

## **TOWN PLANNING BOARD**

### **Minutes of 531<sup>st</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 17.4.2015**

#### **Present**

Director of Planning  
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

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

Principal Environmental Protection Officer (Strategic Assessment),  
Environmental Protection Department  
Mr Victor W.T. Yeung

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**

Mr H.F. Leung

**In Attendance**

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

Town Planner/Town Planning Board  
Mr William W.L. Chan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 530<sup>th</sup> RNTPC Meeting held on 27.3.2015

[Open Meeting]

1. The Secretary reported that the draft minutes of the 530<sup>th</sup> RNTPC meeting were dispatched to Members on 16.4.2015. Subsequently, a typographical error was found in paragraph 33 (a) regarding Agenda Item 11 and it was proposed to revise the paragraph as follows :

“(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/~~fish ponds~~ for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention. The applicant fails to demonstrate no adverse impact on the surrounding agricultural land and stream nearby;

2. The Committee agreed to the aforesaid proposed revision. The draft minutes of the 530<sup>th</sup> RNTPC meeting held on 27.3.2015 were confirmed with the aforesaid revision incorporated.

**Agenda Item 2**

Matters Arising

[Open Meeting]

3. 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/YL-TYST/5            Application for Amendment to the Approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/10, To rezone the application site from “Government, Institution or Community” and “Residential (Group B) 1” to “Residential (Group B) 1”, Lot 1879 in D.D. 121, Sha Tseng Road, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. Y/YL-TYST/5)

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Presentation and Question Sessions

4.            Mr David C.M. Lam, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), Ms Bonita K.K. Ho, Senior Town Planner/ Tuen Mun and Yuen Long West (STP/TMYLW), and the following representatives of the applicant were invited to the meeting at this point :

Mr Thomas Luk  
Mr Kenneth Chan  
Mr Zeng Jun Hua

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

5.            The Chairman extended a welcome and explained the procedure of the meeting. Ms Bonita K.K. Ho, STP/TMYLW, was then invited to brief Members on the background to the application. Ms Ho did so with the aid of a Powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) the applicant proposed to rezone the site (about 688m<sup>2</sup>) from “Government, Institution or Community” (“G/IC”) (87%) and “Residential (Group B)1” (“R(B)1”) (13%) to “R(B)1” to facilitate the development of one residential

house. The site was currently occupied by a single-storey building for residential purpose. The building was previously occupied by a monastery known as Kwong Ming Tong. The surrounding area was rural residential in character with residential developments/dwellings and some community uses and amenity area intermixed with scattered open storages, vehicle repair workshops and storage uses;

- (b) according to the applicant, the proposed “R(B)1” zoning would be subject to the same development restrictions of the “R(B)1” zone under the extant Outline Zoning Plan (OZP), i.e. maximum plot ratio (PR) of 1, maximum site coverage (SC) of 40%, and maximum building height (BH) of 4 storeys over single-storey car park (15m). The proposed house would have a gross floor area of about 688m<sup>2</sup>, site coverage of about 37.65%, BH of 3 storeys (10.5m), private open space of 429m<sup>2</sup> and one parking space. The justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;
- (c) on the then draft Tong Yan San Tsuen Development Permission Area (DPA) Plan No. DPA/YL-TYST/1 gazetted on 18.6.1993, the site was largely zoned “G/IC” whilst the northern portion formed part of a larger area zoned “R(B)2”. The “G/IC” zoning was mainly intended to reflect the monastery at the site at that time. The “R(B)2” portion of the site was rezoned to “R(B)1” on the draft Tong Yan San Tsuen OZP No. S/YL-TYST/1 gazetted on 14.6.1996;
- (d) 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;
- (e) during the first three weeks of the statutory publication period, one public comment was received from a member of the public raising objection to the application. The commenter claimed that Kwong Ming Tong had not yet dissolved and that the site was acquired by illegal means; and

- (f) the Planning Department (PlanD)'s views - PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The site comprised private lot for building and garden purposes. Rezoning of the site to "R(B)1" zone for residential use was generally compatible with the residential character of the surrounding areas as well as in keeping with the surrounding low-density and low-rise residential developments. There was currently no designated government, institution and community (GIC) use for the site and no proposal to resume the "GIC" portion of the site for GIC development. The rezoning of the site to "R(B)1" would not affect the provision of GIC facilities in the area. Relevant government departments consulted had no comment on or no objection to the application. The proposed house development was not anticipated to generate adverse impacts on infrastructure, environmental, traffic, visual and landscape aspects on the surrounding areas. Regarding the objecting public comment, private land dispute might not be a material consideration of the current application.

[Mr Lincoln L.H. Huang, Ms Christina M. Lee and Mr Victor W.T. Yeung arrived to join the meeting at this point.]

6. The Chairman then invited the applicant's representatives to elaborate on the application. Mr Kenneth Chan made the following main points :

- (a) as indicated by a timeline of the site history, which was shown on the visualiser, a building was built on the site in 1953 and had been used for residential purpose until 1981. The building was rented to Kwong Ming Tong for GIC use in 1981, and had been used by Kwong Ming Tong until 2003 when Kwong Ming Tong moved out in May 2003. The building had been used for residential purpose since then. The applicant now intended to redevelop one residential house on the site;
- (b) the proposed house development at the site was compatible with the surrounding area which was zoned "R(B)1" and mainly occupied by residential developments. With the proposed rezoning from "G/IC" to

“R(B)1”, the site would combine with the surrounding “R(B)1” zone forming a larger and more integrated “R(B)1” zone;

- (c) in response to the public comment claiming that Kwong Ming Tong had not yet dissolved and that the site was acquired by illegal means, a document obtained from Companies Registry was shown on the visualiser to prove that Kwong Ming Tong was already dissolved in 2003;
- (d) as the site was privately owned by the applicant, any GIC use at the site should involve the applicant. However the applicant had no intention to develop the site for GIC use;
- (e) developing the site for residential use did not contravene with the lease condition, and could better utilize the development potential of the site;
- (f) given the small size of the site, possibility of developing the site for GIC use was quite slim and the impact on the provision of GIC facilities in the district was not significant; and
- (g) the proposed development would not create adverse environmental, visual, traffic and infrastructural impacts.

7. Members had no question on the application.

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

#### Deliberation Session

9. After deliberation, the Committee decided to agree to the application, and that an

amendment to the approved Tong Yan San Tsuen OZP No. S/YL-TYST/10 (the OZP) would be submitted to the Committee for agreement prior to gazetting under section 5 of the Town Planning Ordinance after reference back of the OZP for amendment by the Chief Executive in Council.

### **Sai Kung and Islands District**

[Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Mrs Alice K.F. Mak, Senior Town Planner/Sai Kung and Islands (STP/SKIs), and Mr Kenny C.H. Lau, Town Planner/Sai Kung and Islands (TP/SKIs) were invited to the meeting at this point.]

#### **Agenda Item 4**

[Open Meeting]

Proposed Amendments to the

Approved Chek Lap Kok Outline Zoning Plan No. S/I-CLK/12

(RNTPC Paper No. 5/15)

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10. The Secretary reported that the proposed amendments to the Chek Lap Kok Outline Zoning Plan (OZP) were to reflect the intended land use/planned developments under the proposed three-runway system (3RS) development by the Airport Authority Hong Kong (AAHK). Ms Janice W.M. Lai and Dr C.P Lau had declared interests in this item as they had current business dealings with AAHK. According to the procedure and practice adopted by the Board, as the proposed 3RS development by AAHK was only the subject of amendment to the OZP proposed by the Planning Department, the Committee agreed that the interests of Dr Lau on this item only needed to be recorded and they could stay in the meeting. The Committee noted that Ms Lai had not arrived to join the meeting yet.

11. With the aid of a Powerpoint presentation, Mr Kenny C.H. Lau, TP/SKIs, presented the proposed amendments to the approved Chek Lap Kok OZP as detailed in the Paper and covered the following main points :

- (a) the proposed 3RS development of Hong Kong International Airport (HKIA) involved reclamation of about 650 ha new land to the immediate north of HKIA which extended beyond the current planning scheme boundary of the Chek Lap Kok OZP. The proposed amendments were to designate a major part of the proposed reclamation area (about 576 ha) as “Other Specified Uses” annotated “Airport” (“OU(Airport)”) (Amendment Item A) for the development of airport operational facilities including the new 3,800m-long third runway and taxiway systems, air passenger concourse and aircraft parking aprons. The remaining two parts of the proposed reclamation area (about 74 ha) were proposed to be designated as “Other Specified Uses” annotated “Airport Service Area” (“OU(Airport Service Area)”) (Amendment Item B) for the development of airport support facilities to facilitate the airport operation;
- (b) the Government gave in-principle approval to AAHK in March 2012 to adopt the option of expanding HKIA into 3RS. On 7.11.2014, the 3RS Environmental Impact Assessment (EIA) report was approved and the Environmental Permit was granted with conditions. On 10.4.2015, AAHK provided Town Planning Board (TPB) Members a brief overview of the proposed 3RS development;
- (c) proposed amendments to the Notes of the OZP included the incorporation of ‘depot’ in the list of uses always permitted on land falling within the boundaries of the OZP in the covering Notes to facilitate the proposal to set up an integrated maintenance depot of about 3.5 ha to serve the existing and new automated people mover system. The Explanatory Statement (ES) of the OZP would be revised to reflect the corresponding proposed amendments, and to update the general information of the various land use zones to reflect the latest status and planning circumstances of the OZP where appropriate; and
- (d) no adverse comments on the proposed amendments were received from the relevant government departments consulted. It was intended that the proposed reclamation would be gazetted in accordance with the provisions

of the Foreshore and Seabed (Reclamations) Ordinance (Cap 127) and the proposed amendments to the Chak Lap Kok OZP would be gazetted in accordance with the provisions of the Town Planning Ordinance (the Ordinance) in tandem. Upon gazetting of the proposed amendments to the Chak Lap Kok OZP, the Islands District Council would be consulted during the public inspection period.

12. Noting that some issues such as the use of airspace had yet been resolved, a Member asked whether the Committee should consider the land uses of the proposed reclamation area in the current meeting without addressing those unresolved issues. In response, the Chairman said that in general, the Committee should focus on the land uses of the proposed reclamation area taking into account the relevant environmental and traffic issues of the proposed land uses. However, other strategic issues such as the use of airspace would require liaison with different parties and the resolution of these issues was being followed up by the Transport and Housing Bureau.

13. Noting that the proposed reclamation area for the third runway was proposed to be zoned "OU(Airport)" and "OU(Airport Service Area)" on the OZP, a Member asked whether other land use zonings such as "Commercial" ("C") and "Government, Institution or Community" ("G/IC") would be required, and whether more zonings would be designated after the completion of the detailed design of 3RS. In response, Mr Ivan M.K. Chung, DPO/SKIs, said that there was already a "C" zone on the eastern part of the airport island within which a number of sites were still undeveloped which could accommodate a few hundred thousands square meters gross floor area (GFA). Also, some GIC facilities ancillary to the airport would be provided within the "OU(Airport Service Area)" zone. As the OZP was to show the broad brush zoning, detailed uses such as the ancillary GIC facilities would not be shown on the OZP. Similar treatment on the land use zoning had been adopted on the existing airport island. The Chairman said that some specific land use zonings such as "OU(Business Park)" and "C" were designated at the southern and eastern parts of the existing airport island respectively. There would not be an individual "C" zone on the proposed reclamation area. Those commercial uses such as shop and services in the proposed passenger terminal could be considered as ancillary facilities that were always permitted.

14. After deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the approved Chek Lap Kok OZP and that the draft Chek Lap Kok OZP No. S/I-CLK/12C (to be renumbered to S/I-CLK/13 upon exhibition) and its Notes were suitable for exhibition under section 5 of the Ordinance; and
  - (b) adopt the revised ES for the draft Chek Lap Kok OZP No. S/I-CLK/12C (to be renumbered to S/I-CLK/13 upon exhibition) as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP and the revised ES would be published together with the draft OZP.”

[The Chairman thanked Mr Ivan M.K. Chung, DPO/SKIs for his attendance to answer Members’ enquires. Mr Chung left the meeting at this point.]

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting]

A/I-DB/5                      Proposed Religious Institution (Church and Related Community Services) in “Residential (Group D)” and “Green Belt” Zones, Government Land adjacent to Nim Shue Wan Village, Lantau Island  
(RNTPC Paper No. A/I-DB/5)

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15.            The Committee noted that on 8.4.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for the applicant to liaise with concerned parties and provide responses to departmental comments. This was the applicant’s first request for deferment.

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

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

[Dr W.K. Yau and Ms Janice W.M. Lai arrived to join the meeting at this point.]

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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#### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house;
- (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 total of ten public comments were received from Designing Hong Kong Limited,

World Wide Fund For Nature Hong Kong and local residents. They all objected to the application as the proposed house was not in line with the planning intention of the “Green Belt” (“GB”) zone and any “destroy first, build later” activities should not be tolerated. They commented that the traffic impact and further degradation of the “GB” zone should be avoided. Approval of the planning application could give the impression to the public that the Board accepted the “destroy first, build later” approach. No local objection/view was received by the District Officer (Sai Kung); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
  - (i) the proposed private residential development was not in line with the planning intention of “GB” zone. The applicant failed to provide strong planning justifications for a departure from the planning intention;
  - (ii) the application did not comply with 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’ in that there were no exceptional circumstances or strong planning justifications for the proposed house development within “GB” zone;
  - (iii) according to TPB PG-No. 10, any development within the “GB” zone should not involve extensive clearance of existing natural vegetation. As shown in the four aerial photos taken in 1990, 1998, 1999 and 2014 respectively, extensive clearance of vegetation on private land and government land had occurred. Approval of the planning application could give the impression to the public that the Board condoned the “destroy first, build later” approach; and

- (iv) previous applications at the site and similar applications within the same “GB” zone had all been rejected. Thus, rejection of the current application was in line with the previous decisions. The approval of the application would set an undesirable precedent for similar applications in “GB” zone in future. The cumulative effect of approving such similar applications would result in a general degradation of the natural environment and bring about adverse landscape impact on the area.

18. Members had no question on the application.

### Deliberation Session

19. 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 residential development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The applicant fails to provide strong justification in the submission for a departure from the planning intention;
- (b) the proposed residential development does not meet the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone’ in that there are no exceptional circumstances to justify the application; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications will result in a general degradation of the natural environment and bring about adverse landscape impact on the

area.”

## **Agenda Item 7**

### **Section 16 Application**

[Open Meeting]

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

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20. The Secretary reported that Environ Hong Kong Ltd. (Environ) was the consultant of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they had current business dealings with Environ. As the applicant had requested for deferment of consideration of the application and Mr Fu and Ms Lai had no involvement in the project, the Committee agreed that they could stay in the meeting.

21. The Committee noted that on 25.3.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for the applicant to prepare further information to address the comments of relevant government departments and the public. This was the applicant’s first request for deferment.

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

**Agenda Items 8 to 12**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TLW/1            Proposed House (New Territories Exempted House - Small House) in  
“Village Type Development” Zone, Government land in D.D. 275,  
Ham Tin, Tai Long Wan, Sai Kung  

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(RNTPC Paper No. A/SK-TLW/1 and 2)

A/SK-TLW/2            Proposed House (New Territories Exempted House - Small House) in  
“Village Type Development” Zone, Government land in D.D. 275,  
Ham Tin, Tai Long Wan, Sai Kung  

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(RNTPC Paper No. A/SK-TLW/1 and 2)

A/SK-TLW/3            Proposed House (New Territories Exempted House - Small House) in  
“Village Type Development” Zone, Government land in D.D. 275,  
Ham Tin, Tai Long Wan, Sai Kung  

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(RNTPC Paper No. A/SK-TLW/3)

A/SK-TLW/4            Proposed House (New Territories Exempted House - Small House) in  
“Village Type Development” Zone, Government land in D.D. 275,  
Ham Tin, Tai Long Wan, Sai Kung  

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(RNTPC Paper No. A/SK-TLW/4)

A/SK-TLW/5            Proposed House (New Territories Exempted House - Small House) in  
“Village Type Development” Zone, Government land in D.D. 275,  
Ham Tin, Tai Long Wan, Sai Kung  

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(RNTPC Paper No. A/SK-TLW/5)

23.            The Committee agreed that these five applications should be considered together since they were similar in nature and the sites were located within the same “Village Type Development” (“V”) zone in close proximity to one another.

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

Presentation and Question Sessions

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

- (a) background to the applications highlighting that Ham Tin Tsuen and Tai Long Tsuen were Grade 1 historic villages with high heritage value. On 20.4.2000, the draft Tai Long Wan Outline Zoning Plan (OZP) No. S/SK-TLW/1 was exhibited for public inspection. A total of 5 objections were received. After hearing the objections on 3.11.2000 and 27.4.2001, the Board decided to propose amendments to the draft OZP to partially meet the objections, which included, among others, transferring 'New Territories Exempted House (NTEH)' from Column 1 to Column 2 of the User Schedule of the Notes for the "V" zone. Under this arrangement, development of NTEH within the "V" zone would require planning permission from the Board;
- (b) the proposed house (NTEH - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out paragraph 9 and Appendix II of the Papers, which were summarised as follows:\ul style="list-style-type: none;">- (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) had reservation on the applications as the applicants failed to provide information to demonstrate the compatibility of the proposed new village houses with the surrounding cultural landscape context;
- (ii) the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) advised that in order to maintain the authenticity and integrity of the Ham Tin Tsuen as a whole with the least disturbance to the existing village houses and ambience therein, as well as to avert causing adverse visual impact on the historic village, it was advised that alternative locations away

from the existing village houses in Ham Tin Tsuen should be explored in the first place; and

- (iii) for applications No. A/SK-TLW/3 and 5, the Director of Agriculture, Fisheries and Conservation advised that the proposed Small Houses might affect a few mature trees. The applicants were advised to revise the location of the proposed Small Houses to minimize the impacts on the existing trees;
  
- (d) during the first three weeks of the statutory publication period, 3,800, 3,769, 3,766, 3,764 and 3,786 public comments mainly objecting to the applications No. A/SK-TLW/1 to 5 respectively were received. The comments were from Friends of Hoi Ha, a member of Temple Chambers, Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation, a member of Legislative Council, Green Sense, The Conservancy Association and individuals. Among the comments from individuals, most of them were in similar forms. The major objection reasons and concerns expressed by the commenters of each application were summarised as follows:
  - (i) government land and previous country park area should not be used for development of house;
  - (ii) there were mature trees within the site;
  - (iii) redevelopment of deserted village houses in the village was considered as a more favourable option;
  - (iv) the proposed development could not ease the housing problem in Hong Kong;
  - (v) the approval of the application would set an undesirable precedent for similar applications which might lead to extensive development of Small Houses in the area;

- (vi) there would be adverse, ecological, historical, archaeological, landscape, visual, sewage and environmental impacts on the surrounding areas;
  - (vii) the proposed development was not in line with the planning intention of the “V” zone of the Tai Long Wan OZP;
  - (viii) cumulative impacts on the surrounding waters and country park by the permitted developments should be considered;
  - (ix) there were no environmental, landscape, drainage or sewerage impact assessments in the submission;
  - (x) it was unlikely that the demand for Small House was genuine;
  - (xi) there were no plans to improve infrastructure for the village and for any improvement in services in future;
  - (xii) there was a lack of transportation access to the area; and
  - (xiii) the proposed development would not be in harmony with the existing village houses and would affect the integrity of the village setting.
- (e) no local objection/view was received by the District Officer (Sai Kung); and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the applications for reasons as detailed in paragraph 12 of the Papers, which were summarised as follows:
- (i) the old village houses in Tai Long and Ham Tin with traditional architectural and layout were of high heritage value. Ham Tin and Tai Long Villages were Grade 1 historic villages. AMO, LCSD

considered that the applicants had not provided any submission to demonstrate that the new village houses would be in harmony with the historic houses and would not affect the integrity of the existing village setting;

- (ii) CTP/UD&L, PlanD considered that the applicants had yet provided illustrative materials and justifications to demonstrate that the new NTEHs would be in harmony with Ham Tin Village and that the proposals would not affect the integrity of the existing village setting. Approval of the applications would set an undesirable precedent for other similar applications within the “V” zone. The cumulative effect of approving such similar applications would affect the heritage features of Tai Long Wan; and
- (iii) there were about 3,800 public comments objecting to / expressing concerns on each of the applications on the grounds mentioned in paragraph 24(d) above.

25. In response to a Member’s question, Mrs Alice K.F. Mak said that as advised by AMO, LCSD, the village houses in Ham Tin Tsuen as a group had preservation value. In response to the Chairman’s question on the location of the convenience stores near Ham Tin Tsuen which were commonly visited by the public, Mrs Mak said that the stores were located outside the subject “V” zone. A Member said that the proposed houses were not compatible with the existing old houses in terms of the outlook, and approval of these houses would spoil the existing character of the village.

#### Deliberation Session

26. Members in general agreed to reject the applications. A Member asked whether it was the intention to prohibit any new NTEHs at the subject “V” zone since the recommended rejection reason (b) stated that approval of the application would set an undesirable precedent for other similar applications within the “V” zone and all of the five subject applications were recommended for rejection although not all of them were located near the existing village houses. If not, the Member doubted whether it was necessary to

adopt the recommended rejection reason (b) which might imply that no new NTEH was allowed in the subject “V” zone. Another Member said that there should be a set of criteria for new NTEHs at the subject “V” zone which would be acceptable to concerned departments especially AMO, LCSD. The Chairman said that rejection reason (a) was appropriate since the applicants had only provided the locations and basic layout of the proposed NTEHs.

27. The Committee did not support the applications but requested PlanD to liaise with AMO, LCSD on the criteria of new NTEHs at the subject “V” zone that would be acceptable. The Chairman then invited views from Members on whether the recommended rejection reason (b) should be adopted.

28. A Member said that the recommended rejection reason (b) was referring to ‘other similar applications’ but not ‘other applications’. The Committee might consider to approve applications in the subject “V” zone that were not similar to the subject five applications, i.e. if the applicants could demonstrate that the new village houses would be in harmony with the existing houses and would not affect the integrity of the village setting and result in adverse visual impact on the historic village. The rejection reason (b) did not imply that no new NTEH was allowed in the subject “V” zone. After deliberation, the Committee agreed that the rejection reason (b) was also appropriate.

29. In response to a Member’s question, the Chairman said that the Committee would consider applications based on the submitted schemes and there was no obligation for the Committee to advise the applicants on how their schemes might be approved.

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

“(a) Ham Tin is Grade 1 historic village and many village houses in Ham Tin Tsuen have group value for preservation. The applicants fail to demonstrate that the new village houses would be in harmony with the existing historic houses and would not affect the integrity of the village setting and result in adverse visual impact on the historic village; and

- (b) approval of the applications would set an undesirable precedent for other similar applications within the “Village Type Development” zone and the cumulative effect of approving such similar applications would affect the heritage features of Tai Long Wan.”

[The Chairman thanked Mr Kenny C.H. Lau, TP/SKIs and Mrs Alice K.F. Mak, STP/SKIs, for their attendance to answer Members’ enquires. Mr Lau and Mrs Mak left the meeting at this point.]

### **Sha Tin, Tai Po and North District**

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

### **Agenda Items 13 to 15**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TT/23 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 429 in D.D. 289 and Adjoining Government Land, Ko Tong, Tai Po  
(RNTPC Paper No. A/DPA/NE-TT/23)

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A/DPA/NE-TT/24 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 464 in D.D. 289, Ko Tong, Tai Po  
(RNTPC Paper No. A/DPA/NE-TT/24)

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A/DPA/NE-TT/25 Proposed Two Houses (New Territories Exempted Houses - Small Houses) in “Unspecified Use” Area, Lots 476 S.A ss.1, 476 S.C ss.2, 476 S.A RP and 476 S.C RP in D.D 289, Ko Tong, Tai Po  
(RNTPC Paper No. A/DPA/NE-TT/25)

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31. The Committee agreed that these three applications should be considered together since they were similar in nature and the sites were located within the same “Unspecified Use” area in close proximity to one another.

#### Presentation and Question Sessions

32. Ms Channy C. Yang, STP/STN, presented the applications 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 of applications No. A/DPA/NE-TT/23 and 24, and the proposed two houses (NTEHs - Small Houses) at the site of application No. A/DPA/NE-TT/25;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers, which were summarised as follows:
  - (i) for applications No. A/DPA/NE-TT/23 and 24, the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications as the sites were currently only accessible by footpath and stairs of less than 1m in width which could not cater for the transportation of construction machinery and materials. The large mature native tree groups nearby might be affected during construction. As the northern part of the site of application No. A/DPA/NE-TT/24 was located on the vegetated slope, erection of a retaining wall structure might be required, which might further affect the surrounding landscape. However, no tree assessment and tree preservation proposal of the surrounding vegetation was provided. Whilst the applicants indicated that there was an alternative construction access, no sufficient information was provided in this regard. Approval of the

applications would attract further Small House development that might cause adverse landscape impact beyond the sites and general degradation to the green knoll; and

- (ii) for application No. A/DPA/NE-TT/25, CTP/UD&L, PlanD had reservation on the application. Although the site and its adjoining area had undergone suspected vegetation clearance and significant landscape resource was not found within the site, approval of the application would set an undesirable precedent to attract further Small House development that might cause cumulative adverse landscape impact and general degradation to the existing woodland area to the north of Ko Tong Village;
  
- (d) during the first three weeks of the statutory publication period, 14, 15 and 18 public comments on applications No. A/DPA/NE-TT/23, 24 and 25 respectively were received. The public comments were submitted by Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, Ko Tong Village Owners & Tenants Society, Friends of Hoi Ha, Friends of Sai Kung and individuals who objected to the applications, as well as by a number of individuals who supported the applications. The grounds of objecting the applications mainly included that being not in line with the planning intention of the Development Permission Area (DPA) Plan/the “Unspecified Use” area; causing adverse ecological, landscape and environmental impacts; setting of undesirable precedent; vegetation clearance having been taken place in the sites and its surrounding area; presence of illegal accesses in Ko Tong; absence of relevant technical assessments submitted; the proposed Small House being built for profit; no approval of development prior to the detailed planning of the OZP; and the infrastructure provision being unable to cater for additional demand etc.. The grounds of supporting the applications mainly included that the applicant was an indigenous villager of Ko Tong; there was insufficient land within the “V” zones of Ko Tong for Small House development; sympathetic consideration should be given to the applications as the sites

were on private land within the village ‘environs’ (‘VE’) of Ko Tong; the proposed development would not cause significant environmental impacts; the indigenous villagers had the right and need to build their own Small Houses in their own lots; and the waiting time for approval of Small House applications was so long etc.;

- (e) no local objection/view was received by the District Officer (Tai Po); and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 12 of the Papers, which were summarised as follows:
  - (i) the applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the proposed Small House footprints fell within the ‘VE’ of Ko Tong and there was insufficient land within the “V” zone of Ko Tong to meet the Small House demand. Hence, sympathetic consideration could be given to the applications;
  - (ii) regarding CTP/UD&L, PlanD’s reservation on the applications, the concerns of CTP/UD&L, PlanD could be addressed by imposition of an approval condition on the submission and implementation of landscape and/or tree preservation proposal and relevant advisory clauses. For applications No. A/DPA/NE-TT/23 and 24, the applicants undertook that no interference with trees outside the site would be caused; no tree felling and pruning would be carried out; good site practice would be implemented and a tree preservation and landscape proposal would be submitted. The paved staircase was about 40m in length and less than 1m in width but having a wider clearance space without trees on its both sides. Most part of the hill slope which the paved staircase passed through was on government land and there was existing legislation under the Director of Agriculture, Fisheries and Conservation’s authority to offer protection to trees on government land;

- (iii) regarding the suspected vegetation clearance on the sites, the Chief Town Planner/Central Enforcement and Prosecution, PlanD advised that the sites were not involved in any active enforcement cases and he had no comment on the applications. Other relevant government departments had no objection to or no adverse comment on the applications;
- (iv) there were five similar applications near the sites within the same “Unspecified Use” area which were all approved with conditions by the Committee in February and March 2015. The planning circumstances of the approved cases were similar to those of the current applications; and
- (v) regarding the adverse public comments mainly on the planning intention of the DPA Plan/the “Unspecified Use” area, adverse impacts to the surroundings, setting of undesirable precedent; vegetation clearance and illegal accesses in Ko Tong, no relevant technical assessments, profit-making of the proposed Small House development, insufficient infrastructure provision etc, the concerned departments’ comments and the planning assessments above were relevant. On the view that no development should be approved prior to the detailed planning of the OZP, it should be noted that it was not the intention of the DPA Plan to prohibit development but rather to establish planning control of the area pending the preparation of an OZP. Application for development in this period could be considered on a case-by-case basis on individual merits, having regard to the relevant guidelines and departmental comments.

33. Members had no question on the applications.

#### Deliberation Session

34. The Chairman said that the site of application No. A/DPA/NE-TT/23 was situated on a knoll occupied by a vacant village school with much land being formed. A

number of applications for NTEHs on the knoll were also received on an ad-hoc basis and approved by the Committee recently. The land on the knoll suitable for NTEH development was limited. Noting that the layout of the proposed NTEHs under these applications was not co-ordinated, the Chairman requested PlanD to liaise with the concerned landowners on the possibility of re-planning the locations of proposed NTEHs so as to fully utilize the land on the knoll for NTEH development. The Committee noted that the boundaries of the sites on the knoll were mainly based on the concerned private lots.

35. In response to a Member's question, Ms Channy C. Yang said that the caption 'pending' for the sites of applications No. A/DPA/NE-TT/19 to 21 on Plan A-2 of the Paper No. A/DPA/NE-TT/25 was a typographical error. These three applications were approved with conditions by the Committee on 27.3.2015.

36. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 17.4.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

*Application No. A/DPA/NE-TT/23*

- “(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 proposal to the satisfaction of the Director of Planning or of the TPB.”

*Application No. A/DPA/NE-TT/24*

- “(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 Town Planning Board;

- (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 proposal including site formation plan to the satisfaction of the Director of Planning or of the TPB.”

*Application No. A/DPA/NE-TT/25*

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

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

*Application No. A/DPA/NE-TT/23*

- “(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 TPB, his office will process the Small House application. The applicant applied for land exchange in this 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 comments of the Commissioner for Transport that the existing village track road and footpath are not under the 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 and footpath 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 such 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. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank. The applicant should also note the following:
  - (i) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at his expenses;
  - (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 particular, the existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. 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 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. The applicant should consider the workability, the impact to the surrounding environment and seek comments from other concerned parties/departments if necessary for the design of the drainage proposal;
- (v) 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;
- (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 carry out any works prior to obtaining Government approval;
- (g) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department that the applicant should seek the ecological advice on Fung Shui Woodland from the Agriculture, Fisheries and Conservation Department and the proposed alignment of drainage channel should be reviewed to minimize the 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 his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (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/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
  - (i) 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;

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 TPB where required before carrying out the road works.”

*Application No. A/DPA/NE-TT/24*

- “(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 TPB, his office will process the Small House application. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto. The site formation works and stormwater drainage works may involve government land and other private land. For works to be taken outside the subject private lot, 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 the 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 also required to maintain such 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. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank. The applicant should also note the followings:
- (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 particular, the existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected. 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 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. The applicant should consider the workability, the impact to the surrounding environment and seek comment from other concerned parties/departments if necessary for the design of the drainage proposal;

- (v) 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;
- (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 and should not carry out any works prior to obtaining Government approval;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should seek the ecological advice on Fung Shui Woodland from the Agriculture, Fisheries and Conservation Department and the proposed drainage channel alignment should be reviewed to minimize 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 his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction,

operation and maintenance of the inside services within the private lots to WSD's standards; and

- (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/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
  - (i) 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; 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 TPB where required before carrying out the road works."

*Application No. A/DPA/NE-TT/25*

“(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 TPB, his office will process the Small House applications. If the Small House applications are approved by LandsD acting in the capacity as landlord at its sole discretion, such approvals will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small Houses concerned or approval of the Emergency Vehicular Access thereto;

- (b) to note the comments of the Director of Fire Services that the applicants should observe “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of the Commissioner for Transport that the existing village track road and footpath are not under the 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 and footpath 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 applicants/owners are also required to maintain such drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants/owners shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the system. 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. There is no existing public sewerage in the vicinity of the site. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;

- (e) to note the comments of the Director of Environmental Protection that the applicants 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 applicants should implement good site practice to minimize impact on the environment;
- (g) 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 applicants may need to extend their inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant; 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 filing/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

**Agenda Item 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/545            Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” and “Village Type Development” Zones, Lot 612 S.C in  
D.D. 28, Tai Mei Tuk, Tai Po  
(RNTPC Paper No. A/NE-TK/545)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned 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 from Designing Hong Kong Limited was received objecting to the application mainly on grounds of being not in line with the planning intention of “Green Belt” (“GB”) zone; not in compliance with Town Planning Board Guidelines No. 10 (TPB PG-No. 10); and no impact assessment on environment, landscape, drainage and sewerage had been provided. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. The proposed Small House complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that more than 50% of the proposed Small House footprints fell within the village ‘environs’ (‘VE’) and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the concerned villages. Sympathetic consideration could be given to the application. Since the proposed development was not expected to have adverse impacts on the landscape, traffic and the existing and planned infrastructure, such as

sewerage, drainage and water supplies, it was considered in compliance with the TPB PG-No. 10. Regarding the public comment objecting to the application, government departments' comments and the planning assessment above were relevant.

39. A Member said that land available in the concerned villages to meet Small House demand (equivalent to 129 Small House sites) could meet the outstanding 61 Small House applications and the approval of the application would set an undesirable precedent that would encourage the proliferation of Small House developments to the "GB" zone to the east of the site. In response to the Member's question, Mr C.T. Lau said that applications No. A/NE-TK/531 and 540 within the same "GB" zone were approved with conditions by the Committee mainly on the considerations that the concerned sites were formed, there was no vegetation on the sites and the proposed Small Houses complied with the Interim Criteria. Applications No. A/NE-TK/521 and 522 were approved with conditions by the Committee mainly on the considerations that the application sites largely fell within "V" zone, there was no vegetation on the concerned sites and the proposed Small Houses complied with the Interim Criteria.

#### Deliberation Session

40. The Member said that the site had different locational factor and circumstances as compared with the sites of applications No. A/NE-TK/521 and 522. Besides, the subject application was not supported as land available in the subject "V" zone could meet the outstanding Small House applications. In response, the Chairman said that similar issues had been discussed thoroughly in the Committee previously and it was agreed that the Committee should not totally ignore the 10-year Small House demand forecast but might consider what appropriate weight should be put on such forecast when considering applications for Small House development. If taking into account the 10-year Small House demand forecast of the subject "V" zone (i.e. 211 Small Houses), the land available at the "V" zone (equivalent to 129 Small House sites) could not fully meet the future overall Small House demand (equivalent to about 272 Small House sites) in the concerned villages. PlanD recommended approval of the application since the site was hard paved with no vegetation, fell within the 'VE' and complied with the Interim Criteria.

41. In response to a Member's question, it was explained that there was a privately-operated fish pond to the immediate east of the site.

42. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 17.4.2019, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) 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.”

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

- “(a) the applicant is required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (b) to note the comments of the Director of Environmental Protection that there is an existing trunk sewer in the vicinity of the site, the sewer connection is feasible; the applicant should connect the public sewer at his own cost; and adequate land should be reserved for the sewer connection works;
- (c) 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 to be erected. Any existing flow path affected should be re-provided;

- (iii) 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 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 should be consulted on the sewerage treatment/disposal aspects of the proposed development;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
- (i) for provision of water supply to the development, the 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) water mains in the vicinity of the site cannot provide the standard fire-fighting flow;
- (e) 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;
- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
- (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with CLP Power 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

- (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 should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/546            Temporary Private Garden Ancillary to New Territories Exempted House for a Period of 3 Years in “Village Type Development” and “Agriculture” Zones, Government Land in D.D. 29, Ting Kok Village, Tai Po  
(RNTPC Paper No. A/NE-TK/546)

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#### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary private garden ancillary to New Territories Exempted House (NTEH);
- (c) departmental comments – departmental comments were set out in paragraph 8 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, eight public comments submitted from a mutual aid committee of a nearby residential

development, the Chairman and Vice Chairman of Ting Kok Village Rural Office, two village representatives and three members of the public were received. One member of the public opined that approval of the application would set an undesirable precedent for similar applications in the vicinity whilst all the other commenters supported the application mainly on consideration of its small scale, short duration, not obstructing the access nor affecting the neighbourhood. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 10 of the Paper. As for the public comment concerning about the setting of undesirable precedent, it should be noted that each application would be considered by the Committee on its individual merits.

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

45. In response to the Chairman's question on the use of a strip of paved land on the eastern side of the row of NTEHs (comprising the subject NTEH that the proposed private garden ancillary to as well as other NTEHs to its south) as shown on Plan A-4 of the Paper, Mr C.T. Lau said that the strip of land had undergone drainage works underneath and was now covered with concrete. The access road to the row of NTEHs would be on the eastern side of the NTEHs. In response to some Members' questions, Mr Lau said that there was no information on the land status of the area that the access road passed through. As the NTEHs to the south of the subject NTEH fell entirely within "Village Type Development" ("V") zone, ancillary private garden was always permitted and no planning permission was required from the Board.

46. In response to a Member's question, Mr Lau said that the vacant land within "V" zone between the row of NTEHs and the stream to its east was possible for more NTEH developments.

47. In response to a Member's question, Mr Lau said that the house to the northwest

of the subject NTEH was an approved NTEH, the construction work of which was in progress and it had a separate access road.

### Deliberation Session

48. Members in general did not agree to approve the application since there was no strong justification for the proposed private garden and no benefit was envisaged for the villagers. Although the subject private garden was on a temporary basis which would not take up the land within the “V” zone to meet Small House demand, the approval of the application would encourage the construction of private garden along the eastern side of the row of NTEHs. The Secretary said that the subject private garden required planning permission from the Committee since a small portion at the northern part of the site fell within the “Agriculture” (“AGR”) zone. If the “AGR” zoned portion was not included in the private garden, planning application to the Committee was not necessary.

49. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 11.3 of the Paper and considered that it was appropriate. The reason was :

“the applied use is not in line with the planning intention of “Agriculture” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong justification given in the submission to justify a departure from such planning intention even on a temporary basis.”

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

**Agenda Item 18**

**Section 16 Application**

[Open Meeting]

A/TP/583                      Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” and “Village Type Development” Zones, Government  
land in D.D. 32, Ha Wong Yi Au, Tai Po  
(RNTPC Paper No. A/TP/583)

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50.            The Committee noted that on 25.3.2015, the applicant requested 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 the Water Supplies Department. This was the applicant’s first request for deferment.

51.            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 19**

**Section 16 Application**

[Open Meeting]

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

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52. The Secretary reported that LWK & Partners (HK) Limited (LWK), MVA Hong Kong Ltd. (MVA) and Environ Hong Kong Ltd. (Environ) were the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in this item as he was the director and shareholder of LWK and had current business dealings with MVA and Environ. Ms Janice W.M. Lai had declared an interest in this item as she had current business dealings with Environ. As the applicant had requested for deferment of consideration of the application, the Committee agreed that they could stay in the meeting but Mr Fu should refrain from participating in the discussion.

53. The Committee noted that on 30.3.2015, the applicant requested for deferment of the consideration of the application for another two months in order to allow sufficient time to prepare revised technical assessments on environment, traffic, drainage and sewerage aspects for the application, which would be completed by mid-April. This was the applicant's second request for deferment.

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

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/872                      Renewal of Planning Approval for Temporary Shop and Services (Real Estate Agency and Retail Shop) for a Period of 3 Years in “Industrial” Zone, Unit C5 (Portion), G/F, Block 1, Kin Ho Industrial Building, Nos. 14-24 Au Pui Wan Street, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/872)

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55.                      The Secretary reported that Professor K.C. Chau had declared an interest in this item as he owned a residential property in Fo Tan where the application premises was located. As Professor Chau’s property did not have a direct view of the application premises, the Committee agreed that Professor Chau could stay in the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary shop and services (real estate agency and retail shop) under previous application No. A/ST/778 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 11 of the Paper.

57. Members had no question on the application.

#### Deliberation Session

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.5.2015 to 18.5.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of the fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2015;
- (b) the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2016; 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.”

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

- “(a) a temporary approval of three years is given in order to allow the TPB 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;
- (b) 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 Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining premises shall not be adversely affected. The subdivision of the unit/premises should comply with the provisions of 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 are relevant; and

- (c) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans and means of escape completely separated from the industrial portion should be available for the subject unit. Regarding matters related to fire resisting construction of the premises, the applicant should comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority. The applicant should also observe the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’.”

## **Agenda Item 21**

### **Section 16 Application**

[Open Meeting]

A/ST/873

Shop and Services (Retail) in “Industrial” Zone, Portion of G/F, HK JEBN Group Centre, 13-15 Shing Wan Road, Tai Wai (Sha Tin Town Lot No. 39)  
(RNTPC Paper No. A/ST/873)

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60. The Secretary reported that RHL Surveyors Ltd. (RHL) was the consultant of the

applicant. Mr H.F. Leung had declared an interest in this item as RHL had made a donation to the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, of which he was working. The Committee noted that Mr Leung had tendered apologies for being unable to attend the meeting.

61. The Committee noted that on 2.4.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the departmental comments. This was the applicant's first request for deferment.

62. 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 Ms Channy C. Yang, Mr C.T. Lau and Mr C.K. Tsang, STPs/STN, for their attendance to answer Members' enquires. Ms Yang, Mr Lau and Mr Tsang left the meeting at this point.]

**Fanling, Sheung Shui and Yuen Long East District**

**Agenda Item 22**

**Section 12A Application**

[Open Meeting]

Y/YL-NSW/3                      Application for Amendment to the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8, To rezone the application site from “Open Storage” to “Commercial”, Lot 1743 S.C RP (Part) in D.D. 107 to the south of Wing Kei Tsuen, Yuen Long  
(RNTPC Paper No. Y/YL-NSW/3A)

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63.            The Secretary reported that the application was submitted by Bright Strong Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). AECOM Asia Co. Ltd. (AECOM), AGC Design Ltd. (AGC), Environ Hong Kong Limited (Environ) and Urbis Ltd. (Urbis) were the consultants of the applicant. The following Members had declared interests in this item:

Mr Ivan C.S. Fu                - having current business dealings with SHK, AECOM, AGC, Environ and Urbis.

Ms Janice W.M. Lai         - having current business dealings with SHK, AECOM, Environ and Urbis.

Ms Christina M. Lee        - being Secretary General of the Hong Kong Metropolitan Sports Event Association which had obtained sponsorship from SHK.

Professor S.C. Wong        - having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where AECOM had sponsored some activities of the Department.

64. The applicant had requested for deferment of consideration of the application. The Committee agreed that Mr Fu and Ms Lai could stay in the meeting but should refrain from participating in the discussion. As the interests of Ms Lee and Professor Wong were indirect, the Committee agreed that they could stay in the meeting.

65. The Committee noted that on 30.3.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the departmental and public comments received and allow time for respective government departments to review the application. This was the applicant's second request for deferment.

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

**Agenda Item 23**

**Section 12A Application**

[Open Meeting]

Y/YL-NTM/1                      Application for Amendment to the Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12, To rezone the application site from “Comprehensive Development Area” to “Comprehensive Development Area (1)”, Various Lots in D.D. 105 and Adjoining Government Land, Shek Wu Wai, Yuen Long  
(RNTPC Paper No. Y/YL-NTM/1)

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67.            The Secretary reported that the application was submitted by Bonus Plus Company Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). AECOM Asia Co. Ltd. (AECOM), Environ Hong Kong Limited (Environ) and MVA Hong Kong Ltd. (MVA) were the consultants of the applicant. The following Members had declared interests in this item:

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

Ms Janice W.M. Lai      - having current business dealings with SHK, AECOM and Environ.

Ms Christina M. Lee     - being Secretary General of the Hong Kong Metropolitan Sports Event Association which had obtained sponsorship from SHK.

Professor S.C. Wong     - having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where AECOM had sponsored some activities of the Department.

68.            The applicant had requested for deferment of consideration of the application.

The Committee agreed that Mr Fu and Ms Lai could stay in the meeting but should refrain from participating in the discussion. As the interests of Ms Lee and Professor Wong were indirect, the Committee agreed that they could stay in the meeting.

69. The Committee noted that on 30.3.2015, the applicant requested 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 applicant's first request for deferment.

70. 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 24**

### **Section 12A Application**

[Open Meeting]

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

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71. The Committee noted that on 6.3.2015, the applicant requested for deferment of

the consideration of the application for two months so as to allow time for preparation of further information to address the latest comments of the Urban Design and Landscape Section of Planning Department and the Architectural Services Department on the application. This was the applicant's third request for deferment.

72. 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 further two months were allowed for preparation of the submission of the further information. Since it was the third deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of six months including the previous deferments for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 25**

#### **Section 16 Application**

[Open Meeting]

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

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73. The Committee noted that on 2.4.2015, the applicant requested 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 applicant's first request for deferment.

74. 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 26**

### **Section 16 Application**

[Open Meeting]

A/FSS/234                      Proposed Eating Place, Office, Shop and Services (Wholesale  
Conversion of an Existing Building Only) in "Industrial" Zone, No. 21  
Po Wan Road, Sheung Shui  
(RNTPC Paper No. A/FSS/234)

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75.            The Secretary reported that AGC Design Ltd. (AGC) and MVA Hong Kong Ltd. (MVA) were the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with AGC and MVA. As the applicant had requested for deferment of consideration of the application and Mr Fu had no involvement in the application, the Committee agreed that Mr Fu could stay in the meeting.

76.            The Committee noted that on 1.4.2015, the applicant requested 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 applicant's first request for deferment.

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

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

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

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/13                      Social Welfare Facility (Residential Care Home for Persons with Disabilities) in "Village Type Development" Zone, Lots 1386 RP (Part), 1387 S.A, 1387 S.B (Part), 1387 RP (Part), 1388 S.A (Part), 1388 RP (Part) in D.D. 95 and Adjoining Government Land, No. H75 and No. H76, Ho Sheung Heung, Sheung Shui  
(RNTPC Paper No. A/KTN/13)

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#### **Presentation and Question Sessions**

78.                      The Committee noted that a replacement page for page 10 of the Paper, making rectification on the recommended approval condition (d) in paragraph 12.2 of the Paper, had been tabled at the meeting.

79.                      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 social welfare facility (residential care home for persons with disabilities (RCHD));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a North District Council member and the Chairman of Sheung Shui District Rural Committee (SSDRC) cum Resident Representative (RR) of Ho Sheung Heung. The NDC member had no comment on the application, while the Chairman of SSDRC cum RR of Ho Sheung Heung suggested that the sewerage facilities should be properly provided and the RCHDs should prevent their residents from loitering and causing disturbance to the villagers in the vicinity. No local objection/view was received by the District Officer (North); 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. Regarding the public comments on the provision of sewerage facilities, the Drainage Service Department had no objection to the application. The concerns could also be addressed by imposing an approval condition on the submission and implementation of drainage proposal. Regarding the suggestion by the public commenter that RCHDs should prevent their residents from loitering and causing disturbance to the villagers in the vicinity, the applicant had clarified on the management of the RCHD to prevent recurrence of similar incident.

80. Members had no question on the application.

#### Deliberation Session

81. 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 approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.1.2016;
- (b) provision of fire service installations and water supplies for firefighting within 9 months to the satisfaction of the Director of Fire Services or of the TPB by 17.1.2016;
- (c) submission and implementation of landscape proposal within 9 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 17.1.2016; and
- (d) if any of the above planning conditions (a), (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.”

82. 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) the planning permission is given to the structures under application. It does not condone any other structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (c) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that if planning application is granted, the owners of the lots shall apply to his 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;

- (d) to note the comments of the Commissioner for Transport that the status, management and maintenance responsibilities of the parcel of land and the village track connecting with Ho Sheung Heung Pai Fung Road, as proposed by the applicant for loading/unloading and manoeuvring purpose, should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the 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;
- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the site is located within the flood pumping gathering ground;
- (g) 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 are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise

they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
  - (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
  - (v) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
  - (vi) 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
- (h) 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.”

**Agenda Item 28**

**Section 16 Application**

[Open Meeting]

A/NE-KTS/364 Proposed Houses in “Comprehensive Development Area” Zone, Lots 1027, 1029, 1030, 1034 S.A, 1034 S.B, 1039 (Part), 1040, 1042 RP, 1043 RP, 1044 RP (Part), 1045, 1047, 2233 (Part), 2251 S.A RP, 2256 RP, 2315 (Part) and 2316 RP (Part) in D.D. 92 and Adjoining Government Land, Kwu Tung South, Sheung Shui (RNTPC Paper No. A/NE-KTS/364C)

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83. The Committee noted that on 8.4.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for the applicant to liaise with the Transport Department and conduct the sensitivity check for the traffic impact assessment. Besides, additional time was required to update the noise model in the environmental assessment and hydraulic model in the drainage impact assessment to address the outstanding comments of the Environmental Protection Department and Drainage Services Department. This was the applicant’s fourth request for deferment.

84. 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 period of two months were allowed for preparation of the submission of the further information. Since it was the fourth deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of eight months including the previous deferments for preparation of submission of further information, this was the last deferment and no further deferment would be granted.

**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/393      Temporary Private Swimming Pool for a Permitted House (New Territories Exempted House - Small House) for a Period of 3 Years in “Agriculture” Zone, Lot 840 RP (Part) in D.D. 100, Hang Tau, Kwu Tung South, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/393)

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**Presentation and Question Sessions**

85.      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 temporary private swimming pool for a permitted house (New Territories Exempted House (NTEH) - Small House) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from a North District Council (NDC) member, Designing Hong Kong Limited and a member of the general public. While the NDC member stated that he had no comment on the application and suggested that the residents in the vicinity should be consulted, Designing Hong Kong Limited and the member of the general public objected to the application mainly on the following grounds:
  - (i) the aim of the proposed development differed from the “Agriculture”

(“AGR”) zoning;

- (ii) 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;
  - (iii) the site could be better utilized for construction of a residential dwelling;
  - (iv) the temporary uses, once permitted, were normally renewed, which would pose difficulty for the land to be used for other developments in need; and
  - (v) it would set an undesirable precedent for similar applications in the future;
- (e) no local objection/view was received by the District Officer (North); and
- (f) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. Although the private swimming pool was not in line with the planning intention of the “AGR” zone, the site was located adjacent to an existing NTEH and had been hard paved and formed when it was approved under the previous application No. A/NE-KTS/318. Given that the planning permission was temporary in nature and the approval period sought by the applicant was reasonable, approval of the application would not pre-empt the long-term development of the area. The private swimming pool would unlikely cause adverse traffic, environmental, drainage and landscape impacts on the surrounding areas and the concerned government departments had no adverse comment or no objection to the application. Regarding the public comments against the application as mentioned in paragraph 85(d) above, the departmental comments received and the planning assessment above were relevant..

86. Members had no question on the application.

Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2018, 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 should not be opened to members of the public;
- (b) 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 17.10.2015;
- (c) in relation to (b) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.1.2016;
- (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;
- (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; and
- (f) 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.”

88. 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, filtration pump and boundary walls have been erected on the lot concerned without prior approval from his office. The aforesaid structures are not acceptable under the concerned lease and 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 rural access road to the site is via an unnamed village track connected to Hang Tau Road. The unnamed village track is not managed by the Transport Department. 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; and
- (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.”

**Agenda Item 30**

**Section 16 Application**

[Open Meeting]

A/YL-KTS/663      Proposed Temporary Open Storage for Construction Materials and Machinery for a Period of 3 Years in “Agriculture” Zone, Lot 104 S.A in D.D. 113, Kam Ho Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/663)

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89. The Committee noted that on 1.4.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time to address the comments of the relevant department. This was the applicant's first request for deferment.

90. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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/YL-PH/714            Temporary Open Storage of Vehicles (Private Cars and Light Goods Vehicles) for Sale with Ancillary Office for a Period of 3 Years in "Residential (Group D)" Zone, Lots 355 (Part), 356 S.B RP (Part), 357, 358 (Part) and 362 S.B RP (Part) in D.D. 114, Wang Toi Shan Wing Ning Lei, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/714)

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#### **Presentation and Question Sessions**

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

- (a) background to the application;

- (b) temporary open storage of vehicles (private cars and light goods vehicles) for sale with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings located to the immediate northeast (about 20m away) and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and 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 three years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, no local objection had been received during the statutory publication period and no environmental complaint had been received by DEP in the past 3 years. To address potential environmental concerns, approval conditions restricting the operation hours of the use, prohibiting heavy goods vehicles and workshop-related activities and restricting types of storage materials allowed on-site were recommended. Besides, the applicant would also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to alleviate any potential impact.

92. Members had no question on the application.

#### Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2018, 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 weekdays and Saturdays, 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 heavy goods vehicle exceeding 24 tonnes, including container trailer/tractor, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site at any time during the planning approval period;
- (e) no storage of dismantled vehicles and waste materials is allowed on the site at any time during the planning approval period;
- (f) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (g) the existing run-in shall be maintained at all times during the planning approval period;
- (h) maintenance of all landscape plantings within the site at all time during the planning approval period;
- (i) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2015;
- (j) in relation to (i) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 17.1.2016;

- (k) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.5.2015;
- (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 17.10.2015;
- (m) in relation to (l) 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 17.1.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

94. 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) 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 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 from Kam Tin Road via government land (GL). LandsD does not provide maintenance work on this GL nor guarantee right-of way. The lot owner concerned will need to apply to LandsD to permit any excessive structures to be erected or regularize any irregularities on the 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;

- (d) to note the comments of the Commissioner for Transport that the site is connected to 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 lands authority. Moreover, the management and maintenance responsibilities of the local access road 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 the applicant should construct a run-in/out at the access point at Kam Tin Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (f) adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to adopt environmental mitigation measures to minimize any possible environmental nuisances;
- (g) 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. To address the approval condition on provision of fire extinguishers, the applicant should submit a valid fire certificate (FS251) to his department for approval. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under 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."

[The Chairman thanked Mr Kevin C.P. Ng and Mr Kepler S.Y. Yuen, STPs/FSYLE, for their attendance to answer Members' enquires. Messrs Ng and Yuen left the meeting at this point.]

### **Tuen Mun and Yuen Long West District**

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

#### **Agenda Item 32**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/945            Temporary Cargo Handling and Forwarding Facilities (Logistics Centre) for a Period of 3 Years in "Undetermined" Zone, Lots 95 (Part), 96 (Part), 108 S.A (Part), 119 (Part), 154 (Part), 155, 156 (Part), 157 RP (Part) and 158 RP (Part) in D.D.124 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/945)

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95.            The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. As the pieces of land of Ms Janice Lai's spouse did not have direct view of the site, the Committee agreed that Ms Lai could stay in the meeting.

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

##### **Presentation and Question Sessions**

96.            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 cargo handling and forwarding facilities (logistics centre) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site (the nearest being about 92m away) and the access road (Tin 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 three years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's objection to the application, there was no environmental complaint against the site over the past three years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours were recommended. Besides, the applicant would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the adjacent areas. As the last planning permission (No. A/YL-HT/742) was revoked, shorter compliance periods were recommended to monitor the fulfillment of approval conditions.

97. Members had no question on the application.

#### Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2018, on the terms of the application as

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

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) maintenance of the existing fencing on-site at all times during the planning approval period;
- (d) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing drainage facilities on-site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2015;
- (g) the implementation of the accepted tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2015;
- (h) the submission of fire services installation proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2015;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2015;
- (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; and

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

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

- “(a) prior planning permission should have been obtained before continuing the applied use at the site;
- (b) shorter compliance periods are granted to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the TPB to any further application;
- (c) resolve any land issue relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long 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 prior approval from the Government. No permission is given for occupation of government land (GL) (about 2.7m<sup>2</sup> subject to verification) included in the application. The act of occupation of GL without Government’s prior approval should not be encouraged. The private land of Lots 119 and 154 in D.D. 124 are covered by Short Terms Waivers (STWs) Nos. 1948 and 1950 respectively that permit structures for the purpose of “Storage and Repair of Container Boxes”. Lot 95 in D.D. 124 is covered by STW No. 2187 which permits structures for the purpose of “Workshop for vehicle dismantling and storage of scrap metal”. The site

is accessible to Tin Ha Road via other private lots and a local track. His office provides no maintenance works to the GL involved and do not guarantee right-of-way. The STW holders will need to apply to his office for modification of the STWs' conditions. Besides, the lots owners for the lots without STW will need to apply to his office to permit the structure to be erected or regularized on private land. Short Term Tenancy application for occupation of GL is required. Such application will be considered by Lands Department (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) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (h) 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 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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers/open sheds as temporary building) 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 BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. 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
  
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the

relevant drawings obtained, for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior 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 33**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/948            Temporary Public Vehicle Park (Private Car and Light Goods Vehicle)  
for a Period of 3 Years in “Open Space” Zone, Lot 908 RP in D.D.125,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/948)

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

#### **Presentation and Question Sessions**

101.            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 (private car and light goods vehicle) for a period of three 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 is about 55m 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 three years based on the assessments made in paragraph 11 of the Paper. Regarding DEP's objection, 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 to be parked limited to private cars and light goods vehicles only, and requirement for posting notice indicating the type of vehicles allowed to be parked were recommended. Besides, the applicant would also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' to minimize the possible environmental impacts on the adjacent areas.

102. Members had no question on the application.

#### Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation from 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 vehicles without valid licenses issued under the Road Traffic Ordinance would be allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no coaches, medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, would be allowed to enter or be parked/stored on the site at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the site at all times to indicate that no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance would be allowed to be parked/stored on the site during the planning approval period;
- (e) 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;
- (f) the existing boundary fencing on 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 condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2015;
- (i) 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 17.10.2015;

- (j) in relation to (i) 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 17.1.2016;
- (k) the implementation of the accepted tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2015;
- (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 17.10.2015;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.1.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) is not complied with by the 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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

104. 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) 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 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 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 LandsD acting in the capacity as landlord at its sole discretion and no guarantee that such application(s) will be 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;
- (c) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that with reference to the submitted tree preservation and landscape proposals, existing trees should be maintained along the perimeter of the site;
- (g) to note the comments of the Director of Fire Services that the applicant is

advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are 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 leased land in 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 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.”

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

**Agenda Item 34**

**Section 12A Application**

[Open Meeting]

Y/YL/9

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

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105. The Secretary reported that the application was submitted by Beauty Plaza Limited which was a subsidiary of Sino Land Co. Ltd. (Sino). MLA Architects (HK) Ltd. (MLA), MVA Hong Kong Ltd. (MVA) and Environ Hong Kong Ltd. (Environ) were the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Sino, MVA and Environ. Ms Janice W.M. Lai had declared an interest in this item as she had current business dealings with MLA and Environ. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Mr Fu could stay in the meeting but should refrain from participating in the discussion. As Ms Lai had no involvement in the project, the Committee agreed that Ms Lai could stay in the meeting.

106. The Committee noted that on 9.4.2015, the applicant requested for deferment of the consideration of the application for another two months in order to allow time for the applicant to respond to public comments as well as specific comments from the Commissioner for Transport on the local public car parking situation in the surrounding of the site. In this regard, both the traffic impact assessment and the proposed development layout would have to be revised accordingly. This was the applicant’s second request for deferment.

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

### **Agenda Item 35**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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#### **Presentation and Question Sessions**

108.            The Committee noted that two replacement pages for pages 6 and 13 of the Paper, which updated the comments from the Commissioner for Transport and the corresponding advisory clause, had been tabled at the meeting.

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

- (a)    background to the application;
- (b)    the proposed temporary eating place (small restaurant) and shop and services (convenience store/supermarket, laundry and real estate agency);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
  
- (d) during the first three weeks of the statutory publication period, 22 public comments were received. Apart from 3 commenters who raised no objection to the application as the proposed development could serve the local community, all the other commenters, including the Owner's Incorporation of Fu Lai Garden, were against the application mainly on traffic, environmental, hygiene, sewage, fire safety and land use compatibility grounds. There were concerns that the proposed development would affect the tranquil living environment and generate nuisances to the nearby residents. Some commenters considered that the increase in vehicular and pedestrian traffic would worsen the local road conditions and public security of the neighborhood, and encourage illegal parking and loading/unloading activities as no parking spaces would be provided at the site. Others expressed worries on the environmental/hygiene and sewerage aspects, including the late night operation, oil fumes generated by the proposed restaurant use, infestation of pests and foul odour, and were concerned that the proposed development would generate similar nuisances as the dishwashing workshop located across Tong Yan San Tsuen Road. Some commenters opined that the site should be developed for residential or government, institution or community facilities and that the proposed uses should be located elsewhere away from core residential developments. 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 three years based on the assessments made in paragraph 11 of the Paper. Regarding the public comments objecting to the application and the public concerns on the potential nuisances generated by the proposed eating place, the scale of the proposed eating place (i.e. floor area not exceeding 300m<sup>2</sup>) was relatively small and the applicant would need to comply with departmental

requirements and observe relevant regulations and ordinances. Besides, relevant government departments consulted had no adverse comment on the application and corresponding approval conditions including restrictions on the operation hours were also recommended to minimize the potential impacts.

110. Members had no question on the application.

#### Deliberation Session

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2018, 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 7:00 a.m. is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to park/store on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle queuing is allowed back to the public road and no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (d) the 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 17.10.2015;
- (e) in relation to (d) 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 17.1.2016;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (g) the submission of water supplies for firefighting and 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 17.10.2015;
- (h) in relation to (g) above, the implementation of water supplies for firefighting and 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 17.1.2016;
- (i) if the above planning condition (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (d), (e), (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.”

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

- “(a) the proposed convenience store/supermarket will be restricted to the same operation hours as the other proposed uses on the site in order to minimize adverse impacts to the residential developments in the surrounding areas;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Lot No. 1145 S.J RP in D.D.121 is covered by Short Term Waiver No. 1474 to allow the use of land for the purpose of cotton factory. The lot owner(s) will need to apply to his office to permit any additional structure(s) to be erected for the proposed use 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. The site is accessible to Tong Yan San Tsuen West Road through an informal village track. His office provides no maintenance works for such track nor guarantee any right-of-way;

- (c) to note the comments of the Commissioner for Transport that no parking of vehicles on public road is allowed;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (e) to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances. The applicant is also reminded that all wastewater from the site shall comply with the requirements in the Water Pollution Control Ordinance;
- (f) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that any food business carrying on thereat should be granted with a valid food licence issued by the DFEH and the operation of the food business should be in compliance with the requirements/conditions stipulated by relevant departments. No sanitary nuisance should be created to the surrounding during the operation of the food business;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority;
- (h) to note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under BO. If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. 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

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

arrangement with the electricity supplier is necessary. 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. 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 36**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/722      Temporary Warehouse for Storage of Construction Material for a Period of 3 Years in “Undetermined” Zone, Lots 774 (Part) and 775 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/722)

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**Presentation and Question Sessions**

113.      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 for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity (with the nearest one located to the north of the site), and environmental nuisance was expected;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. Regarding DEP's objection to the application, the development was mainly for storage purpose within an enclosed warehouse structure and all loading/unloading activities would be conducted inside the warehouse. Besides, there was no substantiated environmental complaint concerning the site received in the past 3 years and the applicant undertook neither to use medium or heavy goods vehicles exceeding 5.5 tonnes (including container trailer/tractor) nor to carry out workshop activities within the site. As such, it was not expected that the development would generate significant environmental impact on the surrounding areas. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operations hours and the type of vehicles used and prohibiting the carrying out of workshop activities within the site, as proposed by the applicant, were recommended. The applicant would be advised to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to minimize any potential environmental impact.

114. Members had no question on the application.

#### Deliberation Session

115. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 17.4.2018, 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 cleansing, repairing, dismantling and any other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, are 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 vehicle queuing is allowed back to the public road and no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2015;
- (g) 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 17.10.2015;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.1.2016;

- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2015;
- (k) in relation to (j) 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 17.1.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (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 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.”

116. 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) resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands

Department (DLO/YL, 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 prior approval of the Government. No permission is given for occupation of government land (GL) (about 63m<sup>2</sup> subject to verification) included in the site. Should planning approval be given to the application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity as the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible vide 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 should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Moreover, sufficient space should be provided within the site for manoeuvring of vehicles and no parking of vehicles on public road is allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office shall not be responsible for the maintenance of any access connecting the site and Kung Um Road. Also, adequate drainage measures should be provided to prevent surface water flowing from the site to the nearby public roads/drains;

- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
  
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Annex I of Appendix Ia and Drawing A-4 of the Paper). The applicant should provide calculation to justify the dimensions of the proposed u-channel. The invert levels of the proposed catchpits should be shown on the drainage plan for reference and the proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel. The connection details with the existing drainage facilities, to which the stormwater of the development from the site would discharge, should also be provided for comment. In the case that it is a local village drain, the 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 of LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before the commencement of the drainage works;
  
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
  
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and 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), 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 there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the subject application. Before any new building works (including open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing 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 (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: (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 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 37**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/723      Proposed Temporary Open Storage of Construction Plant and Materials with Ancillary Workshop for a Period of 3 Years in “Residential (Group B) 1” Zone, Lots 1049 S.C RP, 1050 S.A, 1050 S.C, 1051 S.A, 1051 S.C, 1051 S.D, 1052 S.B, 1052 S.H, 1125 S.A and 1125 S.B in D.D. 121, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/723)

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#### **Presentation and Question Sessions**

117.            The Committee noted that a petition letter from Mr Cheung Muk Lam, a Yuen Long District Council member, was received before the meeting on the same date. The petition letter attached Mr Cheung’s comment on the application which had already included in Appendix V-2 of the Paper.

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction plant and materials with ancillary workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. In accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP), the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity (with the nearest one located to the east of the site), and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. Based on the aerial photo and her site inspection dated 18.3.2015, the site was fully covered with trees and other vegetations. The site was surrounded by tree clusters, low and medium rise residential buildings and some temporary structures. The proposed use was incompatible with the surrounding environment. The approval of this application might set an undesirable precedent of spreading open storage use in the “Residential (Group B)1” (“R(B)1”) zone and deteriorate the overall living quality of the local residents. Moreover, the proposed open storage use would result in removal of significant number of trees. However, no tree preservation and landscape proposals were provided. The applicant’s commitment to properly assess the impact of the development proposal on the environment was in doubt;
- (d) during the first three weeks of the statutory publication period, a total of 175 public comments were received all raising objection or expressing concerns on the application. The commenters, including Yuen Long District Council Members, the Incorporated Owners’ of Marbella Gardens,

Greenville Residence, Recours La Serre, Windsor Villa, Kisland Villa Phase II and Comfort Lodge, the Management Office of The Eldorado as well as individuals/local residents were against or had expressed concerns on the application mainly on traffic, environmental/noise nuisance, hygiene, landscape, drainage/sewerage, fire safety, security and land use planning/compatibility grounds. The commenters were generally concerned that the proposed development would affect the tranquil living environment, affect property prices and generate environmental nuisances to the nearby residents. Some commenters pointed out that the capacity of the local track might not be able to cater for the heavy vehicles in view of the narrow road width and considered that the additional traffic and potential illegal parking generated by the proposed development would pose danger on pedestrian safety and worsen the local traffic conditions. Some also expressed worries that the operation, which would involve heavy vehicles including crane trucks and the storage of heavy materials, would damage the windows and retaining walls of the nearby residential developments. Other commenters opined that the development was incompatible with the surrounding environment and was not in line with the planning intention of the current “R(B)1” zoning nor with the proposals under the Yuen Long South Study. There were also concerns that the approval of the subject application would set an undesirable precedent for other similar applications. A comment was received by the District Officer (Yuen Long), which had also been received by the Town Planning Board (TPB), had been treated as a public comment received during the statutory publication period; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications for reasons as detailed in paragraph 12 of the Papers, which were summarised as follows:
  - (i) the proposed development was not in line with the planning intention of the “R(B)1” zone. No strong planning justification had been given in the submission to justify a departure from such planning intention, even on a temporary basis;

- (ii) the development was incompatible with the current uses in the surrounding areas which were predominantly residential in nature intermixed with temple, orchard, vacant structures, unused land and ruins. The nearest residential development “Greenville Residence” was located to the immediate east and southeast of the site across a local track. Although there were other open storage yards and storage uses in the vicinity of the site, they were either tolerated under the Town Planning Ordinance or were suspected unauthorized developments subject to enforcement action by the Planning Authority. CTP/UD&L, PlanD also pointed out that the site was surrounded by tree clusters and low and medium rise residential buildings and the proposed open storage use at the site was considered incompatible with the surrounding environment;
  
- (iii) the proposed development did not comply with the planning criteria for Category 4 areas under the TPB Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) in that no previous planning application for open storage uses had been granted at the site; there were adverse departmental comments; and there was no exceptional circumstance that warranted the approval of the application;
  
- (iv) DEP did not support the application from the environmental perspective as there were sensitive receivers (i.e. residential dwellings) in the vicinity of the site (with the nearest residential block located 7m to its east) and environmental nuisance was expected. From the landscape planning perspective, CTP/UD&L, PlanD had reservation on the application as the proposed use involved removal of significant number of trees and the approval of this application might set an undesirable precedent of spreading open storage use in the “R(B)1” zone and deteriorate the overall living quality of the local residents. In this regard, the applicant failed to demonstrate that the proposed open storage use would not have adverse environmental and landscape impacts on the surrounding

areas;

- (v) since there was no previous planning approval granted for open storage use at the site and there had not been any planning approval for similar use in the subject “R(B)1” zone on the Outline Zoning Plan, the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(B)1” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment in the area; and
- (vi) there were 175 public comments received during the statutory publication period raising objection to or expressing concerns on the application.

119. Members had no question on the application.

#### Deliberation Session

120. 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 “Residential (Group B) 1” (“R(B)1”) zone which is primarily for sub-urban medium density residential developments in rural areas. No strong planning justification has been given in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the development would not generate adverse environmental, drainage and landscape impacts on the surrounding areas;
- (c) the development does not comply with the Town Planning Board

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

- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “R(B)1” zone. The cumulative impact of approving such applications would result in a general degradation of the rural environment of the area.”

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/724      Proposed Filling of Land (by about 1m) for Permitted Agricultural Use in “Green Belt” Zone, Lots 330 RP, 331 RP, 332 RP and 333 RP in D.D. 121, Tai Tao Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/724)

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#### **Presentation and Question Sessions**

121.      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 highlighting that based on the aerial photo taken on 3.5.2014, the site was largely covered by vegetation intermixed with cultivated agricultural land. Subsequently, land filling works and vegetation clearance occurred on the northern portion of the site as revealed in the site photos taken on 13.3.2015 and 17.3.2015. The site was currently partly used for open storage of steel and construction machinery. The Chief Town Planner/Central Enforcement and Prosecution of Planning Department (CTP/CEP, PlanD) also advised that part of the site was currently the subject of an enforcement case against storage use.

Enforcement Notice (EN) was issued to the concerned parties on 6.1.2015 requiring the discontinuance of the unauthorized development. Since the unauthorized development had not been discontinued upon the expiry of the statutory notice, the concerned parties were subject to prosecution action. In view of the above, there was evidence that the current application was a “Destroy First, Build Later” case;

- (b) the proposed filling of land (by about 1m) for permitted agricultural use;
- (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 perspective. Based on her site inspection dated 30.3.2015, the northern part of the site was hard paved and occupied by construction materials. The southern part of the site was mainly planted with *Saccharum officinarum* and *Zingiber officinale*. Clusters of trees were located along the southern and eastern part of the site. The site was located in between residential development and green buffer along the Yuen Long Highway. The proposed filling of land might diminish the green buffering effect in the existing “Green Belt” (“GB”) zone. With reference to the aerial photo dated 30.6.2013, the site was fully covered by vegetation. However, her site inspection on 30.3.2015 revealed that the northern part of the site was hard paved with landscape character modified. The approval of this application might set an undesirable precedent to allow applicants to modify the site before application and hence erode the function of the existing “GB” zone. Moreover, the proposed site formation had covered most of the site and it was in conflict with existing trees. The application had not addressed the possible impact to these landscape resources;
- (d) during the first three weeks of the statutory publication period, 4 public comments were received raising objection or expressing concerns on the application. A member of the public raised concern that the proposed land filling would pose danger to safety of the pedestrians/drivers along Fui

Sha Wai South Road and urged the site be designated as a ‘dangerous slope’. He also commented that there was no assessment provided in the submission regarding the potential drainage impacts on the surrounding areas. Another commenter considered that “GB” zone served an important function in protecting residents from traffic emission and noise and also commented on the lack of essential information on the application as provided in the gist of the application, namely details of the applicant, land ownership, photos of current site condition, etc.. Designing Hong Kong Limited objected to the application on the grounds that there was no strong justification for land filling for farming activities and doubted the intention of the proposed land filling. World Wide Fund Hong Kong considered that the applied use was not in line with the planning intention of “GB” zone and commented that the site involved vegetation clearance as well as irreversible change to the natural setting and doubted whether the sequential paving was essential for agricultural activities. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
  - (i) the subject “GB” zone along the Yuen Long Highway served as a buffer to the residential areas to its northwest. The requirement for planning permission for filling of land within the “GB” zone was to ensure that it would not cause adverse drainage impacts on the adjacent areas or adverse impacts to the natural environment. As such, the proposed filling of land with gravel and asphalt to effect the agricultural use on the site (i.e. erection of structure for greenhouse/organic hydroponics farm purposes) should not affect the character or function of the subject “GB” zone serving as a green buffer in the area;
  - (ii) with reference to the aerial photo taken on 3.5.2014, the site was mostly covered by vegetation intermixed with cultivated agricultural

land. However, according to the recent site photos taken on 13.3.2015 and 17.3.2015, extensive vegetation clearance and site formation/land filling works were found on the northern portion of the site and was currently used as an open storage of steel and construction machinery. The Planning Authority had issued an EN to the concerned parties requiring the discontinuance of the unauthorized development involving open storage use at the site. In this connection, there was evidence that the current application was a “Destroy First and Build Later” case. Against this background, the current application should not be assessed based on the “Destroyed” state of the site. Instead, it should be assessed taking in account the original state of the site and the surrounding rural environment;

- (iii) CTP/UD&L, PlanD had reservation on the application from landscape planning perspective as the proposed land filling might diminish the green buffering effect of the existing “GB” zone and the approval of the application might set an undesirable precedent to allow applicants to modify the site before application and hence erode the function of the existing “GB” zone. Besides, the proposed site formation had covered most of the site and was in conflict with existing trees and the applicant had not addressed the possible impact to these landscape resources. Also considering that the land filling activities at the northern portion of the site involved extensive clearance of natural vegetation, such act creating a fait accompli situation should not be tolerated. In view of the above, the application did not comply with the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) in that the development would affect the natural landscape of the area. Although there were vehicle repairing shop, advertising board workshop and storage/open storage yards in the vicinity of the site, they were suspected unauthorized developments subject to enforcement action;
- (iv) since there was no previous planning approval at the site and in the

subject “GB” zone on the OZP, the approval of the application could also be misread by the public as acquittal of the ‘destroy first’ actions and the cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area. Approval of the application would set an undesirable precedent and the cumulative effect would result in general degradation of the environment of the area; and

- (v) there were 4 public comments received during the statutory publication period raising objection or expressing concerns on the application mainly on land use planning/compatibility, drainage, landscape and safety grounds.

122. Members had no question on the application.

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

#### Deliberation Session

123. The Chairman noted from paragraph 10.1.5 of the Paper that the Director of Agriculture, Fisheries and Conservation (DAFC) had no objection to the subject land filling for organic hydroponics farm since hydroponic cultivation was a soil-less cultivation method; it was common for the operator to pave/cover his land for the ease of logistic management; and gravel and asphalt were common materials used by greenhouse operator to cover their land. The Chairman requested PlanD to liaise with DAFC on reviewing the appropriateness of their comments on such kind of application in future as it was not a necessity to pave the site for hydroponics. A Member agreed.

124. 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 does not comply with the Town Planning Board PG-No. 10 for ‘Application for Development within “Green Belt” (“GB”) zone

under section 16 of the Town Planning Ordinance' in that the proposed development involves extensive vegetation clearance and affects the existing landscape character of the area. The applicant also fails to demonstrate that the proposed development would not have adverse landscape impacts on the surrounding areas; and

- (b) the approval of the application will set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such similar applications would result in general degradation of the environment of the area."

### **Agenda Item 39**

#### **Section 16 Application**

[Open Meeting]

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

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125.      The Committee noted that on 24.3.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the latest comments of the Director of Environmental Protection. This was the applicant's third request for deferment.

126.      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 further two months were allowed for preparation of the submission of the

further information. Since it was the third deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of six months including the previous deferments for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

#### **Agenda Item 40**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/294      Temporary Public Vehicle Park (Private Cars only) for a Period of 3 Years in “Residential (Group C)” Zone, Lot 827 RP(Part) in D.D.130 and Adjoining Government Land, Fuk Hang Tsuen, Lam Tei, Tuen Mun  
  
(RNTPC Paper No. A/TM-LTY Y/294)

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##### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary public vehicle park (private cars only) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. The permission under the previous application No. A/TM-LTY/230 was revoked on 24.10.2013 due to non-compliance with approval conditions. Although the current application was submitted by a different applicant, the vehicle park had still been in operation after revocation. As such, it was recommended to impose shorter compliance periods in order to closely monitor the progress of compliance with approval conditions.

128. Members had no question on the application.

#### Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) a notice shall be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;

- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) the maintenance of paving on the site at all times during the planning approval period;
- (g) no vehicle is allowed to queue back to public road or reverse onto/from public road at any time during the planning approval period;
- (h) the maintenance of all existing trees and landscape plantings on the site at all times during the approval period;
- (i) the submission of drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2015;
- (j) in relation to (i) above, the implementation of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2015;
- (k) the submission of fire service installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2015;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2015;
- (m) the submission of run-in/run-out proposal within 3 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 17.7.2015;
- (n) in relation to (m) above, the implementation of run-in/run-out proposal

within 6 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 17.10.2015;

- (o) the provision of boundary fencing within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2015;
- (p) 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; and
- (q) if any of the above planning conditions (i), (j), (k), (l), (m), (n) or (o) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the development on site;
- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (c) shorter compliance periods are imposed in order to closely monitor the progress of compliance with approval conditions;
- (d) should the applicant fail to comply with any of the approval conditions

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

- (e) 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;
  
- (f) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that according to his site inspection on 10.3.2015, an existing open-shed was found on the site. Seven container-converted structures were found under the open shed. It is noted on the applicant's proposed layout plan that a structure for office and shroff under the open shed was proposed. The applicant is required to clarify the discrepancy. The Government land within the site encroaches on the Highways Department's (HyD) project. The applicant is required to confine the proposal within the applicant's lot. On the applicant's proposed drainage plan, the proposed catchpit and 300mm surface U-channel are proposed within the site. Drainage facilities are proposed to lay on other private lots outside the site. The applicant is required to obtain the consent of the owner(s) of the relevant lot(s). No drainage works should be carried out on government land (GL) without his prior written approval / consent. The site is accessible from Fuk Hang Tsuen Road through a strip of government land which is under HyD's jurisdiction. His Office does not provide maintenance works to this strip of GL nor guarantee any right-of-way to the site. The owner of the lot will need to apply to his Office for a Short Term Waiver (STW) for erection of the structures on the lot and the occupier will need to apply to his Office for a Short Term Tenancy (STT) for occupation of the GL. He would advise that the STW and STT proposals will only be considered by his Office upon receipt of formal applications from the owner of the lot and the occupier. He should also advise that there is no guarantee that the

applications will be approved and he reserves his comment on such. The applications will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the applications are approved, they would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee/rent, deposits and administrative fees, cancellation of Letter of Approval No. M20260, etc.;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there is no record of approval by the BA for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under 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 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 coordinator 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 building works or UBW on the site under BO. The 3 structures shown on proposed layout plan are considered as temporary buildings and are subject to control under the Building (Planning) Regulations (B(P)R) Part VII. 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 B(P)R respectively. Formal submission under BO is required for any proposed new works, including any temporary structures;
  
- (h) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the

Environmental Protection Department (EPD) to minimize potential environmental impacts on the surrounding area;

- (i) to note the comments of the Director of Environmental Protection that the applicant is reminded to collect and dispose of any sewage arising from the applied use in accordance with the Water Pollution Control Ordinance. In this regard, the applicant is advised that there is a public foul sewer along the Fuk Tsuen Road adjacent to the western boundary of the site;
- (j) to note the comments of the Chief Highway Engineer/New Territories West, HyD that the vehicular access should be approved by DLO/TM, LandsD, the run-in/out should be constructed to the HyD's standard and to the satisfaction of the Transport Department (TD), and adequate drainage measures should be provided to prevent surface water from flowing out from the lot onto public road. A formal handover inspection with TD and his Office is required for newly constructed run-in/out to be managed and maintained by TD and his Office respectively;
- (k) to note the comments of the Chief Highway Engineer/Works, HyD that the applicant should liaise closely with the future contractor of the widening of Fuk Hang Tsuen Road project and the run-in/out may be required to shift along Fuk Hang Tsuen Road to facilitate the road widening works;
- (l) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that his detailed requirements on the drainage assessment are at Appendix IV of the Paper. The applicant should incorporate those comments when submitting the drainage proposal to fulfill the relevant planning condition. There is existing public sewerage system along Fuk Hang Tsuen Road adjacent to the site. For sewerage issues, the applicant should clarify the sewerage impact and meet the full satisfaction of EPD, the planning authority of sewerage infrastructure; and
- (m) 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 should submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.”

#### **Agenda Item 41**

##### **Section 16 Application**

[Open Meeting]

A/YL-PS/465

Proposed Religious Institution (Church) and Social Welfare Facility (Day Care Centre for the Elderly, Early Education and Training Centre, and Parents Resource Centre) in “Village Type Development” Zone, Lots 1969 S.B and 1970 S.B in D.D. 124, 76 Tin Ha Road, San Lee Uk Tsuen, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/465A)

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131. The Committee noted that on 1.4.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of detailed information to address the requirements of various government departments. This was the applicant’s second request for deferment.

132. 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 maximum period of two months was allowed for preparation of the submission of the further information. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of four months including the previous deferment for preparation of submission of further information,

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

**Agenda Item 42**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/476            Proposed Filling of Land for Permitted New Territories Exempted Houses (Small Houses) in “Village Type Development” Zone, Lots 184 S.A (Part), 184 RP, 185 S.A. s.s.1 (Part), 185 S.A s.s.2 (Part) in D.D. 123, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/476)

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**Presentation and Question Sessions**

133.            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 filling of land for permitted New Territories Exempted Houses (NTEH) (Small Houses);
- (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 had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper.

134. Members had no question on the application.

Deliberation Session

135. 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 17.4.2019, 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 drainage proposal including drainage mitigation measures before the issue of any certificate of exemption by the Lands Department to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the implementation of drainage proposal including drainage mitigation measures identified therein upon completion of the land filling works to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) if any of the above planning conditions (a) or (b) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

136. 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 registered lot owners should inform the LandsD that planning approvals were obtained. The applicants’ Small House applications would be further processed by the LandsD acting in the capacity of a landlord at its sole discretion;
- (b) 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 Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works. An Authorized Person (AP) should be appointed as the coordinator 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 and/or drainage works in the New Territories under the BO (Application to the New Territories) Ordinance. The applicants may approach the DLO/YL, LandsD or seek AP's advice for details;

- (c) to note the comments of the the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicants may need to extend their inside services to the nearest suitable Government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of any sub-main within the private lots to the WSD's standards;
- (d) to note the comments of the Director of Fire Services that the applicants are advised to follow New Territories Exempted Houses – A Guide to Fire Safety Requirements issued by LandsD; and
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicants 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 electricity 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 Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicants and the applicants' 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 applicants and the applicants’ contractors when carrying out works in the vicinity of the electricity supply lines.”

### **Agenda Item 43**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/477            Temporary Logistics Centre and Vehicle Park (Container Tractors, Container Trailers and Lorries (Medium/Heavy Goods Vehicles)) for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 105 RP (Part), 107 (Part), 108 (Part), 111 (Part), 112, 113, 114 (Part), 115, 116, 118, 119 (Part), 120 (Part), 124 (Part), 127 (Part), 128 and 158 (Part) in D.D. 122 and Adjoining Government Land, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/477)

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#### **Presentation and Question Sessions**

137.            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 logistics centre and vehicle park (container tractors, container trailers and lorries (medium/heavy goods vehicles)) for a period of three 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 according to the Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites. The development would cause traffic of heavy vehicles and there are residential buildings within 100 m from the site boundary;

- (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 three years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's objection to the application, it should be noted that no environmental complaint was recorded from 2012 to January 2015 as advised by DEP. Planning permissions for parking of container vehicles/trailers and lorries and logistics centre at the site had been granted by the Committee since 1998. No objection from local villagers/residents was received during the statutory publication period of the current application. Approval of the application could be considered subject to imposing appropriate conditions to mitigate the potential environmental nuisance. Besides, the permission under the previous application No. A/YL-PS/438 was revoked on 18.3.2015 due to non-compliance with approval conditions. If the application was approved, it was recommended to impose shorter compliance periods for closely monitoring of the progress of compliance with approval conditions.

138. Members had no question on the application.

#### Deliberation Session

139. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.4.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the maintenance of existing drainage facilities at all times during the planning approval period;
- (g) 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 17.7.2015;
- (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 17.7.2015;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2015;
- (j) the submission of 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 17.7.2015;

- (k) in relation to (j) above, the implementation of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2015;
- (l) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) prior planning permission should have been obtained before commencing the development at the site;
- (c) shorter compliance periods are imposed in order to closely monitor the progress of compliance with approval conditions;
- (d) should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;

- (e) to note that the erection of fence walls and/or external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority (BA)'s prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
  
- (f) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lots No. 105 RP, 111, 112, 113, 114, 115 all in D.D. 122 are cover by Short Term Waivers which permit structures erected thereon for the use of "logistics centre and ancillary parking vehicles". No permission is given for occupation of government land (GL) (about 1,420m<sup>2</sup> subject to verification) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible through an informal track on GL and private land extended from Ha Mei San Tsuen Road. His Office provides no maintenance work for the track and does not guarantee any right-of-way. Part of the site falls within the West Rail Protection Boundary. 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. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
  
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the

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

- (h) to follow the latest Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;
- (i) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under the purview of TD. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities;

- (j) 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 Ha Mei San Tsuen Road;
- (k) 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 MTR Corporation Limited (MTRCL) on full details of the proposal and comply with the requirements of MTRCL with respect to the future construction, operation, maintenance and safety of the West Rail;
- (l) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (m) 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; and
- (n) 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 electricity 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 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 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 the applicant's contractors when carrying out works in the vicinity of the electricity supply lines."

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

**Agenda Item 44**

**Any Other Business**

141. There being no other business, the meeting closed at 5:00 p.m..