. 13E as there were no previous planning approval on the site and the applicant had not demonstrated any exceptional circumstances to justify the development. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar use in the “GB” zone. Furthermore, according to Town Planning Board Guidelines for application for developments within Deep Bay Area under section 16 of the Town Planning Ordinance (TPB PG-No. 12C), the site partly fell within the Wetland Buffer Area which was intended to protect the ecological integrity of the fishponds and wetlands within the Wetland Conservation Area and prevent development that would have a negative off-site disturbance impact on the ecological value of fishponds. Regarding the objecting comments, the assessments above were relevant.

264. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well

as to provide passive recreational outlets. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development is not in line with the Town Planning Board (TPB) Guidelines No. 10 for Application for Development within the “GB” zone in that the development is not compatible with the surrounding areas;
- (c) 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 logistic centre use in Category 4 area should be treated as exception under the Guidelines; and
- (d) approval of the application would set an undesirable precedent for similar uses in the “GB” zone, the cumulative effect of which would result in a general degradation of the environment of the area.”

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

Agenda Item 54

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/445 Proposed Commercial Development (‘Shop and Services’, ‘Eating Place’, ‘Place of Entertainment’ and ‘Office’) within “Undetermined” zone, Lot 636 S.B ss.5 in D.D. 124 and adjoining Government Land, Kiu Tau Wai, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/445C)

266. The Secretary reported that the application was submitted by Beautiglory

Investment Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK) with Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. as the consultants of the applicant. The following Members had declared interests in the item:

- | | |
|---------------------|------------------------------------------------------------------------------------------------------------------------------|
| Mr Ivan C.S. Fu | - having current business dealings with SHK, Environ and MVA; |
| Ms Janice W.M. Lai | - having current business dealings with SHK; and |
| Ms Christina M. Lee | - being the Secretary-General of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from SHK. |

267. The Committee noted that Ms Christina M. Lee had tendered apologies for being unable to attend the meeting and Ms Janice W.M. Lai had left the meeting already. The Committee also considered that the interest of Mr Ivan C.S. Fu was direct and agreed that he should leave the meeting temporarily.

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

Presentation and Question Sessions

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

- (a) background to the application – the site was the subject of an approved s.16 planning application No. A/YL-PS/407 (approved on 12.9.2014) for a proposed residential development (flats);
- (b) the proposed 31-storey commercial development (‘shop and services’, ‘eating place’, ‘place of entertainment’ and ‘office’) with maximum plot ratio of 8 and maximum gross floor area of 78,600m²;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) reserved his comments on the two proposed footbridges with one proposed to link to the West Rail Tin Shui Wai Station and one proposed to link to the adjoining development, as both footbridges might not be feasible to be constructed and received to/by the West Rail Tin Shui Wai Station and the adjoining development. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 208 public comments were received. Among them, 186 supported, 14 objected and the remaining 8 expressed concerns/views on the application. The objecting comments were submitted by the Yuen Long District Council (YLDC), Village Representatives of Tong Fong Tsuen, Hang Mei Tsuen, Hang Tau Tsuen, Sheung Cheung Wai, Hung Uk Tsuen, Ping Shan San Tsuen, Fui Sha Wai and Kiu Tau Wai (all representing their villagers) and a member of the YLDC, transportation/storage/trading companies, and individuals. The grounds of objection and concerns/views were summarised as follows:
- (i) recreation facilities, shopping facilities and more market facilities should be provided;
 - (ii) no public viewing area;
 - (iii) hotel should be provided;
 - (iv) traffic would be adversely affected;
 - (v) the *fung shui* corridor would be affected;
 - (vi) there was doubt on why the proposed footbridge would lead to the

Tangs' *tso tong* land to the west of the site;

- (vii) would adversely affect transportation/storage/trading companies' operation and their employees;
 - (viii) land should be used for housing purpose;
 - (ix) approval of the application would pre-empt the future recommendations of the Hung Shui Kiu New Development Area (HSK NDA) Study and breach the normal land development planning procedures;
 - (x) to develop the site for Government offices with eating places;
 - (xi) a risk assessment was required to evaluate the potential risk from the existing high pressure town gas pipelines in the vicinity and the necessary mitigation measures and close coordination with the town gas company was required; and
 - (xii) the site should be for office, recreation facilities or international school;
- (e) District Officer (Yuen Long) received 3 objection letters from members of the YLDC and Village Representatives of Ping Shan Heung with similar grounds above; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in the paragraph 11 of the Papers. Being adjacent to the West Rail Tin Shui Wai Station, the proposed commercial development could provide job opportunities at a convenient location in the North West New Territories and could enhance the economic vibrancy of the area. Moreover, the proposed development would phase out the open storage of containers and vehicle repair workshop at the site, which were in the vicinity of a proposed Home

Ownership Scheme development to the east. With the convenient location, the proposed development intensity was considered appropriate for optimizing the development potential of the site. The overall building height was not unacceptable with regard to the proposed use, its location near the Mass Transit Railway station and the heights of the neighbouring residential developments. Also, adverse landscape impact due to the proposed development was not anticipated. Regarding DLO/YL, LandsD cautioned on the feasibility of the footbridges, but it should be noted that the applicant had clarified that the footbridge to the West Rail Tin Shui Wai Station was conceptual and did not form part of the current application. For the footbridge connection points facing the area to the west, they could provide flexibility for connecting to the future development to the west. Regarding the public comments, the proposed development was a private project, its uses and operation (including whether providing public facilities) should be determined by the market. On the interface with the HSK NDA, the Chief Town Planner/Studies and Research, PlanD had advised that the proposed use on the site should be considered in accordance with the provisions of the extant Ping Shan Outline Zoning Plan and the existing infrastructure capacities. Also, the planning considerations and assessments above were relevant.

269. In response to the Chairman's query, Mr K.C. Kan said that the site fell within the HSK NDA and according to the Preliminary Outline Development Plan (PODP) for the HSK NDA, the site fell within the proposed Eastern Residential Neighbourhood cum Commercial Centre which was proposed for "Other Specified Uses (Mixed Use – Residential, Commercial)". The proposed commercial use was not incompatible with the zoning proposed in the PODP.

270. In response to the Chairman's another query on Village Representatives' concern on the *fung shui* corridor being affected, Mr K.C. Kan said that only a small portion of the site fell within the 30m wide view corridor from the Tang Ancestral Hall and Yu Kiu Ancestral Hall, and the Tin Shui Wai MTR Station right in front of that small portion of land already blocked part of the view corridor. A Member further asked how the 30m wide view corridor was determined and its purpose. In response, Mr K.C. Kan said that the view

corridor, or the *fung shui* corridor as referred by the villagers, started from the two ancestral halls, i.e. the Tang Ancestral Hall and the Yu Kiu Ancestral Hall, to the east of the site and extended westwards to provide the views from the two ancestral halls towards the area. The width of the view corridor was determined by the external walls of the two ancestral halls. The Chairman supplemented that the view corridor was drawn from the view of important landmark in the area, i.e. the Tang Ancestral Hall and Yu Kiu Ancestral Hall, which were declared monuments.

271. In response to the same Member's query on the extent of the view corridor and the statutory requirement to maintain it, Mr K.C. Kan said that the view corridor was drawn for indication purpose only to broadly show the extent of important view to be considered in planning and designing developments along the view corridor. Such corridor was also indicated in the PODP of HSK NDA and consideration was also given to the same corridor for other applications, such as Application No. A/YL-PS/440 which was a proposed Home Ownership Scheme development by the Hong Kong Housing Authority, considered by the Committee on 4.4.2014. The Chairman supplemented that although the view corridor had no absolute extent and it was not a statutory requirement to maintain it, the view corridor should be in appropriate length and consideration would be given to preserve the permeability along this view corridor to maintain the prominent public views.

Deliberation Session

272. 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 27.3.2019, 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 taking into account conditions (b), (c), (f) and (g) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of vehicular access, parking and loading/unloading facilities for the proposed development to the satisfaction of the

Commissioner for Transport or of the TPB;

- (c) the submission and implementation of run-in/run-out proposal to the satisfaction of the Director of Highways or of the TPB;
- (d) the implementation of drainage proposal including the mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the submission and implementation of landscape master plan to the satisfaction of the Director of Planning or of the TPB; and
- (g) the submission of a risk assessment related to the high pressure town gas pipelines in the vicinity and implementation of the mitigation measures identified therein to the satisfaction of the Director of Electrical and Mechanical Services or of the TPB.”

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

- “(a) that the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (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 TPB may be required;

- (b) to note the comments of the District Lands Officer/Yuen Long, LandsD that he reserve his comments on the 2 proposed footbridges which one is proposed to link to the West Rail Tin Shui Wai Station and one is proposed to link to the adjoining development as both footbridges might not be feasible to be constructed and received to/by the West Rail Tin Shui Wai Station and the adjoining development. Should the owners apply to the LandsD for a land exchange for implementing the proposed development, there is no guarantee that the land exchange application, including the granting of additional Government land, and the 2 proposed footbridges would be approved. The LandsD will consider the application in the landlord capacity and will impose such terms and conditions and premium/fees at its sole discretion. The actual area of the site will be subject to verification in the land exchange stage if any land exchange is applied for by the lot owner to the LandsD. His preliminary land status check reveals that the site falls within the protection boundary of the West Rail. Comments of the MTR Corporation Limited (MTRCL) should be sought;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, BD that the site shall be provided with means of obtaining access thereto from a street under Regulations 5 of the Building (Planning) Regulations (B(P)R) and emergency vehicular access shall be provided for all the buildings to be erected on the site in accordance with the requirements under Regulation 41D of the B(P)R. If the site does not abut on a specified street having a width of not less than 4.5 m, the development intensity shall be determined under Regulation 19(3) of the B(P)R during plan submission stage. In view of the size of the site, area of any internal streets/roads required under section 16(1)(p) of the Buildings Ordinance (BO) should be deducted from the site area for the purpose of plot ratio and site coverage calculations under the BO. The covered footbridges within the site are accountable for GFA and site coverage calculations under the BO. Also, no footbridge shall be erected over street unless supports from the relevant departments are obtained and exemption under the section 31(1) of the BO is granted. The Quality and Sustainable Built Environment

requirements and the new GFA concession policy are applicable to the site. Landscape areas adjoining the site are not regarded as a specified street for site classification purpose nor will they be taken as a street for providing natural lighting and ventilation to the proposed building for the purposes of the B(P)R. Architectural features/canopies with excessive size are accountable for GFA and site coverage calculations under the BO. Detailed checking of plans will be carried out upon formal submission of building plans;

- (d) to note the comments of the Director of Environmental Protection that the applicant is advised (i) to seek comments from the Drainage Services Department in respect of the connection points and the alignment of the proposed sewer; and (ii) that during construction of the proposed development, to implement appropriate pollution control measures set out in the “Recommended Pollution Control Clauses for Construction Contracts”, which is available at his Department’s website;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that if the proposed run-in/run-out is agreed by the Transport Department, the applicant should construct a run-in/run-out at the access point at Kiu Cheong Road in accordance with the latest version of the Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The HyD shall not be responsible for the maintenance of any access connecting the site and Kiu Cheong Road;
- (f) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD that as the site falls within the route protection boundary of the West Rail, the applicant should consult the MTRCL on full details of the proposal and comply with the requirements of the MTRCL with respect to the future construction, operation, maintenance and safety of the West Rail. The applicant is also reminded to take into

account the railway noise impact from the West Rail when planning the proposed development;

- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the current fresh water and flushing water supply zone of the site is Au Tau Fresh Water Primary Service Reservoir and Ngau Tam Mei Fresh Water Primary Service Reservoir instead of Tan Kwai Tsuen North Fresh Water Service Reservoir. He has no comment on connecting the new main proposed by the applicant from the existing DN 450 water mains. However, he has reservation on the size of the proposed connection main, i.e. DN 200. The applicant should provide further justification to the WSD for approval on the size of the connection main in later stage. The applicant shall provide details of the connections and inside service to the WSD for approval when formal application for water supply is made in later stage;
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant should be reminded that the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011, which is administered by the BD;
- (i) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department that the applicant should enhance the design to achieve a building façade which is less rigid. In particular, the massive glass wall building façade for the topmost floor of the podium terrace should be reviewed to achieve a more pleasant design. The design language and colour of the building office tower and the podium should be consistent. Suitable maintenance provisions should be provided for the high height vertical greening to ensure the sustainability of the planting. The irregular shaped podium terraces on the eastern side appear arbitrary and should be reviewed to achieve a more coherent design. The narrow widths of the periphery flat roof areas at northern side and western

side of the 7/F podium terrace (+41.85mPD) and the triangular shaped parts of the flat roof areas at 5/F and 6/F may not be usable. For the periphery of roof/terrace, sufficient space clear of planting should be reserved in order not to impede installation of gondola or other system for maintenance of the building facades;

- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that out of the greening ratio of not less than 20% as proposed by the applicant, half of the provision should be within the pedestrian zone to enhance the landscape effect and amenity;
- (k) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the site is located within Schedule Area No. 2 and may be underlain by cavernous marble. For any development of the proposed area, extensive geotechnical investigation will be required. Such investigation may reveal the need for a high level of involvement of an experienced geotechnical engineer both in the design and the supervision of geotechnical aspects of the works required to be carried out on the site;
- (l) to note the comments of the Director of Food and Environmental Hygiene that the applicant is reminded that the proposal should not cause any environmental nuisance to the surrounding. Moreover, if food business is carried out at the premises, a food business licence is required to be obtained from his Department under the Public Health and Municipal Services Ordinance (Cap. 132). The operation of the food business and place of public entertainment should be in compliance with requirements/conditions stipulated by relevant departments. If any facility of his Department is to be affected by the development, his Department's prior consent must be obtained. Reprovision of the affected facilities by the project proponent up to his satisfaction may be required. Besides, the project proponent should provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to his Department. If his Department is requested to take up management

responsibility of new public toilets and refuse collection points, his Department should be separately consulted. Prior consent from his Department must be obtained and sufficient amount of recurrent cost must be provided to his Department. If provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc., is required, his Department should be separately consulted. Prior consent from his Department must be obtained and sufficient amount of recurrent cost must be provided to his Department; and

- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV 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 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. There are high pressure town gas pipelines running along Hung Tin Road and Ping Ha Road. The project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of the existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/gas installations if any excavation works are required during the design and construction stages of the development. The project proponent shall also note the requirements of his Department's Code of Practice on Avoiding

Danger from Gas Pipes.”

Agenda Item 73

Any Other Business

274. There being no other business, the meeting closed at 7:50 p.m.