

**TOWN PLANNING BOARD**

**Minutes of 533<sup>rd</sup> Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 22.5.2015**

**Present**

Director of Planning  
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

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 John K.T. Lai

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

Secretary

**Absent with Apologies**

Professor K.C. Chau

Mr H.F. Leung

Mr F.C. Chan

**In Attendance**

Assistant Director of Planning/Board  
Miss Fiona S.Y. Lung

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

Town Planner/Town Planning Board  
Miss Anissa W.Y. Lai

**Agenda Item 1**

Confirmation of the Draft Minutes of the 532<sup>nd</sup> RNTPC Meeting held on 8.5.2015

[Open Meeting]

1. The draft minutes of the 532<sup>nd</sup> RNTPC meeting held on 8.5.2015 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**General**

[Mr Ivan M.K. Chung, District Planning Officer/Sai Kung & Islands (DPO/SKIs), Mr C.K. Soh, District Planning Officer/Shau Tin, Tai Po & North (DPO/STN), Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FSYLE), Mr David C.M. Lam, District Planning Officer/Tuen Mun & Yuen Long West (DPO/TMYLW), Mr Lawrence Y.C. Chau, District Planning Officer/Tsuen Wan & West Kowloon (DPO/TWK), and Miss Paulina Y.L. Kwan, Senior Town Planner/Metro District (STP/M), were invited to the meeting at this point.]

**Agenda Item 3**

Review of Sites Designated “Comprehensive Development Area” on Statutory Plans in the New Territories for the Year 2014/2015

(RNTPC Paper No. 8/15)

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[Open Meeting]

3. With the aid of a Powerpoint presentation, Miss Paulina Y.L. Kwan, STP/M presented the results of the latest review on “CDA” sites in the New Territories as detailed in the Paper and made the following main points:

- (a) in May 1999, the Town Planning Board (TPB) endorsed the Guidelines for “CDA” Zones and agreed that the review of “CDA” sites designated for more than three years should be conducted annually. The review would assist the Committee in considering the rezoning of suitable “CDA” sites to other appropriate zonings and monitoring the progress of “CDA” developments;
- (b) there were a total of 68 “CDA” sites in the New Territories by the end of March 2015, including two sites designated for less than three years. The subject review covered 66 “CDA” sites of which 26 of them had no approved Master Layout Plan (MLP) and the remaining 40 sites had approved MLPs;
- (c) in view of the imminent need to expedite housing land supply, priority had been accorded to zoning amendments related to housing sites. Opportunity would be taken to incorporate amendments of the previously agreed “CDA” sites in the coming Outline Zoning Plan (OZP) revision;

[Professor S.C. Wong, Professor Eddie C.M. Hui, and Dr C.P. Lau arrived to join the meeting at this point.]

#### “CDA” Sites with No Approved MLP

- (d) among the 26 “CDA” sites with no approved MLP, 22 sites were proposed for retention. Of the 22 sites, development proposals for two sites were actively being pursued with MLPs under preparation. The approved MLPs for two sites had lapsed and the applicants were reviewing their proposals for these sites. The review of the land use proposals for eight sites were subject to the findings of on-going or proposed planning studies, while the remaining 10 sites were

subject to traffic, environmental and/or visual impacts which needed to be properly addressed. Detailed justifications for their proposed retention were provided in Appendix I of the Paper;

- (e) the remaining four sites in Ha Tsuen (NTW 10 to 13) had previously been agreed by the Committee for rezoning to “Residential (Group E)” (“R(E)”) but fell within the study boundary of the “Planning and Engineering Study on the Hung Shui Kiu New Development Area” (HSK NDA Study), rezoning had been withheld. Details of the sites were provided in Appendix II of the Paper;

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

#### “CDA” Sites with Approved MLP

- (f) among the 40 “CDA” sites with approved MLP, 35 sites were at various stages of implementation and were proposed for retention to ensure proper implementation in accordance with the approved MLPs and approval conditions. These included eight sites with construction works in progress or partially completed, four sites with building plan approved or under preparation, one site with fresh planning application under processing, 14 sites with land exchange/lease modification in process, four sites showing signs of implementation, four sites with no imminence of rezoning after review. Detailed justifications for their proposed retention were provided in Appendix III of the Paper;
- (g) three sites had already been agreed by the Committee for rezoning including a site at Castle Peak Road, Hung Shui Kiu, Yuen Long (i.e. Uptown), a site at the junction of Fuk Hang Tsuen Road and Lam Tei Main Street, Tuen Mun (i.e. The Sherwood), and a site to east of Ping Ha Road and north of Castle Peak Road, Ping Shan (i.e. Green Orchid), Yuen Long were also completed.

However, part(s) of these three “CDA” zones were not covered by the approved schemes. The proposed amendments for these sites would be submitted to the Committee for consideration after completion of the reviews on the zoning of residual portions. The progress of these three sites were detailed in Appendix IV of the Paper;

- (h) the residential development of a site at Tung Chung Town Centre was completed and approval conditions were complied with, it was proposed to rezone the site to reflect the as-built conditions and approved uses after completion of the Planning and Engineering Study on the Remaining Development in Tung Chung – Feasibility Study. Detailed justifications for rezoning of the site were provided in Appendix V of the Paper;
- (i) a site at Tung Wan and Tung Wan Tsai, Ma Wan Island (i.e. Park Island) had potential for rezoning as building works had substantially completed. It was proposed to rezone the site to reflect the as-built conditions pending the Transport Department’s approval of the contingency plan for traffic management and full compliance of approval conditions. Detailed justifications for rezoning of the site were provided in Appendix VI of the Paper; and
- (j) to sum up, of the total 66 sites reviewed, 57 sites were proposed for retention, seven sites had already been agreed for rezoning, one site was proposed for rezoning and one sites had potential for rezoning.

4. The Chairman recapitulated that annual review of “CDA” sites was intended to take a proactive approach to facilitate development and to achieve a close monitoring of the progress of development. For “CDA” sites with approved MLP, there might be difficulties encountered during implementation. For “CDA” sites without progress of implementation, it might be due to restrictions on the development parameters, on-going planning studies, infrastructural, and environmental problems. There also were merits to rezone “CDA” sites upon completion of development to provide flexibility for subsequent medication of uses.

5. In response to the Chairman's question, Mr Ivan M.K. Chung, DPO/SKIs said that rezoning of the "CDA" site at Tung Chung Town Centre would provide flexibility for subsequent modification of uses such as religion institution and school uses within the non-domestic portion without the need for planning permission. However, if the site was not rezoned, it would not have any impact on the residential use of the completed development. In response to the Chairman's question, Miss Kwan said that the annual progress of the "CDA" sites were in general not significant as the development took time.

6. In view of the progress of developments of "CDA" sites did not change very much annually, the Committee considered that the "CDA" sites review could be carried out biennially instead of annually in order to save the resource and to give priority to other planning work, in particular the zoning amendments for housing sites. The Committee requested the Secretariat to review the relevant Town Planning Board Guidelines to effect the proposed change.

7. After deliberation, the Committee decided to :

- (a) note the findings of the review of the sites designated "CDA" on statutory plans in the New Territories;
- (b) agree to the retention of the "CDA" designation for the sites mentioned in paragraphs 4.2.1 and 4.3.1 and detailed at Appendices I and III of the Paper;
- (c) note the agreement of the Committee to rezone the sites mentioned in paragraphs 4.2.3 and 4.3.2 and detailed at Appendices II and IV of the Paper;
- (d) agree in-principle to the proposed rezoning of the "CDA" site in paragraph 4.3.3 and detailed at Appendix V of the Paper; and
- (e) note the site with potential for rezoning in paragraph 4.3.4 and detailed at Appendix VI of the Paper.

[The Chairman thanked Mr Lawrence Y.C. Chau, Mr Ivan M.K. Chung, Mr C.K. Soh, Ms Maggie M.Y. Chin and Mr David C.K. Lam, DPOs, and Miss Paulina Y.L. Kwan, STP, for their attendance to answer Members' enquires and they left the meeting at this point.]

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

#### **Agenda Item 4**

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

[Open Meeting]

A/SK-SKT/11            Proposed Eating Place, Shop and Services in "Other Specified Uses" annotated "Town Square With Recreational, Community and Commercial Uses" zone, Lots No. 1447A RP, 1449A RP, 1449B RP, 1450RP (Part), 1451, 1452 (Part), 1453, 1455 RP in D.D.221 and adjoining Government Land, Sha Ha, Sai Kung, New Territories  
(RNTPC Paper No. A/SK-SKT/11)

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

8.            The Secretary reported that on 5.5.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments and the public. This was the first time that the applicant requested for deferment of the application.

9.            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.

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

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

#### **Agenda Item 5**

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

[Open Meeting (Presentation and Question Sessions Only)]

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

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10.            The Secretary reported that the application was submitted by the Top Atlantic Limited, which is a subsidiary of Sun Hung Kai Properties Limited (SHK) with AECOM Asia Co. Ltd. (AECOM) and Environ Hong Kong Ltd. (Environ) as 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, and Environ;
- Ms Janice W.M. Lai - having current business dealings with SHK, AECOM, and Environ;
- Ms Christina M. Lee - being the Secretary-General of the Hong Kong Metropolitan Sports Event Association which had obtained sponsorship from SHK;
- her spouse owning a flat at Mei Tin Road, Tai Wai;
- Professor S.C. Wong - having current business dealings with AECOM;
- being the Chair Professor and Head of Department of Civil Engineering of University of Hong Kong where AECOM had sponsored some activities of the Department; and
- Dr W.K. Yau - being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK.

11. Since the interest of Ms Janice W.M. Lai and Mr Ivan C.S. Fu were direct, the Committee agreed that they should leave the meeting temporarily for this item. As the interests of Professor S.C. Wong, Ms Christina M. Lee, and Dr W.K. Yau were indirect, the Committee agreed that they could stay in the meeting.

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

Presentation and Question Sessions

12. With the aid of a Powerpoint presentation, Mr C.K. Tsang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the site was the subject of a request for amendment from “Green Belt” (“GB”) and “Village Type Development” (“V”) to “Comprehensive Development Area” (“CDA”) to facilitate a comprehensive residential development agreed by the Committee on 14.5.1999. Since the site was rezoned to “CDA” in 1999, a number of planning applications were approved (applications No. A/ST/536, 571 and 696) by the Committee;

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

- (b) proposed residential development with club house and car parking facilities highlighting that as indicated in the applicant’s submission, the no. of storeys were 26 domestic storeys above a 3-storey podium and a 2-storey basement of carpark, and electrical/mechanical (E/M) uses. There was a remark to clarify that the podium was mainly in 2-storey, with only a small portion behind Blocks 1 and 2 in 3-storey to accommodate the clubhouse and E/M uses.
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, 55 public comments were received from the Chairman of Sha Tin Rural Committee, Chairman of Pak Tin Area 4, 5, 6 Mutual Aid Committee, persons claiming to have rights in adverse possession, and local residents/members of the public. The grounds of objection were the proposed development would affect the

views of nearby residents, cause environmental and health problems; cause adverse traffic impact, affect existing access, over-strain the public transport facilities; environmental assessment should be conducted; grave concerns regarding road safety; noise and air pollution; structural stability of temporary structures; reception of telecommunication signal; landslide danger; and water and electricity supply arising from the proposed development and site management during construction stage; fire fighting; river pollution; landscape impact and existing facilities issues; and the area under the claim of adverse possession should be excluded; 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. Other than the amendments proposed, the major development parameters including site area, gross floor area (GFA), maximum building height and no. of blocks were the same as the previously approved scheme. No adverse traffic impact was envisaged and the applicant had proposed improvement works of the existing access. The proposed scheme would increase the building gap to improve the visual permeability and maintain a “Greenbelt Conservation Area”. Technical assessments were provided to demonstrate that the proposed development would not generate adverse impact or subject to environmental impact and relevant departments had no adverse comment. There was no change in planning circumstances since the previous approval. The claim on adverse possession could be dealt with at land exchange stage.

13. In response to the queries of the Chairman and a Member, Mr C.K. Tsang said that as part of the site was subject to claims of adverse possession, the GFA (about 3,776m<sup>2</sup>) of the concerned land area (about 3,200m<sup>2</sup>) was excluded from Phase 1 of the development and reserved in the Phase 2 development. Should the result of the claims lead to a change in the site area, it would not affect Phase 1 of the development. However, if the concerned land area was more than 3,200m<sup>2</sup>, revisions to the Master Layout Plan might be required. In any case, the land matters would be dealt with at land exchange stage and no building works would likely be

commenced prior to completion of the land exchange. Mr John K.T. Lai, Assistant Director/Regional 3, Lands Department (LandsD) supplemented that court decision on claims of adverse possession had not yet been made and LandsD would process the subject land exchange having regard to the restrictions on the Outline Zoning Planning and Town Planning Board's decision on the subject application.

14. The Chairman noted that there were concerns raised by the nearby residents on the potential impact of proposed development on reception of telecommunication signals. In response, Mr Tsang said that according to the Director-General of Communications (DG of C), construction of new buildings might adversely affect the reception of television and telecommunication services in the vicinity. As such, an approval condition on the design and provision of telecommunication improvement works was recommended to address the concerns.

#### Deliberation Session

15. 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 22.5.2019, 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) submission and implementation of a revised Master Layout Plan (MLP), taking into account the approval conditions as stated in paragraphs (b) to (k) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a revised drainage impact assessment and provision of drainage facilities identified therein to the satisfaction of the Director of

Drainage Services or of the TPB;

- (d) the design and provision of sewerage connections to the site to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the submission and implementation of the land use and management proposals for the “Greenbelt Conservation Area” within the site to the satisfaction of the Director of Lands or of the TPB;
- (f) the submission of studies on natural terrain landslide hazards and implementation of stabilisation works and/or mitigation measures identified therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (g) the provision of access from the site to Heung Fan Liu Street to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the design and provision of parking facilities, loading/unloading spaces and laybys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the design and provision of telecommunication improvement works to ensure normal telecommunication services for the viewers in the vicinity to the satisfaction of the Director-General of Communications or of the TPB;
- (j) the design and provision of an emergency vehicular access, water supply for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (k) submission of a phasing plan indicating the timing and implementation of the comprehensive development to the satisfaction of the Director of Planning or

of the TPB.”

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

- “(a) the approved MLP, together with the set of approval conditions, will be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the Building Authority and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the TPB may be required;
- (c) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Shu Tin, LandsD that if the TPB approves the current application and the applicant wishes to revise the submitted land exchange application, the applicant is required to submit a new application to LandsD to implement the revised scheme;
- (e) to note the comments of the Commissioner for Transport that if the road works due to the development is required to be implemented on the public

road under the Transport Department's management, a temporary traffic arrangement is required and should be submitted for the agreement from the concerned departments;

- (f) to note the comments of the Chief Building Surveyor/New Territories East (2) & Rail, BD that:
  - (i) a clear intervening space or area of a width of not less than 1/4 of the height of the cutting shall be left between each of the domestic blocks at ground floor level and the toe of the cutting under Building (Planning) Regulations (B(P)R) 27(2);
  - (ii) submission of new building plans or major revision of building plans for development proposal would be subject to Practice Notes for Professional Persons (PNAP) APP-151 and PNAP APP-152, which take effects from 1.4.2011. For compliance with sustainable building design guidelines on building separation, building setback and site coverage of greenery is one of the pre-requisites for exempting or disregarding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA and/or site coverage calculations; and
  - (iii) the granting of GFA concessions under B(P)R23(3)a for recreational facilities in residential developments are subject to compliance with relevant acceptance criteria, detailed requirements, pre-requisites, limitation in sliding scale, etc. as set out in the prevailing PNAP APP-104. There is no guarantee whatsoever that proposed area of for the clubhouse would be granted for GFA concessions under Buildings Ordinance;
- (g) note the comments of the Director of Water Supplies that if the existing water

mains encroached by the subject site, waterworks reserve shall be provided to the Water Supplies Department for free access at all times to the water mains for the purpose of laying, repairing and maintenance of water mains, and the cost of any necessary diversion shall be borne by the development;

- (h) to note the comments of the Director of Fire Services that Emergency Vehicular Access arrangement shall comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue (MoA Code) administered by BD. The proposed disposition of Block 3 might not comply with MoA Code as the horizontal distance between the proposed emergency vehicular access and the facades of Block 3 might exceed 10 m. Detailed fire safety requirements, including the provision of emergency vehicular access and fire service installations, will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering Development Department:
  - (i) according to the approved layout plan on the slope upgrading works by BD dated 8.4.2015, there are proposed rigid barriers located at the northern and western boundaries of site formation works, which may affect existing trees to be retained and felled in the vicinity of these rigid barriers. Therefore, the tree preservation/felling scheme should take into account the location of the proposed rigid barriers;
  - (ii) the layout of soil nails appears to be slightly different between the approved layout plan on the slope upgrading works and the tree survey plan in the report. The proposal on the trees to be retained and felled should be reviewed and, if necessary, revised based on the latest soil nail arrangement in the BD approval plan; and

- (iii) the stability of the man-made slopes located within and in the vicinity of the development will be studied by the developer during site formation design stage. The site formation plan will be submitted to BD for approval. Slope upgrading works for those features not meeting the current safety standard would be required during the approval process. Natural terrain hazard study report will be submitted to BD by the developer to identify the potential hazards of the natural slopes overlooking the development. Mitigation measures will be proposed by the developer if necessary during the approval process.”

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

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/491      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” zones, Lot 730 RP in  
D.D.9, Yuen Leng, Tai Po, New Territories  
(RNTPC Paper No. A/NE-KLH/491)

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

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

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

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The site was located within the upper indirect Water Gathering Ground (WGG). The Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) advised that according to the North District Sewerage Stage 2 Phase 1, public sewerage connection point would be provided in the vicinity of the site. Although there was no fixed programme for implementation of the public sewerage system, both the Director of Environmental Protection (DEP) and the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) had no objection to the application provided that construction of the proposed Small House would only commence after the completion of the planned sewerage network and the proposed development would be connected to the future public sewer when available. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site has high potential for rehabilitation of agricultural activities. Other concerned government departments had no objection to or no adverse comment on the application;
  
- (d) during the first three weeks of the statutory public inspection period, one public comment from Designing Hong Kong Limited was received and they objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and no environmental, traffic, landscape, drainage and sewage assessments had been provided; and
  
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. While DAFC did not support the application, the application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that there was insufficient land within the “V” zone to meet the Small House demand and more than 50% of the Small House footprints fell within the “Village Type Development” zone or the

village 'environs' ('VE'). The proposed Small House development was not incompatible with the surrounding village setting. The applicant had committed to connect the proposed Small House to the planned sewerage scheme when available. Approval of the application would not bring about adverse traffic, landscape, sewerage and drainage impacts on the surrounding area.

18. Members had no question on the application.

### Deliberation Session

19. 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 22.5.2019, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the Director of Environmental Protection that actual construction of the house shall not be commenced before the completion of the planned sewerage system; the applicant shall connect the proposed house to the future public sewer at his own cost; the sewerage connection point shall be within the site; and adequate land shall be reserved for the future sewer connection work;
  
- (b) to note the Chief Engineer/Development(2), Water Supplies Department’s (WSD) comments that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards;
  
- (c) to note the comments of the Director of Electrical and Mechanical Services that:
  - (i) there is a high pressure underground town gas transmission pipeline (running along Fanling Highway) in the vicinity of the site;
  
  - (ii) the applicant and his contractors shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the proposed house and any safety measures required; and
  
  - (iii) the ‘Code of Practice on Avoiding Danger from Gas Pipes shall be observed by the applicant and his contractors;
  
- (d) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that if and after planning approval given by the TPB, LandsD will

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

- (e) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Consultant Management, Drainage Services Department that there is no public drain in the vicinity of the site. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There is no existing public sewerage in the vicinity of the site. According to the latest proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng, public sewerage connection point will be provided in the vicinity of the site. However, since this sewerage scheme was degazetted on 29.10.2010, there is no fixed programme at this juncture for the concerned public sewerage works;
- (f) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by LandsD. Detailed fire safety requirements will be formulated during land grant stage; 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 7**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/515            Proposed Place of Recreation, Sports or Culture (Hobby Farm) in  
“Agriculture” zone, Lot 1759 in D.D. 8, Tai Po, New Territories  
(RNTPC Paper No. A/NE-LT/515)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed place of recreation, sports or culture (hobby farm);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) considered that the proposed use was hobby farming which referred to the operation of private gardening on a non-commercial basis and that the proposed structure, with a gross floor area (GFA) of 44m<sup>2</sup> was much larger than the typical agricultural storeroom of about 100ft<sup>2</sup> for a conventional farm. The site was within the upper indirect Water Gathering Grounds (WGG), the Director of Environmental Protection had no objection to the application as no portable toilet would be installed and no chemical pesticide or fertiliser would be used. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, six public comments from local villagers and individuals were received. They objected to

the application mainly on the grounds that the proposed hobby farm would cause adverse environmental, noise, sewage, traffic impacts as well as adversely affecting public access and safety; and

- (e) the Planning Department (PlanD)'s views – according to the Broad Use Terms promulgated by the Town Planning Board, 'Hobby Farm' was subsumed under 'Place of Recreation, Sports and Culture' use and usually referred to a farm involving a number of visitors and/or activities associated with leisure farming, agriculture-related education and other recreational uses. Considering the planning implications arising from such development, 'Hobby Farm' as a 'Place of Recreation, Sports or Culture' use required planning permission in "Agriculture" ("AGR") zone to allow assessing the associated planning implications. Based on the information provided by the applicant, the proposal for private, non-commercial farming for personal enjoyment of three people was considered more akin to 'Agricultural Use' which was always permitted in the "AGR" zone and planning permission would not be required. However, the Agriculture, Fisheries and Conservation Department (AFCD) had a different interpretation and considered that 'Hobby Farming' should refer to 'private gardening on a non-commercial basis just for personal hobby purpose'. Given the difference in interpretation of 'Hobby Farm', the Committee was invited to consider whether the proposal should be considered as 'Agricultural Use' or 'Place of Recreation, Sports or Culture'. Should the proposed use be considered as 'Agricultural Use', the applicant would be advised that no planning permission would be required. However, should the Committee consider that the proposed use fell within the meaning of a 'Place of Recreation, Sports or Culture', PlanD had no objection to the application as the proposed hobby farm was not incompatible with the surrounding area and concerned departments had no adverse comment on the application.

22. In response to a Member's question, Mr C.T. Lau, STP/STN, said that there was no similar applications of this nature being considered by the Committee and other applications for

hobby farm previously considered by the Committed were usually of a larger scale involving more activities and visitors. In response to another Member's question, Mr Lau said that PlanD's view on the proposed use had been explained previously to the applicant on the but the applicant insisted to submit the planning application.

### Deliberation Session

23. Members in general considered the proposed non-commercial farming for personal enjoyment of three people was more akin to 'Agricultural Use' in nature and the issue of the on-farm structure should be dealt with under the purviews of AFCD and the Lands Department (LandsD).

24. After further deliberation, the Committee agreed to advise the applicant that the proposed use was more akin to 'agricultural use' which was always permitted in the "AGR" zone and planning permission was not required.

### **Agenda Item 8**

#### Section 16 Application

[Open Meeting]

A/NE-LT/537      Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" zone, Lot 338 S.A ss.1 in D.D. 19, San Uk Pai, Lam  
Tsuen, Tai Po, New Territories  
(RNTPC Paper No. A/NE-LT/537)

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25. The Secretary reported that on 18.5.2015, the applicant had requested for deferment of the consideration of the applications for two months in order to allow time for preparation of further information on drainage proposal. This was the first time that the applicant requested for deferment of the application.

26. 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.

[Ms Christina M. Lee left the meeting temporarily at this point.]

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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

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

- (a) background to the application;
- (b) proposed temporary animal boarding establishment (dog kennels facility);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Major departmental comments were summarised below:
- (i) the applicant was an animal welfare organisation which has been a rehoming partner of the Agriculture, Fisheries and Conservation Department (AFCD) for many years, and AFCD supported the application from animal management point of view;
  - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the scale of the proposed development was relatively large and the site was located in the centre of the “Conservation Area” (“CA”) zone, the provision of landscape proposal could not fully demonstrate the compatibility of the proposed use with the surrounding landscape context. Approval of the application would set an undesirable precedent to attract other similar applications to develop within the “CA” zone;
  - (iii) the Commissioner for Transport (C for T) had reservation on the application. Although the additional traffic generated by the proposed development would not be significant, such development, if permitted, would set an undesirable precedent case for similar applications resulting in cumulative adverse traffic impact. As the application only involved one temporary kennel, it could be tolerated unless it was rejected on other grounds;
  - (iv) the Director of Environmental Protection (DEP) had reservation on the application as the nearest residential structure was at about 50m to the east and the closest village was about 140m away. The proposed development was for a maximum 80 dogs kennel facility, dog barking would be the major environmental problem. According to the applicant, the established average night-time background noise level was 40dB

(free-field) and the assessed maximum predicted noise level within barriers was  $81_{LAeq, 30min}$  dB. Dog barking would become possible nuisance to the surrounding residential premises. The applicant should provide additional sediment/rubbish trapping facilities to contain the increase in suspended solids and materials washed out during heavy rainstorms; and

- (v) the Commissioner of Police (C of P) advised that barking sounds from dogs might cause noise nuisance to the household nearby and noise complaint would be made if preventive measures could not be properly adopted;
- (d) During the first three weeks of the statutory public inspection periods, a total of 1,430 public comments were received. The majority of the comments (1,406) supported the application mainly from animal protection perspective and considered that the proposed development would not have significant ecological and environmental impacts. The remaining comments, including World Wild Fund HK, Designing Hong Kong Limited, village representative, villagers and land owners of Tin Liu Village, and the Asia Pacific Association of Technology and Society raised concerns or objected to the application mainly on the grounds of incompatibility with the planning intention of the “CA” zone; setting an undesirable precedent; and potential adverse environmental, noise, air and traffic impacts; and

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

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper. The planning intention of the “CA” zone was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate

sensitive natural environment from the adverse effects of development. There was a general presumption against development in “CA” zone. The proposed dog kennel facility was not in line with the planning intention of the “CA” zone as it was neither a development needed to support the conservation of the existing natural landscape or scenic quality of the area nor an essential project with overriding public interest. The site was located in the central portion of the “CA” zone to serve as a buffer to protect and retain the existing natural hillside landscape of the Ma On Shan Country Park. DEP had reservation on the proposed development accommodating up to 80 dogs as the applicant failed to address the concerns on the noise issues in relation to the operation. Regarding the approved similar applications covering a site in Shek Kong as mentioned by the applicant, the site was located at the fringe of the “CA” zone and was approved on sympathetic consideration mainly on the grounds that the site was located in a remote location and was previously used as a chicken farm, and would unlikely have adverse environmental impact. Sites in different locality had different planning circumstances and should be considered on its own individual merits.

28. In response to the queries of the Chairman, Mr C.T. Lau said that the subject “CA” zone was to serve as a buffer to protect and retain the existing natural hillside landscape of the adjoining Ma On Shan Country Park. Most of the surrounding workshop and open storage uses near the site were suspected unauthorized developments subject to planning enforcement action, and the proposed development of the “Comprehensive Development Area” site to the north was a large-scale residential development of which the building plans had been approved.

#### Deliberation Session

29. The Chairman considered that the application was a marginal case. Noting the existing site condition, it was questionable whether there would be adverse impact on the vegetation and ecology of the area if the proposed development was approved. A Member

concurred with the Chairman's view and considered the subject "CA" zone was more akin to "Green Belt" zone serving as a buffer with low or no ecological value. The Member also noted that the distance between the site and village houses were not so close.

30. A Member worried that the dog kennel might be operated as a commercial kennel for dog breeding purposes instead of providing shelter for stray dogs. The Chairman drew Members' attention to paragraph 9.14 of the Paper that AFCD supported the application from animal management point of view. In response to the Chairman's question on traffic impact, Mr K.C. Siu, Chief Traffic Engineer/New Territories East, Transport Department clarified that C for T had reservation on the application mainly on the ground of the potential cumulative adverse traffic impact. If based on one single application only, the proposal involved could be tolerated on traffic ground.

31. In response to the Chairman's question on environmental concerns, Mr Victor W.T. Yeung, Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department explained that the site was in close proximity to a number of village houses, the established average night-time background noise level was only 40dB and the predicted maximum noise level would be up to 81dB. As such, dog barking would be a nuisance to the surrounding residents. He further said that according to DEP's assessment, the proposed building structures as shown in the submission were not solid enclosed structures and there would be concern on noise leakage. In addition, there was a proposed outdoor dog area with no mitigation measures proposed. He said that complaints on dog barking were common and C of P's concern should also be noted.

32. A Member considered that sympathetic consideration should be given as the proposed kennel was for sheltering stray dogs and the applicant was an animal welfare organisation being a partner of AFCD for years. Another Member noted that the site was located at a certain distance from the main road to avoid adverse environmental impact on the nearby residents and a balance should be struck between the possible nuisance and the need for such facilities for stray dogs. A Member asked whether C for T could provide information on how the proposed development would cause adverse traffic impact on the surrounding area. In response, Mr Siu said that the traffic generated by a single kennel would not be significant and

could be tolerated. C for T was more concerned about the possible cumulative traffic impact if there were other similar applications in future.

33. A Member remarked that the applicant was a welfare organisation and a partner of AFCD in rehoming stray dogs, the current proposal would not require a Boarding Establishment Licence which was for animal trading and provision of food and accommodation for commercial purposes, and there had been weekly community activities held by the applicant promoting the help for the stray dogs. Based on the above information, Members agreed that the proposal was likely to be a genuine dog kennel for stray dogs. While sympathetic consideration might be given to the application, a Member had concern on the approval would set an undesirable precedent for similar applications within the “CA” zone. Another Member suggested a shorter approval might be considered to monitor the situation and if approved, it should be set out clearly that the approval of the subject application was under very special circumstances. Mr Victor W.T. Yeung supplemented that as the site was under “CA” zone, the proposed development would need to comply with a number of requirements under the Environmental Impact Assessment Ordinance (EIAO). Members noted that a shorter approval period might not be sufficient for the applicant to comply with the requirements under the EIAO.

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

34. Noting that the applicant was a genuine animal welfare organization and a partner of AFCD for rehoming stray dogs, the current proposal would not involve any tree felling, and the site did not have any specific ecological value, the Committee in generally agreed that sympathetic consideration could be given to the application. The Chairman said that in view of the DEP’s advice on the requirements under the EIAO, an advisory clause should be added to advise the applicant on the requirements of the EIAO.

35. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2015;
- (b) the implementation of a 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 22.2.2016;
- (c) 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 22.11.2015;
- (d) the implementation of a drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.2.2016;
- (e) the submission of fire service installations and water supplies for firefighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;
- (f) the implementation of a fire service installations and water supplies for firefighting proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2016;
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

36. 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 check against Schedule 2 of Environmental Impact Assessment Ordinance (EIAO) to determine whether the project would or would not fall into a designated project of the EIAO. In particular, the applicant shall check against Item Q.1 of Schedule 2 for whether the proposed temporary animal boarding establishment (dog kennels facility) may involve earthworks and/or building works in “Conservation Area”. If affirmative, the applicant shall follow statutory process under EIAO and apply to the Director of Environmental Protection (DEP) for an environmental permit before its construction and operation;
  
- (c) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that LandsD will only accept the required Short Term Waiver (STW) application from the registered owners of the lot. The registered owners of the lot should immediately apply for a STW to LandsD. If the proposed STW is approved at LandsD’s discretion, such approval might be subject to such terms and conditions, including payment of fees as imposed by LandsD. Otherwise, LandsD will take appropriate action against the breach of lease. There is no guarantee that the concerned application for a STW by a direct grant will ultimately be approved;
  
- (d) to note the comments of the Commissioner for Transport that the village access connecting to the site is not under the Transport Department’s management. The land status of the village access should be checked with the relevant lands authority. The management and maintenance responsibilities of the village access should also be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the road connecting the site with Sai Sha Road is not maintained by HyD;
- (f) to note the comments of the Director of Environmental Protection that the discharge of waste water including both sullage (from kitchen and washing activities) and toilet waste should be properly treated and disposed of in compliance with the Water Pollution Control Ordinance. The construction and operation of septic tank and soakaway system should follow the requirements stipulated in the ProPECC PN5/93 including the percolation test for determining adequate capacity of the system;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no existing DSD maintained public drain available for connection in the area. Any existing flow path affected should be re-provided. The applicant/owner is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. For works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private owners should be sought. There is no existing public sewerage in the vicinity of the site;
- (h) to note the comments of the Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSI) will need to be installed. In such circumstances, except where building plan is circulated to the Centralised Processing System of Buildings Department (BD), the applicant is required to send the relevant layout plans to him incorporated with the proposed FSI for approval. In doing so, the applicant should note that the

layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the locations of the proposed FSI and the access for emergency vehicles should be clearly marked on the layout plans. Detailed fire safety requirements will be formulated upon receipt of formal submission of plans. The applicant will need to subsequently provide such FSI according to the approved proposal;

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and 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, prior consultation and arrangement with the electricity supplier is necessary;
  - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, BD

that:

- (i) if there is any existing structure erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application;
  - (ii) 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 BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO; and
  - (iv) 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). If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (k) to note that the permission is only given to the development under the application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the

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

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

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/584                      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, New Territories  
   (RNTPC Paper No. A/TP/584)

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

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Major departmental comments were summarised below:
  - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from nature conservation point of view. The

site was part of a woodland on a hill slope and there was no proper access leading to the site. The proposed Small House and its related site formation works would require felling of trees in “Green Belt” (“GB”) zone;

(ii) The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning perspective. He noted that slope cutting and site formation would be involved in the development and there was no proper vehicular or pedestrian access to the site. Tree and vegetation clearance would likely be involved. No information was submitted to demonstrate that there would be no adverse impacts on the existing landscape. Approval of the application would set an undesirable precedent to similar applications resulting in encroachment onto the “GB” and more disturbance to the wooded slope; and

(iii) the Head of Geotechnical Engineering Office, Civil Engineering & Development Department, (H(GEO), CEDD) advised that the applicant should submit necessary plans including site formation plans and excavation and lateral support plans to the Buildings Department (BD) in accordance with the provisions of the Buildings Ordinance (BO).

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

(d) during the first three weeks of the statutory public inspection period, one public comment from the Designing Hong Kong Limited was received. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “GB” zone; did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10); no impact assessment had been carried out; possible adverse water quality and sewerage impacts; and lack of access and parking spaces in the area; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. According to the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD)'s records, the outstanding Small House applications for Ha Wong Yi Au was 36 while the 10-year Small House demand forecast was 35. There would be about 0.97 ha (about 38 Small House sites) of land were available within the "Village Type Development" ("V") zone of Ha Wong Yi Au. As such, there was insufficient land in the "V" zones of Ha Wong Yi Au to meet the demand of village houses (about 71 Small House sites). However, the site was located at the slope of a wooded knoll at the southern edge of Ha Wong Yi Au Village and well covered by dense vegetation with trees. The proposed development would involve site formation works cutting into the adjoining slope at a maximum of 60°. The proposed Small House and related site formation works would require tree felling in "GB" zone. CTP/UD&L, PlanD objected to and DAFC had reservation on the application. Although more than 50% of the proposed Small House footprint fell within "V" zone and there was a general shortage of land in "V" zone to meet the future Small House demand, the proposed development did not comply with the Interim Criteria for consideration of applications for NTEH/Small House in New Territories and TPB PG-No. 10 as it would involve extensive clearance of existing trees and vegetation as well as adversely affect the landscape character of the surrounding areas.

38. In response to the Chairman's question, Mr C. T. Lau said that the similar application (No. A/TP/581) to the west of the site was approved with condition by the Committee, among others, because there was no vegetation covering the application site.

#### Deliberation Session

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

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

**Agenda Items 11 to 16**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/562 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 702 S.H in D.D.83, Kwan Tei, Fanling, New Territories

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A/NE-LYT/563 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 702 S.I in D.D.83, Kwan Tei, Fanling, New Territories

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A/NE-LYT/564 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lots 702 S.J and 703 S.U in D.D.83, Kwan Tei, Fanling, New Territories

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A/NE-LYT/565 Proposed House (New Territories Exempted House - Small House) in "Agriculture" and "Village Type Development" zones, Lot 703 S.S in D.D.83, Kwan Tei, Fanling, New Territories

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A/NE-LYT/566 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 703 S.T in D.D.83, Kwan Tei, Fanling, New Territories

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A/NE-LYT/567 Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lot 703 S.V in D.D.83, Kwan Tei, Fanling, New Territories

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(RNTPC Paper No. A/NE-LYT/562 to 567)

40. The Committee noted that the six applications were similar in nature and the sites were located in close proximity to one another and within the same "Agriculture" ("AGR") zone.

The Committee agreed that the applications should be considered together.

### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Except the Director of Agriculture, Fisheries and Conservation (DAFC) who did not support the applications, concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory public inspection period, four public comments were received on each of the applications. A North District Council (NDC) member supported all applications while the Chairman of Fanling District Rural Committee (FDRC) had no comment. The Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention; agricultural land should be retained to safeguard the potential agricultural activities; no environmental and traffic impact assessments had been submitted; and approval would be in contravention with the Government's new agricultural policy under consultation, and the setting of undesirable precedents for similar applications. The District Officer (North), Home Affairs Department had advised that the Chairman of FDRC, Indigenous Inhabitant Representatives of

Kwan Tei, and the Resident Representative of Fu Tei Pai had no comment on the applications.

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The proposed developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications as the sites possessed potential for agricultural rehabilitation. However, there was insufficient land in the “Village Type Development” (“V”) zone of Kwan Tei Village to meet the demand of Small Houses. According to the District Lands Officer/North, Lands Department's records, the outstanding Small House applications for Kwan Tei Village was 55 while the 10-year Small House demand forecast was 280. There would be only about 2.39 ha (about 95 Small House sites) of land available within the subject “V”. The applications generally met 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 footprints fell within the village ‘environs’ of Kwan Tei Village and there was insufficient land to meet the Small House demand. The proposed Small House developments were not incompatible with the surrounding area which was in a rural landscape character dominated by village houses and farmlands. Significant changes or disturbance to the existing landscape character and resources arising from the proposed developments were not anticipated. There were seven similar applications approved between 2004 and 2014 mainly on considerations that they generally met the Interim Criteria. There had not been any material change in the planning circumstances for the area since the approval of these similar applications.

42. Members had no question on the application.

### Deliberation Session

43. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 22.5.2019, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

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

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access adjacent to the site is not maintained by HyD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

**Agenda Items 17 to 20**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/111      Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 50 S.A RP & S.B ss.1 in D.D 46, Tai Tong Wu Tsuen, Sha Tau Kok Heung, New Territories

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A/NE-MUP/112      Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 50 S.B RP in D.D 46, Tai Tong Wu Tsuen, Sha Tau Kok Heung, New Territories

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A/NE-MUP/113      Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 50 S.A ss.1 in D.D 46, Tai Tong Wu Tsuen, Sha Tau Kok Heung, New Territories

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A/NE-MUP/114 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 50 S.E RP in D.D 46, Tai Tong Wu Tsuen, Sha  
Tau Kok Heung, New Territories

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(RNTPC Paper No. A/NE-MUP/111 to 114)

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

#### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Except the Director of Agriculture, Fisheries and Conservation (DAFC) who did not support the applications, concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory public inspection period, three public comments on each of the applications were received. A North District Council (NDC) member supported the applications as they would bring convenience to the villagers. The Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objected to the applications mainly on the grounds that the proposed developments were not in line with the planning

intention of the “AGR” zone; Small House developments should be confined with the “Village Type Development” (“V”) zone; no traffic and environmental assessments had been submitted; approval of the cases would set undesirable precedents for similar applications. The District Officer (North), Home Affairs Department had advised that the Chairman of Sha Tau Kok District Rural Committee supported the applications, the Indigenous Inhabitant Representative of Tai Tong Wu supported Applications No. A/NE-MUP/111 and 112, while a NDC member and the Resident Representative of Tai Tong Wu had no comment on the applications; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The proposed developments were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications as the sites possessed potential for agricultural rehabilitation. However, there was insufficient land in the “V” zone of Tai Tong Wu Village to meet the demand of Small Houses. According to the District Lands Officer/North, Lands Department’s records, the outstanding Small House applications for Tai Tong Wu Village was 25 while the 10-year Small House demand forecast was 180. There would be only about 1.4 ha (about 56 Small House sites) of land available within the subject “V”. The applications generally met 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 footprints fell within the village ‘environs’ of Tai Tong Wu Village and there was insufficient land to meet the Small House demand. The proposed Small House developments were not incompatible with the surrounding rural landscape character and adverse impacts were not anticipated. There were nine similar applications approved between 2002 and 2015 mainly on considerations that they generally met the Interim Criteria. There had not been any material change in the planning circumstances for the area since the approval of these similar applications.

47. Members had no question on the application.

Deliberation Session

48. After deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 22.5.2019, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

*(Applications No. A/NE-MUP/111 and 112)*

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

*(Applications No. A/NE-MUP/113 and 114)*

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

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

- “(a) 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 his/her inside services to the nearest suitable government water mains for connection and to 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 lot to WSD’s standards; and
  - (ii) the site is located within flood pumping gathering ground;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Consultants Management Division of his department has carried out sewerage works in Tai Tong Wu under Contract No. DC/2002/08 ‘Northeast New Territories Village Sewerage Phase 2’ but it has not covered the site;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access adjacent to the site is not maintained by HyD;
- (d) to note comments of the Director of Fire Services (D of FS) that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to follow the requirements as set out in the Practice Note for Professional

Persons (ProPECC PN) 5/93 published by the Environmental Protection Department on the design and construction of the septic tank and soakaway pit system for the proposed Small House; and

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

[Mr Lincoln L.H. Huang returned to join the meeting at this point and Mr John K.T. Lai left the meeting temporarily at this point.]

## **Agenda Item 21**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/115      Proposed House (New Territories Exempted House (NTEH) - Small House) in “Agriculture” zone, Lot 333 S.A in D.D 37, Man Uk Pin, Sha Tau Kok, New Territories  
(RNTPC Paper No. A/NE-MUP/115)

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### **Presentation and Question Sessions**

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

- (a) background to the application;

- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Except the Director of Agriculture, Fisheries and Conservation (DAFC) who did not support the applications, concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory public inspection period, three public comments were received. A North District Council (NDC) member supported the application as they would bring convenience to the villagers. The Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and agricultural land should be retained to safeguard local food supply; Small House should be developed within the “Village Type Development” (“V”) zone; no traffic, environmental, drainage and sewerage assessments had been submitted; and the setting of undesirable precedent for similar applications. The District Officer (North), Home Affairs Department had advised that the Chairman of Sha Tau Kok District Rural Committee and the Residential Representative (RR) of Man Uk Pin supported the application, while a NDC member and the Indigenous Inhabitant Representative of Man Uk Pin had no comment; and

[Mr John K.T. Lai returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application as the site had high potential for agricultural rehabilitation. However, there was insufficient land in

the “V” zone of Man Uk Pin Village to meet the demand of Small Houses. According to the District Lands Officer/North, Lands Department’s records, the outstanding Small House applications for Man Uk Pin Village was 104 while the 10-year Small House demand forecast was 380. There would be only about 3.35 ha (about 134 Small House sites) of land available within the subject “V”. The application generally met 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 footprints fell within the village ‘environs’ of Man Uk Pin Village and there was insufficient land to meet the Small House demand. The proposed Small House was not incompatible with the surrounding rural landscape character. There were 21 similar applications approved since the first promulgation of the Interim Criteria in 2000 mainly on considerations that they generally met the Interim Criteria. There had not been any material change in the planning circumstances for the area since the approval of these similar applications.

51. In response to the Chairman’s question, Mr Wallace W.K. Tang clarified that the subject application (A/NE-MUP/115) and applications No. A/NE-MUP/111 to 114 discussed in Agenda items 17 to 20 were located in different villages and fell within different statutory plans respectively.

#### Deliberation Session

52. 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 22.5.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB

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

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

- “(a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
  - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection and to 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 lot to WSD’s standards; and
  - (ii) the site is located within flood pumping gathering ground;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where public storm water drainage and public sewerage connection are not available;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the existing access near the site is not maintained by HyD;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD).

Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (e) to follow the requirements as set out in the Practice Note for Professional Persons (ProPECC PN) 5/93 published by the Environmental Protection Department on the design and construction of the septic tank and soakaway pit system for the proposed Small House; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

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

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

#### **Agenda Item 22**

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

[Open Meeting]

A/FSS/235                      Proposed Concrete Batching Factory in “Industrial” zone, No. 11 On  
Chuen Street, Fanling, New Territories  
(RNTPC Paper No. A/FSS/235)

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54.                      The Secretary reported that Masterplan Ltd. and Environ Hong Kong Ltd. (Environ) were consultants 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. Mr Fu had also current business dealings with Masterplan Ltd. 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.

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

55. The Committee noted that on 5.5.2015, the applicant had requested for deferment of the consideration of the applications for two months in order to allow time for preparation of further information to address the comments of government departments. This was the first time that the applicant requested for deferment of the application.

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

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

**Agenda Item 23**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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, New Territories (RNTPC Paper No. A/NE-KTS/364D)

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57. The Secretary reported that the application was submitted by the Hinying Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK) with Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) as 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, Environ, and MVA;   |
| Ms Janice W.M. Lai  | - having current business dealings with SHK and Environ;   |
| Ms Christina M. Lee | - being the Secretary-General of the Hong Kong Metropolitan Sports Event Association which had obtained sponsorship from SHK; and    |
| Dr W.K. Yau         | - being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK. |

58. Since the interests of Ms Janice W.M. Lai and Mr Ivan C.S. Fu were direct, the

Committee agreed that they should leave the meeting temporarily for this item. As the interests of Ms Christina M. Lee and Dr W.K. Yau were indirect, the Committee agreed that they could stay in the meeting.

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

### Presentation and Question Sessions

59. With the aid of a Powerpoint presentation, 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 highlighting that the site was the subject of a request for amendment (No. Y/NE-KTS/3) agreed by the Committee on 23.9.2011 to rezone from “Agriculture” (“AGR”) to “Comprehensive Development Area” (“CDA”) for development of 34 houses of 3-storey (including car park) with ancillary recreational facilities;
- (b) proposed houses;

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no adverse comment on the application;
- (d) during the statutory public inspection periods, a total of 883 public comments were received. 431 of the comments (including the North District Council (NDC) members, Village Representative of Kwu Tung (South), Designing Hong Kong Limited, villagers in Kwu Tung, and members of the public), with 401 comments in standard letters/forms, objected to the application on grounds on traffic, environmental, drainage, insufficient provision of community

facilities in the area, ecological, tree felling, and agricultural land aspects. There were 441 public comments submitted by the general public supporting the application on reasons of increasing housing supply, compatibility with the surrounding, causing no adverse impacts, and improving the living environment, while 11 comments offering views on the application regarding road improvement, drainage, and gas safety aspects. The District Officer (North) had advised that a NDC member, Indigenous Inhabitant Representatives of Hang Tau, the Resident Representatives of Hang Tau and Kwu Tung (South) objected to the application on traffic, environmental, drainage, ecological, and agricultural grounds; 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. A previous rezoning application No. Y/NE-KTS/3 was agreed by the Committee. The site was subsequently rezoned from “AGR” to “CDA” subject to a maximum plot ratio of 0.4, site coverage of 25% and building height of 3 storeys including car park. The proposed development was generally in line with the planning intention of the “CDA” zone and complies with the development restrictions for the subject “CDA” zone on the Outline Zoning Plan (OZP). The applicant had provided setback of the site boundary from Hang Tau Road to allow possible future widening of Hang Tau Road. Approval condition on compensatory planting areas was recommended for the loss of the mitigation woodland under the Rural Drainage Rehabilitation Scheme for River Beas. Similar applications for proposed residential development within the “CDA” zone had been approved. Regarding public comments on environmental, traffic, drainage, ecological, agricultural and gas safety issues, the applicant had submitted technical assessments and the concerned departments have no adverse comment nor objection the application.

60. In response to the Chairman's question, Mr Kevin C.P. Ng said that the land to the west of the site adjoining the river bank of River Beas was currently zoned “AGR” comprising

both government land and private land.

### Deliberation Session

61. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 22.5.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan (MLP) to incorporate the approval conditions as stated in paragraphs (b) to (g) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of tree preservation proposal and Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of vehicular access, parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of a revised Drainage Impact Assessment and the implementation of the drainage proposal and other necessary flood relief measures identified therein to be satisfaction of the Director of Drainage Services or of the TPB;
- (e) the design and provision of the connection from the proposed development to the public sewerage system to the satisfaction of the Director of Drainage Services or of the TPB;

- (f) the submission and implementation of proposals for water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (g) the submission and implementation of proposal of compensatory planting areas for the loss of the mitigation woodland under the Rural Drainage Rehabilitation Scheme for River Beas to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.”

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

- “(a) the approved MLP, together with the set of approval conditions, will be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;
- (b) the approval of the application does not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and major changes to the current scheme are required, a fresh planning application to the TPB may be required;
- (c) to note the comments of the District Lands Officer/North, Lands Department that his department acting in the capacity as landlord will consider the land exchange application which, if approved, will be subject to such terms and conditions, as considered appropriate including the payment of premium and

administrative fee. There is no guarantee that the government land involved will be granted, the surrender of lots outside the site will be accepted, nor the land exchange application will be approved;

- (d) to note the comments of the Commissioner for Transport that if shuttle bus service after completion of the development is proposed, the approval of the planning application should not be taken as an agreement or approval of the application for shuttle bus service as there are established procedures for bus operation applications;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows:
  - (i) presumably the site abuts on a specified street of not less than 4.5m wide, and as such, the development intensity shall not exceed the permissible as stipulated under the First Schedule of the Building (Planning) Regulations (B(P)Rs);
  - (ii) before any new building works are to be carried out, the prior approval and consent of his department should be obtained, otherwise they are Unauthorized Building Works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
  - (iii) in connection with (ii) above, the site/building(s) shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the B(P)Rs respectively;
  - (iv) the sustainable building design requirements and pre-requisites under Practice Note for Authorized Persons and Registered Structural

Engineers (PNAP) APP 151 and 152 for GFA concessions would be applicable to the development in the subject site. In this connection, any non-mandatory or non-essential plant rooms of the development may not be accountable for GFA under the BO subject to their compliance with the above PNAPs. Besides, any covered car parks may also be accountable for GFA under the BO subject to their compliance with PNAP APP 2;

- (v) in view of the size of the site, area of any internal streets/roads required under section 16(1)(p) of the BO should be deducted from the site area for the purpose of plot ratio and site coverage calculations under the BO;
  - (vi) provision of prescribed windows of all habitable rooms should comply with B(P)R 30, 31 and 32;
  - (vii) the proposed noise barriers along Hang Tau Road should comply with the building set back and building separation requirements of the Sustainable Building Design Guidelines as set out in PNAP APP-152;
  - (viii) detailed consideration will be made at the building plan submission stage; and
  - (ix) in accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included;
- (f) to note the comments of the Director of Environmental Protection as follows:
- (i) to incorporate the amendment pages of the Environmental Assessment (EA) into the EA report for possible disclosure in the future; and

- (ii) to follow his department's Professional Persons Environmental Consultative Committee Practice Note (ProPECC PN) 1/94 and the Water Pollution Control Ordinance requirements during the implementation of the proposed development;
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
  - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The connection point should be suitably designed such that it will not affect the water supply system in the area and the developer may be required to construct suitable cistern to stagger the draw-off pattern. The applicant should submit all the relevant proposal to his department for consideration and agreement before the works commence. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
  - (ii) the site is located within the flood pumping gathering ground;
- (h) to note the comments of the Director of Fire Services as follows:
  - (i) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
  - (ii) detailed fire safety requirements will be formulated upon receipt of

formal submission of general building plans;

(i) to note the comments of the Director of Agriculture, Fisheries and Conservation that his department will consider to take up the vegetation maintenance of the two compensatory planting areas subject to the followings:

(i) the compensatory planting areas are on unleased and unallocated government land;

(ii) the proposed development is approved by all relevant authorities;

(iii) the plantings are well-established and up to his satisfaction in terms of species composition, design and health and structural conditions of the plants; and

(iv) his department will only take up vegetation maintenance of the compensatory planting areas;

(j) to note the comments of the Director of Leisure and Cultural Services that for any roadside amenity or vegetation which will be handed over to his department for future maintenance according to Environment, Transport and Works Bureau Technical Circular (Works) (ETWB TC(W)) 2/2004 under the project, prior consent from his department should be sought well in advance; and

(k) to note the comment of the Director of Electrical and Mechanical Services as follows:

the applicant should approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in

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

- (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary;
- (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier 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
- (iv) there is a high pressure town gas pipeline running along Kam Hang Road and Kwu Tung Road. The applicant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/gas installations if any excavation work is required during the design and construction stages of the development. The applicant shall also note the requirements of the Electrical and Mechanical Services Department’s Code of Practice on Avoiding Danger from Gas Pipes.”

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

## **Agenda Item 24**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/462      Renewal of Planning Approval for Temporary Open Storage of Construction Machinery, Private Vehicles and Vehicle Parts for a Period of 3 Years in “Residential (Group D)” zone, Lots 629 S.T, 629 S.U, 630 S.B ss.16 and 630 S.B ss.17 in D.D. 110, Shek Kong San Tsuen, Kam Tin Road, Kam Tin, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-KTN/462)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of construction machinery, private vehicles and vehicle parts 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 did not support the application as there were residential dwellings located to the immediate north and east of the site (about 10m away) and environmental nuisances were expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) During the first three weeks of the statutory public inspection period, one public comment from local villagers raising concern on the open storage/storage yards in the area was received; 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 as detailed in paragraph 12 of the Paper. As there was no known development project at the site, temporary approval would not frustrate the long-term planning intention. The development was not incompatible with the surrounding areas which were mainly rural in character intermixed with open storage/storage yards, residential structures, workshops and the Shek Kong Barracks. The application was in line with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' and No. 34B for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' in that previous approval for the same use was granted and approval conditions had been complied with. There was also no adverse comment from concerned departments.

64. Members had no question on the application.

#### Deliberation Session

65. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years, and be renewed from 6.6.2015 until 5.6.2018, 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 9:30 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (d) no stacking of vehicles or vehicle parts above 2.5m should be carried out on the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the existing run-in should be maintained at all times during the planning approval period;
- (g) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (h) the drainage facilities implemented on the site under application No. A/YL-KTN/381 shall be maintained at all times during the planning approval period;
- (i) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.9.2015;
- (j) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.7.2015;

- (k) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.12.2015;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.3.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

66. 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) 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 abutting Kam Tin Road via government land (GL). LandsD provides no maintenance works for the GL involved and does not guarantee any right-of-way. The private land of Lots No. 629 S.T and 629 S.U in D.D. 110 are covered by a Short Term Waiver to permit structures for the purpose of “Use Ancillary to Temporary Open Storage of Construction Machinery, Private Vehicles and Vehicle Parts”. The lot owners concerned

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

- (c) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should maintain the run in/out at the access point at Kam Tin Road in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement;
- (d) adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (e) note the comments of the Director of Agriculture, Fisheries and Conservation that some trees are observed at the edge of/adjacent to the site and the applicant should prevent damaging these trees during operation as far as practicable;
- (f) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should inform the Planning Department if the drainage arrangement is changed;
- (g) note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are

anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The Good Practice Guidelines for Open Storage Sites in Appendix VI of the Paper should be adhered to. To address the approval condition on provision of the fire extinguisher, the applicant should submit a valid fire certificate (FS 251) to his department for approval. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and 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 BD should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. 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.”

## **Agenda Item 25**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/664 Proposed Temporary Open Storage of Private Cars (Including New Right-hand Drive and Second Hand Cars) for Sale for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lot 545 in D.D. 106, Tung Wui Road, Kam Tin, Yuen Long, New Territories (RNTPC Paper No. A/YL-KTS/664)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary open storage of private cars (including new right-hand drive and second hand cars) for sale 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 residential dwellings/structures located to the southeast and in the vicinity of the site and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, one public

comment was received from a local villager raising objection mainly for the reasons that there were similar open storage uses in the vicinity; the proposed development would cause nuisance to the villagers; and the site should be reserved for recreational facilities for local villagers; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper. The proposed development was considered not in line with the planning intention of “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone. No strong planning justification was given in the submission for a departure from the planning intention, even on a temporary basis. The proposed development was not compatible with the surrounding environment which was predominantly rural in character, mixed with residential structures/dwellings, vacant land, storage and open storage uses and agricultural land. The application did not comply with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) in that there was no previous approval for open storage use at the site, and there was adverse departmental comment and local objection against the application. Approval of the application would set an undesirable precedent for similar uses to proliferate in this part of the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural character of the area.

68. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which is for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Town Planning Board, with a view to upgrading or improving the area or providing support to the local communities. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with Town Planning Board Guidelines No. 13E in that there is no previous approval for open storage use granted at the site and there are adverse departmental comment on and local objection to the application; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural character of the area.”

**Agenda Item 26**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/665      Temporary Open Storage of Vehicles and Vehicle Parts with Ancillary Office for a Period of 3 Years in “Residential (Group D)” zone, Lots 703, 704 S.B RP and 705 S.B RP in D.D. 106, Kam Tin, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-KTS/665)

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Presentation and Question Sessions

70. 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 highlighting planning permission (No. A/YL-KTS/563) for similar use at the site lapsed on 18.5.2015;
- (b) temporary open storage of vehicles and vehicle parts 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 residential dwellings/structures located to the north and west (about 30m away) and in the vicinity of the site and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) 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. Temporary planning permission for three years would not frustrate the planning intention of the “Residential (Group D)” (“R(D)”) zone. The development was not incompatible with the surrounding areas which were mixed with open storage yards, residential dwellings/structures, vacant/unused land, barracks and sewage treatment works. The application was in line with Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) as it was to continue the use

approved under the last application. As there was no major change in planning circumstances and approval conditions had been complied with, sympathetic consideration could be given. While DEP did not support the application, there was no environmental complaint received over the past three years. To address DEP's concern on the possible nuisance, approval conditions restricting operation hours and prohibiting medium/heavy goods vehicles or container trailers/tractors and dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended.

71. Members had no question on the application.

#### Deliberation Session

72. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;

- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the maintenance of all landscape plantings within the site at all times during the planning approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a 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 22.8.2015;
- (i) 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 3.7.2015;
- (j) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (h), (i), (j) or (k) is not complied with

by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

73. 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 issues relating to the development with the concerned owner(s) of the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) note the comment 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 to Shek Kong Airfield Road via government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structure will not exceed the relevant airfield height limit within the SKAHRA. The lot owner concerned will need to apply to his office to permit any structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (e) adopt environmental mitigation measures as set out in the “Code of Practice

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

- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that if the proposed access arrangement is agreed by the Transport Department, the applicant should construct a run-in/out at the access point at Shek Kong Airfield Road in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. HyD is/shall be not responsible for the maintenance of vehicular access connecting the site and Shek Kong Airfield Road. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (g) note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant is advised to make reference to the requirements in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant is required to provide justifications to his department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;
- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and

should not be designated for any use under the 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 the Building Authority (BA) should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, the site shall provide 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 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-site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the (B(P)R) at the building plan submission stage; and

- (i) note the comments of the Director of Agriculture, Fisheries and Conservation that there is an ecological mitigation planting area (Plan A-2 of the Paper) between the site and Kam Shui North Road. The applicant should be advised to adopt necessary measures to prevent damaging the trees and understory vegetation adjacent to the southwest boundary of the site.”

**Agenda Item 27**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/207            Temporary Vehicle Repair Workshop for a Period of 3 Years in  
“Village Type Development” zone, Lot 333 RP in D.D. 112, Lin Fa  
Tei, Kam Sheung Road, Pat Heung, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-SK/207)

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Presentation and Question Sessions

74.            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 vehicle repair workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Major departmental comments were summarised below:
  - (i) the Director of Environmental Protection (DEP) did not support the application as there were residential dwellings/structures located to the southeast (about 30m away) and in the vicinity of the site and environmental nuisance was expected;
  - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation to the application. The surrounding area was predominantly rural in character dominated by village houses and fallow agricultural land, approval would set an undesirable precedent resulting in piecemeal development and

destroying the rural village setting. The site was small with no scope for additional landscaping within the site;

- (iii) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) required drainage proposal to be submitted and implemented; and
  - (iv) other concerned departments had no objection 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 did not support the application based on the assessments as detailed in paragraph 11 of the Paper. The development was not in line with the planning intention of the “Village Type Development” (“V”) zone, no strong planning justification had been given for a departure from the planning intention, even on a temporary basis. The development involving workshop activities was located amidst a high concentration of village houses and residential structures/dwellings and was not compatible with the rural and residential neighbourhood, and would likely cause nuisance to the nearby residents. As such, DEP did not support the application. The applicant failed to demonstrate that the development would not cause adverse environmental and drainage impacts. The application was not subject to any previous application, approval would set an undesirable precedent for similar uses to proliferate in the “V” zone resulting in a general degradation of the area.

75. Members had no question on the application.

## Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Village Type Development” (“V”) zone on the Outline Zoning Plan, which is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The development involving workshop activities is incompatible with the rural and residential neighbourhood. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate in the submission that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would result in piecemeal development and a general degradation of the environment of the area.”

**Agenda Item 28**

Section 16 Application

[Open Meeting]

A/YL-NSW/236      Proposed Social Welfare Facility (Day Activity Centre) in  
“Undetermined” zone, Former Small Traders New Village Public  
School in D.D. 115, Small Traders New Village, Nam Sang Wai, Yuen  
Long, New Territories  
(RNTPC Paper No. A/YL-NSW/236)

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77.            The Committee noted that on 13.5.2015, the applicant had requested for deferment of the consideration of the applications for two months in order to allow time to for preparation of further information to address the comments of the Social Welfare Department. This was the first time that the applicant requested for deferment of the application.

78.            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 29**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/318      Temporary Fish Farming for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 961 (Part), 962 (Part), 963, 956 (Part) and 4469 RP (Part) in D.D. 104 and Adjoining Government Land, Ngau Tam Mei Road, Ngau Tam Mei, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-NTM/318)

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Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was covered by a valid approval (Application no. A/YL-NTM/277) which had a smaller site area. The additional area was for new fish tanks and storage use;
- (b) temporary fish farming for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and 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 as detailed in paragraph 12 of the Paper. Although the fish farming was not in line with the planning intention of “Comprehensive Development Area” (“CDA”) zone, temporary use for three years at the site would not jeopardize the long-term planning intention as there was no development proposal for the site. The development was not incompatible with the surrounding area which was predominantly vacant land, planting and agricultural sites, and residential dwellings. Concerned departments had no adverse comment on the application.

80. Members had no question on the application.

#### Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (b) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;
- (c) in relation to (b) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2016;
- (d) 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 22.11.2015;

- (e) in relation to (d) above, the implementation of a drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.2.2016;
- (f) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning conditions (b), (c), (d) or (e) 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) no permission is given for occupation of government land (GL) (about 2,900m<sup>2</sup>/subject to verification) included in the site. The fact that the act of occupation of GL without Government’s prior approval should not encouraged. The site is accessible to Ngau Tam Mei Road through private land and GL. His office provides no maintenance work for the GL involved and do not guarantee any right-of-way. The lots 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 the Lands Department (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;
- (b) note the comments of the Director of Agriculture, Fisheries and Conservation

that the southern part of the development under application is adjoining a planting site along Ngau Tam Mei Channel established for ecological mitigation. The applicant should prevent encroaching on the planting site or disturbing the vegetation therein. Besides, the site is adjacent to an abandoned meander, the applicant should also prevent polluting the meander during operation;

- (c) note the comments of the Director of Fire Services that the applicant is to submit relevant layout plans incorporated with the proposed fire service installations (FSI) for his approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (d) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD, they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under the BO. The site shall be provided with means of obtaining access

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

- (e) note the comments of 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. (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.”

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

**Agenda Item 30**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/463            Temporary Public Vehicle Park (For Private Cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses Only) with Ancillary Facilities (Including a Refreshment Kiosk) for a Period of 3 Years in “Undetermined” zone, Lot 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-ST/463)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary public vehicle park (for private cars and Lok Ma Chau - Huanggang Cross Boundary Shuttle Buses only) with ancillary facilities (including a refreshment kiosk) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and 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 as detailed in paragraph 12 of the Paper. Development on a temporary basis would not frustrate the long-term use. The development was not incompatible with the surrounding uses which were existing roads, cross-boundary traffic service station and vehicle parks. Adverse impacts on the surrounding areas were not anticipated. While the site fell within the Wetland Buffer Area (WBA), the Director of Agriculture, Fisheries and Conservation (DAFC) had no adverse comment on the application as the site was paved and disturbed. Other technical concerns of government departments could be addressed by approval conditions.

84. Members had no question on the application.

#### Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) the setting back of the western boundary of the site at least 1.5m from the centerline of the existing 150mm diameter water mains at all time during the planning approval period;
- (b) 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;
- (c) only private cars as defined in the Road Traffic Ordinance and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses are allowed to be parked on the site at all time during the planning approval period;

- (d) a notice should be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance and Lok Ma Chau – Huanggang Cross Boundary Shuttle Buses are allowed to be parked on the site at all time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) the maintenance of the paving on the site at all times during the planning approval period;
- (g) the maintenance of the buffer area within the site fronting Castle Peak Road – Chau Tau as proposed by the applicant to avoid queuing on Castle Peak Road - Chau Tau at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of an as-built drainage plan and photographic records 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 22.8.2015;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;
- (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 22.2.2016;

- (l) the submission of 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 22.11.2015;
- (m) in relation to (l), the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.2.2016;
- (n) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2015;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon 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.”

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

- “ (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) the permission is given to the development/use(s) and structure(s) under

application. It does not condone any other development/use(s) and structure(s) which currently occur(s) on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use(s) and remove the structure(s) not covered by the permission;

- (c) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (d) to note the comment of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises an Old Schedule Agricultural Lot held under the Block Government Lease under which no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of government land (GL) (about 8,708m<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 to Castle Peak Road – San Tin through GL. His office provides no maintenance work for the GL involved and do not guarantee any right-of-way. The lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Besides, Short Term Tenancy application for occupation of GL is required. 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 the payment of premium or fee, as may be imposed by LandsD;

- (e) to note the comment of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – Chau Tau. There is GL along the western and northern boundaries of the site which may be used by the applicant from time to time and LandsD has requested the applicant to provide permanent fencing such as chain-link fencing with a pedestrian gate to fence off the GL while allowing government staff to pass through for maintenance works. Such request from LandsD is supported provided that fencing will not cause obstruction to the access of the slope No. 2SE-B/F87 by his staff and contractor to carry out routine inspection and maintenance works;
  
- (f) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD that the site would fall within the area of influence of the proposed Northern Link (NOL). Although the programme and the alignment of the proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL. The applicant shall be reminded of the above when planning its land use application;
  
- (g) to note the comment of the Director of Environmental Protection (DEP) that all wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
  
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed

should be clearly marked on the layout plans;

- (i) to note the comment of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including offices, shops and store rooms as temporary buildings) are to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of 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;
  
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that all the drainage facilities should be maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during the planning approval period. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the

flooding risk of the adjacent areas. No public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant is reminded that the drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL regarding all the drainage works outside the site boundary in order to ensure the unobstructed discharge from the site in future;

- (k) to note the comment of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains will be affected. A 3m wide waterworks reserve within 1.5 meters from centreline of the water mains shown in the enclosed plan shall be provided to WSD. The developer shall bear the cost of any necessary diversion works affected by the proposed development. No structures shall be erected over this waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (l) to note the comments of the Director of Food and Environmental Hygiene that no Food and Environmental Hygiene Department's facilities will be affected. The works shall not cause any environment nuisance to the surrounding and a proper food licence that issued by his department is necessary if any class of food business is open to public; and
- (m) 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 impacts on the surrounding areas.”

**Agenda Item 31**

Section 16 Application

[Open Meeting]

A/YL-ST/464            Temporary Car Park (For Private Cars Only) for a Period of 3 Years in “Village Type Development” zone, Government Land (Adjoining Lot 3045 RP in D.D. 102), San Tin, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-ST/464)

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87.            The Committee noted that on 8.5.2015, the applicant had requested for deferment of the consideration of the applications for two months in order to allow time for preparation of further information to address the comments of the Commissioner for Transport. This was the first time that the applicant requested for deferment of the application.

88.            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 32**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/465            Temporary Cargo Handling and Forwarding Facilities and Open Storage of Containers with Vehicle Repair Workshop for a Period of 3 Years in “Residential (Group D)” zone, Lots 204 RP (Part), 205, 206 RP (Part), 207 to 209, 210 (Part), 211 (Part), 212(Part), 213 RP, 214 RP (Part), 215 RP (Part), 353 (Part), 354 (Part), 355 (Part), 356(Part), 357 (Part), 358 (Part), 359 (Part) and 360 in D.D.105 and Adjoining Government Land, San Tin, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-ST/465)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary cargo handling and forwarding facilities and open storage of containers with vehicle repair workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and 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 as detailed in paragraph 12 of the Paper. Approval on a temporary basis would not frustrate the long-term planning intention. The development was not incompatible with the surrounding land uses, comprising mainly open storage yards, vehicle parks and workshops. The application was in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (‘TPB PG-No. 13E’) in that the site fell within the Category 2 areas, with no adverse departmental comments and no environmental complaint received; and was the subject of previous approval. While the site fell within the Wetland Buffer Area (WBA), the Director of Agriculture, Fisheries and Conservation (DAFC) and other concerned departments had no adverse comment on the application. As the last approval (application No. A/YL/ST/414) was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance.

90. Members had no question on the application.

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

#### Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, 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 Sunday and public holiday, as proposed by the applicant, is

allowed on the site during the planning approval period;

- (c) the containers stacked within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 8 units at all time during the planning approval period;
- (e) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (f) a vehicular access/run-in between the site and Castle Peak Road – San Tin shall be maintained at all times during the planning approval period;
- (g) no reversing in or out from the site is allowed at any times during the planning approval period;
- (h) the maintenance of the buffer area within the site fronting Castle Peak Road – San Tin to avoid queuing on Castle Peak Road - San Tin at all times during the planning approval period;
- (i) the existing trees on the site shall be maintained at all times during the approval period;
- (j) the drainage facilities on the site shall be maintained at all times during the planning approval period;
- (k) the submission of an as-built drainage plan and photographic records 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 22.8.2015;

- (l) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 3.7.2015;
- (m) 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 22.8.2015;
- (n) in relation to (m) above, the implementation of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (p) if any of the above planning conditions (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) shorter compliance periods are granted in order to monitor the compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;

- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) to resolve any land issues relating to the temporary development with the concerned owner(s) of the site;
- (d) the permission is given to the development/uses 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 the structures not covered by the permission;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/Y, LandsD) that the site comprises an Old Schedule Agricultural Lot held under the Block Government Lease under which no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of government land (GL) (about 957m<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 to Castle Peak Road – San Tin through GL. His office provides no maintenance work for the GL involved and do not guarantee any right-of-way. The lot owners 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 said GL portion. Such application(s) will be considered by the LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including the payment of premium or fee, as may be imposed by LandsD;

- (f) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that if the proposed run-in is agreed by the Commissioner of Transport, the applicant should construct a run in/out at the access point at public 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. HyD is not and shall not be responsible for the maintenance of any access connecting the site and Castle Peak Road – San Tin. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (g) to note the comments of Director of Environmental Protection (DEP) that all wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and (iii) good practice guidelines for open storage. 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;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in

a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including offices, shops and store rooms as temporary buildings) are to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of 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;

- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that all the drainage facilities should be maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during the planning approval period. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant is reminded that the drainage works as well as the site boundary should not cause encroachment

upon areas outside his jurisdiction. The applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future;

- (k) to note the comments of the Commissioner of Police that there shall be no activity whatsoever associated with parallel trading conducted on site;
- (l) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the BO. The applicant should obtain the BA's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation; and
- (m) 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 impacts on the surrounding areas."

[The Chairman thanked Mr Kevin C.P. Ng, Mr Kepler S.Y. Yuen and Mr K.T. Ng, STPs/FSYLE, for their attendance to answer Members' enquires. They left the meeting at this point.]

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

[Ms Anita W.T. Ma and Dr C.P. Lau left the meeting temporarily at this point.]

**Tuen Mun and Yuen Long West District**

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

**Agenda Item 33**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/479            Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” zone, Lots 390 (Part), 391, 392, 394 (Part), 395 (Part), 403 RP (Part) in D.D. 122 and adjoining Government land, Ping Shan, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-PS/479)

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**Presentation and Question Sessions**

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

- (a) background to the application highlighting the site had a valid permission (Application No. A/YL-PS/382) until 15.6.2015 and a fresh application was submitted to increase the site area of 82 m<sup>2</sup> for 4 parking spaces;
- (b) temporary public vehicle park (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no

adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and 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 as detailed in paragraph 11 of the Paper. The development could serve the parking demand of residents in nearby villages. There was no Small House application at the site and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Village Type Development” (“V”) zone. The development was not incompatible with the surrounding areas mixed with vehicles park/storage yard and residential dwellings/structures. Technical concerns of the government departments could be addressed by imposing approval conditions.

94. Members had no question on the application.

#### Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, 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 and light goods vehicles as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;

- (c) a notice shall be posted at a prominent location of the site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) a notice shall be posted at a prominent location of the site to remind drivers on pedestrian safety on the access road to the site at all times during the planning approval period;
- (f) 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;
- (g) the paving on the site shall be maintained at all times during the planning approval period;
- (h) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (i) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of condition record of the drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.8.2015;
- (k) the submission of a fire service installations proposal within 6 months from

the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;

- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2016;
- (m) the implementation of accepted landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (o) if any of the above planning conditions (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.”

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

- “ (a) to resolve any land issues relating to the development with other owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department’s (LandsD) that the site comprises of 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 from the Government. Lots 390 and 392 in D.D. 122 are covered by Short Term Waivers which permit structures erected thereon for the purpose of ancillary

use to public vehicle park for private cars and light goods vehicles. No permission is given for occupation of government land (GL) (about 5m<sup>2</sup> subject to verification) included in the site. The site is accessible through an informal track on the GL and private land extended from Tsui Sing Road. His Office provides no maintenance work for the track and does not guarantee any right-of-way. The lot owner(s) will need to apply to his Office to permit 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 LandD;

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

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

- (d) to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize the potential environmental impact on the surrounding area;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that sufficient manoeuvring spaces shall be provided within the site;
- (f) 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;
- (g) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) that no excavation works shall be conducted at the site without prior written consent from AMO, LCSD; and
- (h) to note the comments of the Director of Food and Environmental Hygiene that no sanitary nuisance shall be created by the concerned activities or uses.”

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

**Agenda Item 34**

Section 12A Application

[Open Meeting]

Y/TM/16                      Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/32 to rezone the site from “Comprehensive Development Area” to “Comprehensive Development Area (3)”, Lots 398 RP, 406 RP, 407, 408 RP, 409, 410 RP, 411 RP, 412 S.B, 412 RP, 413, 442 RP, 443 RP, 444, 445 S.A, 445 RP, 446 S.A, 446 RP, 447, 448, 449, 450, 451, 453 (Part), 454, 455, 456, 457, 458, 459 (Part), 462 (Part), 464 RP, 466 RP, in D.D. 374 and Lots 248 RP, 249 S.A RP, 249 S.B, 250 RP, 251, 253 (Part), 255 RP (Part) in D.D. 375 and Adjoining Government Land at Area 56, So Kwun Wat, Tuen Mun, New Territories  
(RNTPC Paper No. Y/TM/16)

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97.                      The Secretary reported that the application was submitted by the Fill Year Limited, which was a subsidiary of Sun Hung Kai Properties (SHK) with Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) as 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, Environ and MVA;
  
- Ms Janice W.M. Lai                      - having current business dealings with SHK and Environ;
  
- Ms Christina M. Lee                      - being the Secretary-General of the Hong Kong Metropolitan Sports Event Association which had obtained sponsorship from SHK; and

Dr W.K. Yau

- being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK.

98. As the applicant had requested for deferment of consideration of the application, the Committee agreed that the above Members could stay in the meeting. As the interests of Mr Ivan C.S. Fu and Ms Janice W.M. Lai were direct, the Committee agreed that they should refrain from participating in the discussion.

99. The Committee noted that on 13.5.2015, the applicant had requested for deferment of the consideration of the applications for two months in order to allow time for preparation of further information to address the comments of the Transport Department on traffic assessment. This was the second time that the applicant requested for deferment of the application.

100. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 of two months were allowed for preparation of the submission of the further information. Since this was a second deferment, a total of four months had been allowed 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/TM/469                      Proposed Holiday Camp in “Recreation” zone, Lot 33 RP in D.D.300,  
Area 45, Tuen Mun, New Territories  
(RNTPC Paper No. A/TM/469A)

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Presentation and Question Sessions

101.            The Secretary reported that Environ Hong Kong Ltd. (Environ) and ADI Ltd. (ADI) are the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they were having current business dealings with Environ and ADI. The Committee noted that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had no involvement in the application, and agreed that they should be allowed to stay in the meeting.

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

- (a) background to the application highlighting the site was the subject of a s.12A application (No. Y/TM/11) for rezoning from “Green Belt” (“GB”) and “Other Specified Uses” annotated “Public Recreation and Sports Centre” to “Recreation” (“REC”) which was partially agreed by the Committee on 5.4.2013. To ensure adequate statutory planning control on building and landscape designs, ‘Holiday Camp’ use would be put under Column 2 of the “REC” zone requiring planning permission;

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

- (b) proposed holiday camp;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or 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 (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The proposed public holiday camp was considered generally in line with the planning intention of the “REC” zone and complementary to the public recreational facilities in the area. There was no adverse departmental comment and technical concerns of government departments could be addressed by approval conditions.

103. Members had no question on the application.

#### Deliberation Session

104. 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 22.5.2019, 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 the management plan and operational plan for the vehicles and pedestrians of the holiday camp for passing the horse trail to the proposed holiday camp to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;

- (b) the submission and implementation of tree preservation and landscape proposals including the tree felling and compensation planting proposal in connection with the implementation of the proposed access road to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of an ecological report and the implementation of mitigation measures identified to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (d) the submission of Drainage Impact Assessment and the implementation of mitigation measures identified to the satisfaction of the Director of Drainage Services or of the TPB; and
- (e) the submission and implementation of fire services installations, water supplies for fire fighting and emergency vehicular access (EVA) to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh s.16 planning application to the TPB may be required;
- (b) to note the comments of the District Lands Officer/Tuen Mun, LandsD that

the proposed access road is on government land and will affect and traverse the existing Leisure and Cultural Services Department's (LCSD) horse trail in connection with the use of LCSD's public horse-riding centre (held under a permanent government land allocation GLA-TM296); the applicant has to ensure that all floor areas which are GFA and site coverage accountable have been taken into account in the planning application; and should the lot owner intend to implement the holiday camp development, the lot owner will need to apply to LandsD for a lease modification/land exchange for the proposed holiday camp development. The proposal will only be considered upon receipt of formal application from the lot owner. There is no guarantee that the application, if received by LandsD, will be approved, and LandsD reserves his comments on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of premium and administrative fee. Furthermore, details of the proposed access road would be considered during the processing of the lease modification / land exchange application stage;

- (c) to note the comments of the Director of Leisure and Cultural Services (DLCS) that the project proponent should inform and consult with the Hong Kong Jockey Club (HKJC), the existing tenant and operator of the Tuen Mun Public Riding School (TMPRS), on any plan relevant to and / or interfacing with the existing horse trail of the school. All design and information interrelating to the horse trail of TMPRS and all relevant correspondences of the project proponent with HKJC should be copied to LCSD for information. Should the proposed project be taken place, the project proponent should be obliged to bear the safety of all vehicles and pedestrians for passing the horse trail of TMRS for going to the proposed holiday camp. LCSD and HKJC shall not be responsible for the damage of any vehicle and injury of pedestrian using and passing the horse trail of TMPRS. The project proponent should also

possess valid third party insurance to protect LCSD and HKJC against any potential claims that may happen on the part of vehicular access intersected with the horse trail of LCSD;

(d) to note the comments of the Chief Building Surveyor/New Territories West, BD that:

- (i) the provision of lighting & ventilation of rooms used or intended to be used for habitation or as kitchen and rooms containing soil fitments shall comply with the requirements stipulated under Building (Planning) Regulations (B(P)R) 30 & 36;
- (ii) the width of an EVA in the form of a carriageway should not be less than 7.3m. An EVA that is not in the form of a carriageway should be hard-paved, not less than 6m wide. B(P)R 41D refers;
- (iii) before any new building works are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
- (iv) 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;
- (v) 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;

- (vi) in connection with (iv) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the B(P)Rs respectively;
  - (vii) 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
  - (viii) detailed comments under the BO, including comments on EVA, will be provided at the building plan submission stage;
- (e) to note the comments of the Director of Environmental Protection that the applicant is reminded to obtain the relevant license under Water Pollution Control Ordinance for operating this proposed sewerage treatment and disposal system;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the ecological condition of the surrounding area, such as presence of other plant groups, fauna groups, and species of conservation interest (if any), should be addressed in the detailed design stage. Any adverse impacts on the ecological resources should be identified and mitigated by effective measures. Furthermore, any additional works area / access / slope stabilisation works should be taken into consideration while the applicant to carry out impact assessment;
- (g) to note the comments of the Head of the Geotechnical Engineering Office,

Civil Engineering and Development Department that the stability of existing slopes and retaining walls affecting and being affected by the proposed development will be assessed in conjunction with the site formation and foundation design during the detailed design stage. In addition, the Natural Terrain Hazard Studies report, as recommended in the Geotechnical Planning Review Report, should be submitted in conjunction with the development proposal to the BA for approval;

- (h) to note the comments of the Director of Fire Services that the EVA shall comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which is administrated by BD;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water to the development, the inside services should be extended to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for construction, operation and maintenance of the inside services within the private lots to the WSD's standards;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that:
  - (i) tree planting opportunity at western site boundary is available to enhance the landscape buffer especially for the horse trail users; and
  - (ii) outdoor play equipment and facilities should be provided to enhance the amenity value of the camp site;
- (k) to note the comments of Chief Officer (Licensing Authority), Office of the Licensing Authority, Home Affairs Department (CO, OLA/HAD) that:

- (i) a copy of the occupation permit for the proposed development should be submitted when making application under the Hotel and Guesthouse Accommodation Ordinance (HAGAO);
  - (ii) the proposed licence area should be physically connected with roads / streets and accessible;
  - (iii) the fire safety installation requirements for Institutional Building of the Codes of Practice for Minimum Fire Services Installations and Equipment should be observed; and
  - (iv) the licensing requirements will be formulated after inspections by his Building Safety Unit and Fire Safety Team upon receipt of an application under the HAGAO;
- (l) to note the comments of the Director of Food and Environmental Hygiene that the proprietor of the proposed holiday camp has to apply for the food business licence or permit if the proprietor intends to carry on food business or sale of restricted foods according to the Food Business Regulation made under the Public Health and Municipal Services Ordinance;
- (m) to note the comments of the Antiquities and Monuments Office (AMO), LCSD that the applicant should inform AMO in case of discovery of antiquities or supposed antiquities in the course of construction work; and
- (n) to note the comments of the Director of Electrical and Mechanical Services that:

the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the

vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, 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 PlanD, prior consultation and arrangement with the electricity supplier is necessary;
- (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity to 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 the applicant’s contractors when carrying out works in the vicinity of the electricity supply lines.”

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

**Agenda Item 36**

Section 16 Application

[Open Meeting]

A/TSW/61                      Proposed Comprehensive Residential and Commercial Development with Flat, Eating Place, Shop and Services and Public Vehicle Park in “Comprehensive Development Area” zone, Tin Shui Wai Planning Area 112 (Tin Shui Wai Town Lot 33) , New Territories  
(RNTPC Paper No. A/TSW/61)

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106.            The Secretary reported that the application was submitted by the Jet Group Limited, which was a subsidiary of Sun Hung Kai Properties (SHK) with Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) as 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, Environ and MVA;  |
| Ms Janice W.M. Lai  | - having current business dealings with SHK and Environ;   |
| Ms Christina M. Lee | - being the Secretary-General of the Hong Kong Metropolitan Sports Event Association which had obtained sponsorship from SHK; and    |
| Dr W.K. Yau         | - being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK. |

107.            As the applicant had requested for deferment of consideration of the application, the Committee agreed that the above Members could stay in the meeting. As the interests of Mr

Ivan C.S. Fu and Ms Janice W.M. Lai were direct, the Committee agreed that they should refrain from participating in the discussion.

108. The Committee noted that on 8.5.2015, the applicant had requested for deferment of the consideration of the applications for two months in order to allow time for preparation of further information to address the departmental comments. This was the first time that the applicant requested for deferment of the application.

109. 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 37**

#### **Section 16 Application**

[Open Meeting]

A/TSW/62                      Proposed Comprehensive Residential and Commercial Development with Flat, Eating Place and Shop and Services in “Comprehensive Development Area” zone, Tin Shui Wai Planning Area 115 (Tin Shui Wai Town Lot 34) , New Territories  
  
(RNTPC Paper No. A/TSW/62)

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110. The Secretary reported that the application was submitted by Pacific Gold Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK) with Environ Hong Kong Ltd.

(Environ), LWK & Partners (HK) Ltd. (LWK), MVA Hong Kong Ltd. (MVA) and Ove Arup & Partners (Ove Arup) as 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, Environ, MVA and Ove Arup;  |
|                     | - being the director and shareholder of LWK;   |
| Ms Janice W.M. Lai  | - having current business dealings with SHK and Environ;   |
| Ms Christina M. Lee | - being the Secretary-General of the Hong Kong Metropolitan Sports Event Association which has obtained sponsorship from SHK;        |
| Professor S.C. Wong | - being a traffic consultant of Ove Arup; and  |
| Dr W.K. Yau         | - being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK. |

111. As the applicant had requested for deferment of consideration of the application, the Committee agreed that the above Members could stay in the meeting. As the interests of Mr Ivan C.S. Fu and Ms Janice W.M. Lai were direct, the Committee agreed that they should refrain from participating in the discussion.

112. The Committee noted that on 8.5.2015, the applicant had requested for deferment of the consideration of the applications for two months in order to allow time for preparation of further information to address the departmental comments. This was the first time that the

applicant requested for deferment of the application.

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

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/951            Temporary Open Storage of Plastic and Metal and Storage of Used Electrical Appliances with Ancillary Workshop for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 770 S.A (Part), 770 S.B, 771 S.B ss.3 (Part), 817 S.A RP (Part) and 817 S.B RP in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-HT/951)

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

114. 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 Lai's spouse did not have direct view of the site, the Committee agreed that Ms Lai could stay in the meeting.

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

- (a) background to the application;
- (b) temporary open storage of plastic and metal and storage of used electrical appliances with ancillary workshop for a period of three years;

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

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Except the Director of Environmental Protection (DEP) who did not support the application, other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and 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 as detailed in paragraph 12 of the Paper. The application would not frustrate the planning intention of the site and was considered not incompatible with the surrounding uses in the subject “Comprehensive Development Area” (“CDA”) zone. The development was in line with the Town Planning Board Planning Guidelines for Application of Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there was no adverse departmental comment and technical concerns could be addressed by approval conditions. Although DEP did not support the application, there was no substantiated environmental complaint over the past three years. To mitigate

any potential environmental impacts, appropriate approval conditions had been recommended. Six previous approvals were given to the site since 1999, the planning circumstances remained unchanged since the last approval.

116. Members had no question on the application.

#### Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, 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 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) no handling (including loading, unloading and storage) of hazardous electrical/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no dismantling/disassembling of electrical/electronic appliances is allowed on the site at any time during the planning approval period;
- (e) handling (including loading, unloading and storage) of electrical/electronic appliances on the site, as proposed by the applicant, shall be carried out within concrete-paved covered structures at any time during the planning approval period;

- (f) the existing fencing on site shall be maintained at all times during the planning approval period;
- (g) 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;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 22.8.2015;
- (j) 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 22.11.2015;
- (k) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.7.2015;
- (l) the submission of a fire service installations proposal within 6 months to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the approval period, the approval hereby given shall

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

- (o) if any of the above planning conditions (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.”

118. 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) prior planning permission should have been obtained before commencing the development on-site;
- (c) resolve any land issue relating to the development with the concerned owner(s) of the site;
- (d) 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. No permission is given for the proposed use and/or occupation of the government land (GL) (about 614m<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 to Ping Ha Road via a local track on GL. His office provides no maintenance works to the GL involved and does not guarantee right-of-way. The Short Term Waiver (STW) holder would need to apply to his Office for modification of the STW conditions. Besides, the lots owner(s) of the lots without STW would need to apply to his Office for permit the structures to be erected or regularize any irregularities on site. Besides, Short Term Tenancy application for occupation of GL is

required. 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;

- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site;
- (g) 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;
- (h) note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Attached Good Practice Guidelines for Open Storage should be adhered to (Appendix V of the Paper). The applicant is advised to submit a valid fire certificate (FS251) to his department for approval. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), 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/open sheds as temporary buildings) are to be carried out on leased land in the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval 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; and
- (j) note the comments of the Director of Agriculture, Fisheries and Conservation that to ensure that the development would not encroach on and affect the nearby wooded area to the south of the site.”

**Agenda Item 39**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/952            Temporary Open Storage of Scrap Metal and Plastic for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 41 (Part), 46 (Part), 49 (Part), 50 (Part), 51 (Part) and 52 S.B (Part) in D.D. 128 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-HT/952)

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Presentation and Question Sessions

119.            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 Lai’s spouse did not have direct view of the site, the Committee agreed that Ms Lai could stay in the meeting.

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

- (a) background to the application;
- (b) temporary open storage of scrap metal and plastic for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Except the Director of Environmental Protection (DEP) who did not support the application, other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and 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 as detailed in paragraph 12 of the Paper. The application would not frustrate the planning intention of the site and was considered not incompatible with the surrounding uses in the subject “Comprehensive Development Area” (“CDA”) zone. The development was in line with the Town Planning Board Planning Guidelines for Application of Open Storage and Port Back-up Uses (TPB PG-No.13E) in that adverse departmental comment and technical concerns of government departments could be addressed by approval conditions. Although DEP did not support the application, there was no substantiated environmental complaint over the past three years. To mitigate any potential environmental impacts, appropriate approval conditions had been recommended. Eight previous approvals were given to the site since 1998, the planning circumstances remained unchanged since the last approval.

121. Members had no question on the application.

#### Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, 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 or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair, container repair and workshop activity, as proposed by the applicant, was allowed on the site at any time during the planning approval period;
- (d) no handling (including loading, unloading and storage) of electrical/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (e) the existing fencing on site shall be maintained at all times during the planning approval period;
- (f) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (g) the existing drainage facilities 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 to the satisfaction of the Director of Drainage Services or of the TPB by 22.8.2015;
- (i) the submission of a revised tree preservation and landscape proposal within 6 months to the satisfaction of the Director of Planning or of the TPB by 22.11.2015;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.2.2016;

- (k) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.7.2015;
- (l) the submission of a fire service installations proposal within 6 months to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2016;
- (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;  
and
- (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.”

123. 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) prior planning permission should have been obtained before commencing the development on-site;
- (c) resolve any land issue relating to the development with the concerned owner(s) of the site;

- (d) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The private land of Lot No. 49 in D.D.128 is covered by Short Term Waiver (STW) No. 3331 that permits structures for the purpose of “Storage of Used Paper Products and Ancillary Workshop”. The private land of Lot No. 51 in D.D.128 is covered by STW No. 3101 that permits structures for the purpose of “Office Ancillary to Open Storage of Used Air-conditioners and Metal Wares”. The site is accessible to Kai Pak Ling Road via a local track on government land (GL). His Office provides no maintenance works to the GL involved and does not guarantee right-of-way. The STW holder would need to apply to his Office for modification of the STW conditions. Besides, the lots owner(s) of the lots without STW would need to apply to his Office for 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) 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. If such application(s) is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fees, as may be imposed by LandsD;
- (e) follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site;
- (g) 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;

- (h) note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Attached good practice guidelines for open storage should be adhered to (Appendix V of the Paper). The applicant is advised to submit a valid fire certificate (FS251) to his department for approval. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
  
- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), 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/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; and

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

**Agenda Item 40**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/953            Proposed Temporary Logistics Centre for a Period of 3 Years in  
“Comprehensive Development Area” zone, Lots 2427 (Part), 2430  
(Part), 2431 (Part), 2432 (Part), 2433 (Part), 2434, 2435, 2436 (Part),  
2437 (Part), 2438 S.B (Part), 2439 (Part), 2977 S.A (Part), 2977 S.B  
(Part), 2978, 2979 (Part) and 2980 (Part) in D.D. 129, Ha Tsuen, Yuen  
Long, New Territories  
(RNTPC Paper No. A/YL-HT/953)

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Presentation and Question Sessions

124.            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 Lai’s spouse did not have direct view of the site, the Committee agreed that Ms Lai could stay in the meeting.

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

- (a) background to the application;
- (b) proposed temporary logistics centre for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Except the Director of Environmental Protection (DEP) who did not support the application, other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and 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 as detailed in paragraph 12 of the Paper. The application would not frustrate the planning intention of the site and was considered not incompatible with the surrounding uses in the subject “Comprehensive Development Area” (“CDA”) zone. The development was in line with the Town Planning Board Planning Guidelines for Application of Open Storage and Port Back-up Uses (TPB PG-No.13E) in that adverse departmental comment and technical concerns could be addressed by approval conditions. Although DEP did not support the application, there was no environmental complaint over the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and prohibition of workshop activities on-site had been recommended. Two previous approvals were given to the site since 2009, approval of the subject application was in line with the Committee's previous decisions.

126. Members had no question on the application.

#### Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed queue back to public road or reverse onto/from the public road at any times during the planning approval period;
- (e) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.11.2015;
- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of the tree preservation and landscape proposal within 6months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2015;
- (h) in relation to (g) above, the implementation of the accepted 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 22.2.2016;
- (i) the submission of a fire service installations proposal within 6 months to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2016;

- (k) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d) 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
- (m) if any of the above planning conditions (e), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

128. 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) 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) 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. The site is accessible to Lau Fau Shan Road through government land (GL) and private land. His office provides no

maintenance works to the GL involved and does not guarantee right-of-way. The Lots owners will need to apply to his office to permit the structure to be erected or regularized on private land. Such application will be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The local track leading to the subject site is not under Transport Department's purview. The land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) 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 and his department shall not be responsible for the maintenance of any access connecting the site and Lau Fau Shan Road;
- (g) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend 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 standard;

- (h) note the detailed comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans; the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) note the comments of the Chief Town Planner/ Urban Design and Landscape, Planning Department (PlanD) that tree planting opportunity is available along the eastern boundary of the site. Besides, regular tree maintenance and protective measures was not included on the tree preservation proposal;
- (j) 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 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. In connection with above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

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

**Agenda Item 41**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/954            Temporary Open Storage of Construction Machinery, Construction Material and Marble for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 111 (Part), 112 (Part), 113 (Part), 114 (Part), 115 S.A (Part), 115 RP (Part), 117 (Part), 132 (Part), 133 (Part), 134 (Part), 269 (Part) and 728 (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-HT/954)

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Presentation and Question Sessions

129.            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 Lai’s spouse did not have direct view of the site, the Committee agreed that Ms Lai could stay in the meeting.

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

- (a) background to the application;
- (b) temporary open storage of construction machinery, construction material and marble for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Except the Director of Environmental Protection (DEP) who did not support the application, other concerned government departments had no objection to or no adverse comment on the application;

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

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. The application would not frustrate the planning intention of the site and considered not incompatible with the surrounding uses in the subject “Comprehensive Development Area” (“CDA”) zone. The development was in line with the Town Planning Board Planning Guidelines for Application of Open Storage and Port Back-up Uses (TPB PG-No.13E) in that adverse departmental comment and technical concerns of government departments could be addressed by approval conditions. Although DEP did not support the application, there was no substantiated environmental complaint over the past three years. To mitigate any potential environmental impacts, appropriate approval conditions had been recommended. Two previous approvals were given to the site since 2010, approval of the subject application was in line with the Committee's previous decisions.

131. Members had no question on the application.

#### Deliberation Session

132. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., 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) no cutting, dismantling, cleaning, repairing, compacting, vehicle repair and workshop activity, as proposed by the applicant, is allowed on site at any time during the planning approval period;
- (d) no material is allowed to be stored/dumped within 1m of any tree, as proposed by the applicant, at any time during the planning approval period;
- (e) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (f) no vehicle is allowed queue back to public road or reverse onto/from the public road 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 to the satisfaction of the Director of Drainage Services or of the TPB by 22.8.2015;
- (i) 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 22.11.2015;
- (j) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 3.7.2015;

- (k) the submission of a fire service installations proposal within 6 months to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

133. 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 the concerned owner(s) of the site;
- (c) 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. The site is accessible to Ping Ha Road through a local track on other private lots and a pavement on government land

(GL) and private land. His office provides no maintenance works to the GL involved and does not guarantee right-of-way. The Lots owners will need to apply to his office to permit the structure to be erected or regularized on private land. Such application will be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The local track leading to the subject site is not under Transport Department's purview. The land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly ;
- (f) 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 and his department shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (g) note the detailed comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and

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

- (h) note the comments of the Chief 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 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. 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
  
- (i) 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 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 42**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/727      Temporary Open Storage of Construction Machinery and Material for a Period of 3 Years in “Undetermined” zone, Lots 348 RP (Part), 349 RP, 350 RP (Part), 351 (Part) and 352 (Part) in D.D. 119, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TYST/727)

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

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

- (a)    background to the application;

- (b) temporary open storage of construction machinery and construction material 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 residential dwelling/structure along the access track leading from Shan Ha Road, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory 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 as detailed in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within Category 1 areas and the technical concerns of the departments could be addressed through the implementation of approval conditions. The development was not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone comprising similar open storage uses. Although DEP did not support the application, there had been no environmental complaint in the past three years. According to the applicant, peripheral fencing and landscaping would be provided to minimise possible environmental impact. To address DEP’s concerns, appropriate approval conditions were recommended.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, 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 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, repairing, spraying, cleansing or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 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 is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the provision of boundary fence on the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2015;
- (g) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2015;

- (h) in relation to (g) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.2.2016;
- (i) 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 22.11.2015;
- (j) in relation to (i) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.2.2016;
- (k) in relation to (j) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (l) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.7.2015;
- (m) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;
- (n) in relation to (m) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (e) to note the District Lands Officer/Yuen Long, Lands Department’s (DLO/YL, LandsD) comments that the site comprises of Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The information provided in the application indicates that no structure is

proposed within the site. The site is accessible through an informal track on government land and private land extended from Shan Ha Road. His office does not provide maintenance works for the track and does not guarantee any right-of-way;

- (f) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track 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 on public road is allowed;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His office shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) on the submitted drainage proposal (Annex I of Appendix Ia and Drawing A-4 of the Paper). The gradients of the proposed u-channels and the invert levels of the proposed catchpits should be shown on the drainage plan. The applicant should advise why u-channel is not provided at the western boundary of the site and how the overland flow of the western area of the site could be properly intercepted and discharged. The applicant should clarify why Section 1.1.3 of Annex I in Appendix Ia of the Paper

stated that the gradient of the site is sloping from north to south, but Drawing A-4 shows surface runoff flowing from south to north. The existing drainage facilities, to which the stormwater of the development from the site would discharge, should be indicated on plan, and the relevant connection details should also be provided for comment. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan and cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant lot owners for any proposed drainage works to be carried out outside his lot boundary before commencement of the drainage works. The applicant should submit Form HBP1 to his Division for application of technical audit for the proposed connection to DSD's drainage facilities;

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

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorized under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including containers 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 co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable within or in the vicinity of the site, the applicant shall carry out the following measures: (i) prior to establishing any structure within the site, the applicant and/or his contactors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable 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.”

**Agenda Item 43**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/728      Temporary Open Storage of Construction Materials and Recyclable Materials (including Metal, Paper and Plastic Goods) for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 1439 (Part) and 1440 S.A (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TYST/728)

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**Presentation and Question Sessions**

138.      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 the site was covered by a valid approval of the similar use until June 2015;
- (b) temporary open storage of construction materials and recyclable materials (including metal, paper and plastic goods) 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 residential dwelling/structure located to

the immediate south and in the vicinity and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory 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 as detailed in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the majority of the site fell within Category 1 areas, with only a small portion straddling the adjacent “Village Type Development” (“V”) zone (Category 4 areas) and the technical concerns of the departments could be addressed through the implementation of approval conditions. As there was currently no Small House application at the “V” zone portion, approval on a temporary basis would not frustrate the long-term use of the site. The development was not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone comprising similar open storage uses. Although DEP did not support the application, there had been no environmental complaint in the past three years. To address DEP's concerns, appropriate approval conditions were recommended.

139. Members had no question on the application.

#### Deliberation Session

140. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, 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 open storage within at the northwestern portion of the site encroaching onto the adjoining the “Village Type Development” zone, as proposed by the applicant, is allowed at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (f) no heavy goods vehicles exceeding 24 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;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) all existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;

- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (j) the submission of records of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.8.2015;
- (k) the provision of boundary fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2015;
- (l) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.7.2015;
- (m) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;
- (n) in relation to (m) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (q) upon 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.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises of Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Lot 1440 S.A in D.D. 119 is covered by Short Term Waiver which permits the structure erected thereon for the purpose of ancillary use of open storage of construction materials and recyclable materials (including metal, paper and plastic goods). The lot owner(s) will need to apply to his office to permit any additional/excessive structure to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among

others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on government land and private land extended from Shan Ha Road. His office provides no maintenance works for the track and does not guarantee any right-of-way;

- (e) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Moreover, sufficient space should be provided within the site for manoeuvring of vehicles and no parking on public road is allowed;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His office shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant is advised that 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. Also, the good practice guidelines for open storage (Appendix V

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

- (i) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorized under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including 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 co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage; and
  
- (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 to find out whether there is any underground cable within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable within or in the vicinity of the site, the applicant shall carry out the following measures: (i) prior to establishing any

structure within the site, the applicant and/or his contactors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable 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.”

#### **Agenda Item 44**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/730      Temporary Warehouse for Storage of Brand New Electronic Goods for a Period of 3 Years in “Undetermined” zone, Lots 1415 RP, 1416 RP and 1426 in D.D. 119 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TYST/730)

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

142.      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 the site was covered by a valid approval for open storage uses until June 2015;
- (b) temporary warehouse for storage of brand new electronic goods 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 residential use in the vicinity and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory 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 as detailed in paragraph 11 of the Paper. The development was not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone comprising similar uses. Although DEP did not support the application, there had been no environmental complaint in the past three years and the development was mainly for storage purpose within covered warehouse structures. To address DEP's concerns, appropriate approval conditions were recommended.

143. Members had no question on the application.

#### Deliberation Session

144. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

allowed on the site during the planning approval period;

- (c) no repairing, dismantling, spraying, cleansing or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no storage of electronic goods outside the concrete-paved covered structure, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no open storage activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.8.2015;
- (j) the provision of boundary fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2015;

- (k) the implementation of the accepted tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.11.2015;
- (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 22.11.2015;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2016;
- (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;
- (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; and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises of 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. Lot No. 1416RP in D.D. 119 is covered by the Short Term Waiver which permits structures erected thereon for the purpose of ancillary use to open storage of metal ware and plastic goods including containers and road signs. No permission is given for occupation of government land (GL) (about 165m<sup>2</sup> subject to verification) included in the site. Attention is drawn to the fact that the act of occupation of GL without Government's prior approval should not be encouraged. The lot owner(s) will need to apply to his office to permit any additional/excessive structures to be erected or regularize the irregularities on site. 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. Besides, the site is accessible through an informal track on GL and private land extended from Shan Ha Road. His office provides no maintenance work for the track and does not guarantee any right-of-way;
- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority's (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (e) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the site from Shan Ha Road shall be

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

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His Department shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
  
- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances. The measures considered appropriate in preventing soil and ground water contamination to the surrounding environment, including proper handling of and storing of brand new electronic goods within the covered warehouse and hard paving the site, should be properly implemented;
  
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the 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 if the existing structures are erected on leased land without approval of BD, they are unauthorized under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including containers 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 co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (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 to find out whether there is any underground cable within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable within or in the vicinity of the site, the applicant shall carry out the following measures: (i) prior to establishing any structure within the site, the applicant and/or his contactors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable 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.”

**Agenda Item 45**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/731 Temporary Open Storage of Construction Machinery and Materials, Scrap Vehicles, Vehicle Parts, Mobile Toilets and Recyclable Materials (including Metal, Paper and Plastic Goods) with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 2707 to 2711 in D.D. 120, Lots 1638 to 1640, 1664, 1665, 1666 (Part), 1667 (Part), 1668, 1669, 1671 to 1675, 1676 S.A and 1676 S.B in D.D. 121 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TYST/731)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) temporary open storage of construction machinery and materials, scrap vehicles, vehicle parts, mobile toilets and recyclable materials (including metal, paper and plastic goods) with ancillary workshop 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 residential use in the vicinity and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory 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 as detailed in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within Category 1 areas and the technical concerns of government departments could be addressed through the implementation of approval conditions. Approval on a temporary basis would not frustrate the long-term use of the area and the development was not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone comprising similar open storage uses. Although DEP did not support the application, there had been no environmental complaint in the past three years. To address DEP's concerns, appropriate approval conditions were recommended.

147. Members had no question on the application.

#### Deliberation Session

148. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2018, 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 dismantling, repairing, cleansing or other workshop activities, except ancillary sorting and packaging activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste is allowed on the site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 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;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.8.2015;

- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.7.2015;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2015;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon 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.”

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

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

- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises of Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. No permission is given for occupation of government land (GL) (about 356m<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 lot owner(s) will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. The site is accessible through an informal village track on GL and private land extended from Shan Ha Road. His office provides no maintenance work for the track and does not guarantee any right-of-way;
- (e) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Moreover, sufficient space should be provided within the site for manoeuvring of vehicles and no parking on public road is allowed;
- (f) to note the comments of the Chief Highway Engineer/New Territories West,

Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His office shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;

- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant is advised that the layout plan should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Also, the good practice guidelines for open storage (Appendix V of the Paper) should be adhered to. Furthermore, should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant is required to provide justifications to his department for consideration. 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;
- (i) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted Houses), they are unauthorized under BO and should not be designated for any approved use under the captioned

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

- (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 to find out whether there is any underground cable within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable within or in the vicinity of the site, the applicant shall carry out the following measures: (i) prior to establishing any structure within the site, the applicant and/or his contactors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable 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."

**Agenda Item 46**

Section 16 Application

[Open Meeting]

A/YL/212                      Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” and “Village Type Development” zones, Government  
Land in D.D. 115, Tung Tau Tsuen, Shap Pat Heung, Yuen Long, New  
Territories  
(RNTPC Paper No. A/YL/212)

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150.            The Secretary reported that on 11.5.2015, the applicant had requested for deferment of the consideration of the applications for two months in order to allow time for preparation of further information to address the comments on land administrative issues. This was the first time that the applicant requested for deferment of the application.

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

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

**Agenda Item 47**

**Any Other Business**

152.        There being no other business, the meeting closed at 5:20 p.m..