

**TOWN PLANNING BOARD**

**Minutes of 534<sup>th</sup> Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 5.6.2015**

**Present**

Director of Planning  
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

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 Johnson M.K. Wong

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**

Mr Ivan C.S. Fu

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Ms Karen F.Y. Wong

Town Planner/Town Planning Board  
Mr Dennis C.C. Tsang

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 533<sup>rd</sup> RNTPC Meeting held on 22.5.2015**

[Open Meeting]

1. The draft minutes of the 533<sup>rd</sup> RNTPC meeting held on 22.5.2015 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

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

**Sai Kung and Islands District**

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

**Agenda Item 3**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/242            Proposed House (Redevelopment) in “Village Type Development”  
zone, Lot No. 216 (Part) in D.D. 219 and Adjoining Government Land,  
Hing Keng Shek, Sai Kung, New Territories  
(RNTPC Paper No. A/SK-HC/242)

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**Presentation and Question Sessions**

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

- (a) background to the application;

[Professor S.C. Wong, Professor Eddie C.M. Hui, Dr W.K. Yau, Ms Janice W.M. Lai and Mr Philip S.L. Kan arrived to join the meeting at this point.]

- (b) proposed house (redevelopment);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Lands Officer/Sai Kung, Lands Department commented that the proposed development did not comply with the lease conditions. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD), had reservation on the application as the proposed house might affect the dense vegetation including mature trees adjacent to the site;
- (d) during the first three weeks of the statutory publication period, four public comments objecting to the application were received. The main grounds of the objections were the proposed development should not include government land (GL) and should be confined to private land; use of GL for private garden use was unreasonable as it could be used for Small House development; the existing access was narrow and sloping which had limited space for vehicular traffic; the vehicular traffic at the existing access would put the water mains at risk; and the proposed development would have adverse impact on the environment and the lives of local residents; and

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

- (e) PlanD's views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The Notes of the Outline Zoning Plan (OZP) stipulated that in the “Village Type Development” (“V”) zone, no new development, or addition, alteration and/or modification to or redevelopment of an existing building should exceed a maximum building

height (BH) of 3 storeys (8.23m) or the height of the existing building, whichever was the greater. The proposed house with BH of 9m exceeded the OZP restriction of 8.23m by 0.77m (or 9.4%) and was not in line with the planning intention of the “V” zone. The applicant had not provided any justification for the proposed house, including the layout and design of the building to justify for the increase. The inclusion of GL (245 m<sup>2</sup> or 44% of the site) for private garden use would reduce the land available for Small House development. There were public comments raising objection to the application.

4. In response to the Chairman’s questions, Mrs Alice K.F. Mak, STP/SKIs, said that the site coverage (20%) and BH (9 m) of the proposed development had exceeded that of the existing building and of a New Territories Exempted House. Should the application be approved, the applicant would need to submit building plans for approval by the Building Authority under the Buildings Ordinance.

#### Deliberation Session

5. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) there is insufficient information in the submission to justify the proposed house development with the building height of 9m; and
- (b) approval of the application would set an undesirable precedent for other similar applications and the cumulative effect of approving such similar applications would reduce the land available for Small House development in the area.”

**Agenda Item 4**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/243            Proposed House (New Territories Exempted House - Small House) in  
                                 “Agriculture” zone, Lot No. 482 in D.D. 244, Ho Chung, Sai Kung  
                                 (RNTPC Paper No. A/SK-HC/243)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    proposed house (New Territories Exempted House (NTEH) - Small House);
- (c)    departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the site had a high potential for agriculture rehabilitation;
- (d)    during the first three weeks of the statutory publication period, two public comments objecting to the application were received. The main grounds of the objections were the proposed development was incompatible with the planning intention of the “Agriculture” zone; the proposed development would have adverse ecological, environmental, traffic and parking impacts but no traffic or environmental impact assessment was included in the submission; a continuous increase in population and number of houses in Ho Chung would lead to inadequate provision of road access; and land was still available in the vicinity of the site for Small House development; and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments set out in paragraph 11 of the Paper. The application complied with the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories in that the site and the footprint of the proposed Small House fell entirely within the village ‘environs’ of Ho Chung and there was a general shortage of land in meeting Small House development in the “Village Type Development” zone. The site was also the subject of a previous application for the same use and submitted by the same applicant, which was approved with conditions by the Committee on 24.9.2010. The planning permission expired on 24.9.2014 and the applicant needed to submit a fresh application for the proposed development. Sympathetic consideration could be given to the application. Although DAFC did not support the application, there was no farming activity at the site and the immediate vicinity was already occupied by Small Houses. The proposed Small House was not incompatible with the surrounding developments. Regarding the public comments objecting to the application, the above views were also relevant.

7. Members had no question on the application.

#### Deliberation Session

8. 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 5.6.2019, 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; and
- (b) 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.”

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

- “(a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services within the subject lots 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 to the WSD’s standard;
- (b) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with Buildings Ordinance, and the Authorised Person must be appointed for the aforesaid site formation and communal drainage works;
- (c) to note the comments of the Director of Environmental Protection that the design and operation of the septic tank and soakaway system should follow the requirements in the Environmental Protection Department’s Practice Notes for Professional Person (ProPECC) PN 5/93 on “Drainage Plans Subject to Comment by the Environmental Protection Department”, including the percolation test and certification by Authorised Person;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (e) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be provided in connection with the proposed development to deal with the surface runoff of the site without causing any adverse drainage impacts or

nuisance to the adjoining areas.”

**Agenda Item 5**

**Section 16 Application**

[Open Meeting]

A/SK-TMT/49            Temporary Place of Recreation, Sports or Culture (Cable Wakeboarding Centre) for a Period of 3 Years in “Coastal Protection Area (1)” zone, Lot 498 RP in D.D. 257 and adjoining Government Land, Tsam Chuk Wan, Sai Kung, New Territories  
(RNTPC Paper No. A/SK-TMT/49)

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10.            The Secretary reported that on 3.6.2015, after issuance of the Paper, the applicant wrote to the Town Planning Board (TPB) requesting for deferment of consideration of the application for two months as more time was required for the applicant to prepare the supplementary/further information to address the environmental, urban design and traffic issues. The letter from the applicant was tabled at the meeting for Members’ consideration. As it was the first time that the applicant requested for deferment, the Committee might consider to accede to the applicant’s request for deferment of consideration for two months to allow time for the applicant to prepare further information in response to departmental comments. Should the Committee consider that a deferment was not warranted, it might proceed with the consideration as planned.

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

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

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

**Agenda Item 6**

**Section 12A Application**

[Open Meeting]

Y/ST/31                      Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/30, to rezone the application site from "Village Type Development" to "Government, Institution or Community", Lot No.753 in D.D.179, Lots No.60 sA, 60 sB, and 561 in D.D. 184 and adjoining Government Land, South of Che Kung Miu Road, Tai Wai (RNTPC Paper No. Y/ST/31)

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12.            The Secretary reported that Landes Limited (Landes) was one of the consultants of the applicant.    The following Members had declared interests in this item:

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

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

Ms Christina M. Lee                      -    owned a property in Tai Wai in the vicinity of the site

13.            The Committee noted that the applicant had requested for a deferment of consideration of the application.    The Committee also noted that Mr Ivan C. S. Fu had tendered apologies for being unable to attend the meeting.    As Ms Janice W.M. Lai had no involvement in the application, and Ms Christina M. Lee's property did not have direct view of the site, the Committee agreed that Ms Lai and Ms Lee should be allowed to stay in the meeting.

14.            The Committee noted that the applicant requested on 22.5.2015 for deferment of

the consideration of the application for two months in order to allow time to prepare further information to address the comments of the relevant government departments. This was the first time that the applicant requested for deferment of the application.

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

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

## **Agenda Item 7**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/878                      Shop and Services (Money Exchange) in "Industrial" zone, Workshop  
B1-C, LG/F Valiant Industrial Centre, Nos. 2-12 Au Pui Wan Street,  
Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/878)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) shop and services (money exchange);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The development under application was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. As the subject industrial building was provided with a sprinkler system, it was subject to a maximum permissible limit of 460 m<sup>2</sup> for aggregated commercial floor area on the ground floor. If the floor area of the application premises (26 m<sup>2</sup>) was included, the aggregate commercial floor area would be 227.23 m<sup>2</sup>, which was within the maximum permissible limit of 460 m<sup>2</sup>. The development under application generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D on “Use/Development within “Industrial” Zone” (TPB PG-No. 25D). Two previous applications for the same use at the same premises had been approved with conditions by the Committee on 15.4.2011 and 5.10.2012 respectively. The two previous planning permissions were revoked due to non-compliance of approval condition(s) on fire safety measures. In support of the current application, the applicant had submitted a fire services installation proposal. Should the application be approved by the Committee, a shorter compliance period of the approval condition was recommended to monitor the progress of compliance and the applicant would be advised that should he fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration would

not be given to any further application. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area

17. Members had no question on the application.

#### Deliberation Session

18. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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) the submission of the fire service installations proposal within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2015;
- (b) the implementation of the fire safety installations proposal within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2015; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years is given in order to allow the Committee to monitor the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for

the subject premises will not be jeopardised;

- (c) shorter compliance periods are imposed to monitor the progress of compliance of approval conditions. Should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration will not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance (BO). For instance, the shop shall be separated from adjoining workshops by fire barriers with a fire resistance period of 120 minutes, and the means of escape of the existing premises shall not be adversely affected. Besides, the subdivision of the unit/ premises should comply with the provisions of BO/ Building (Minor Works) Regulations. The applicant should engage a registered building professional under the BO to co-ordinate the building works. Adequate access and facilities for persons with a disability should be provided. The applicant should make reference to Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008; and
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the subject unit under application. Regarding matters related to fire resisting construction, the applicant is reminded to comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Buildings Authority. The applicant should also pay attention to the “Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises”.”

**Agenda Items 8 to 32 and 35**

Section 16 Applications

[Open Meeting]

- A/DPA/NE-TT/31 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 854 S.B, 883 S.B, 884 S.A and 885 RP in D.D. 289 Uk Tau, Tai Po
- A/DPA/NE-TT/32 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 853 RP, 854 S.A, 885 S.B and 886 S.F in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/33 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 899 S.B, 900 S.A and 903 S.A in D.D 289, Uk Tau, Tai Po
- A/DPA/NE-TT/34 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 862 S.B and 864 RP in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/35 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 886 S.B and 893 S.F in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/36 Proposed House (New Territories Exempted House - Small House) in “an area designated as “Unspecified Use”, Lot 897 S.A in D.D 289, Uk Tau, Tai Po
- A/DPA/NE-TT/37 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 898 S.E, 922 S.A, 923 S.A, 924 S.B, 924 RP, 925 S.C and 925 S.D in D.D. 289, Uk Tau, Tai Po

- A/DPA/NE-TT/38 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 926 S.C, 926 RP, 927 S.H, 927 RP, 930 S.K, 930 S.L, 930 S.R, 930 S.S and 931 S.B in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/39 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 900 RP, 901 S.C, 902 S.A, 903 RP, 904 S.B in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/40 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 858 S.A, 859 S.C, 860 S.D, 861 S.A, 879 S.B, 879 S.E, 880 S.B and 881 S.E in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/41 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 858 S.B, 861 S.B, 879 S.D, 880 RP and 958 S.A in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/42 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 894 S.E, 898 S.D, 899 S.C and 901 S.A in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/43 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 887 S.A, 888 S.A, 889 S.A, 890 S.B and 891 S.B in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/44 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 881 S.C and 930 S.G in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/45 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 853 S.B, 885 S.A and 886 S.E in D.D. 289, Uk Tau, Tai Po

- A/DPA/NE-TT/46 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 925 S.E and 926 S.A in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/47 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 927 S.F, 930 S.E and 930 S.F in D.D 289, Uk Tau, Tai Po
- A/DPA/NE-TT/48 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 923 RP, 925 RP, 926 S.B, 931 S.A, 932 S.A and 933 S.A in D.D 289, Uk Tau, Tai Po
- A/DPA/NE-TT/49 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 868 S.A, 870 S.B, 871 S.B and 873 S.A in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/50 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 867 S.A, 876 S.D and 877 in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/51 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 921 S.A, 921 S.B, 922 S.B, 922 S.C, 923 S.B and 925 S.F in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/52 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lot 854 S.E in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/53 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 854 S.C, 883 RP and 884 S.B in D.D. 289, Uk Tau, Tai Po

- A/DPA/NE-TT/54 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 854 S.G, 857 S.C and 858 S.D in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/55 Proposed House (New Territories Exempted House - Small House) in “an area designated as “Unspecified Use”, Lot 854 S.D in D.D. 289, Uk Tau, Tai Po
- A/DPA/NE-TT/58 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 867 S.B, 868 RP, 873 S.C and 876 S.C in D.D. 289, Uk Tau, Tai Po  
(RNTPC Paper No. A/DPA/NE-TT/31 to 55 and 58)
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20. The Committee noted that the 26 applications, submitted by the same representative of the applicants, were similar in nature and the sites were located in close proximity to one another in an area designated as “Unspecified Use”. The Committee agreed that the applications should be considered together.

21. The Committee also noted that the applicants requested on 26.5.2015 for deferment of the consideration of the 26 applications for two months in order to allow time for preparation of further information to address the comments of relevant government departments. It was the first time that the applicants requested for deferment of the applications.

22. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for their consideration within two months from the date of receipt of further information from the applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the applications could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicants 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 33**

Section 16 Application

[Open Meeting]

A/DPA/NE-TT/56 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lot 457 S.B in D.D. 289, Ko Tong, Tai Po  
(RNTPC Paper No. A/DPA/NE-TT/56)

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23. The Secretary reported that on 3.6.2015, after issuance of the Paper, the applicant wrote to the Town Planning Board (TPB) requesting for deferment of consideration of the application for two months as more time was required to consult relevant government departments and prepare submission of further information. The letter from the applicant was tabled at the meeting for Members’ consideration. As it was the first time that the applicant requested for deferment, the Committee might consider to accede to the applicant’s request for deferment of consideration for two months to allow time for the applicant to prepare further information in response to departmental comments. Should the Committee consider that a deferment was not warranted, it might proceed with the consideration as planned.

24. 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 34**

**Section 16 Application**

[Open Meeting]

A/DPA/NE-TT/57 Proposed House (New Territories Exempted House - Small House) in an area designated as “Unspecified Use”, Lots 456 S.A and 457 S.A in D.D. 289, Ko Tong, Tai Po  
(RNTPC Paper No. A/DPA/NE-TT/57)

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25. The Committee noted that the applicant requested on 29.5.2015 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the relevant government departments. It 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.

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

**Agenda Item 36**

**Section 16 Application**

[Open Meeting]

A/NE-LYT/568      Temporary Public Vehicle Park (Private Cars) for a Period of 3 Years  
in “Agriculture” zone, Lot 470 (Part) and adjoining Government Land  
in D.D. 83, Kwan Tei, Fanling, New Territories  
(RNTPC Paper No. A/NE-LYT/568)

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27.            The Committee noted that the applicant requested on 15.5.2015 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the relevant government departments. It was the first time that the applicant requested for deferment of the application.

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

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

**Agenda Items 37 and 38**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/116      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 333 S.C in D.D 37, Man Uk Pin, Sha Tau Kok

A/NE-MUP/117 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 333 S.B in D.D 37, Man Uk Pin, Sha Tau Kok (RNTPC Paper No. A/NE-MUP/116 and 117)

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

#### Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites possessed potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, three public comments on each of the applications were received. A member of the North District Council supported the applications as they would bring convenience to the villagers. The Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited objected to the applications mainly on grounds that the proposed Small House developments were not in line with the planning intention of “Agriculture” zone; land was still available within the “Village Type Development” (“V”) zone for Small House development; no environmental and traffic assessments had been submitted by the applicants; approval of the cases was in contravention with the Government’s new agricultural policy under

consultation; and the approval of the applications would set an undesirable precedent for similar applications; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Although 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 had potential for agricultural rehabilitation, the applications generally met the the ‘Interim Criteria for Assessing Planning Application for NTEH/Small House Development in the New Territories’ (the Interim Criteria) in that more than 50% of the footprints of the proposed Small Houses fell within the village ‘environs’ of Man Uk Pin Village and there was insufficient land within the “V” zone to meet the Small House demand. Sympathetic consideration could be given to the applicant. The proposed Small Houses were not incompatible with the surrounding rural landscape character. Together with the existing village houses and Small Houses under construction, a village cluster was being formed in the locality. There were 31 similar applications for Small House development within / partly within the same “AGR” zone since the first promulgation of the Interim Criteria in 2000, among which 21 approved applications were mostly located to the west of the Man Uk Pin Village and their circumstances were similar to the current applications. There had not been any material change in planning circumstances for the area since the approval of those applications. Regarding the public comments against the applications, the above departmental comments and planning assessments were relevant.

31. Members had no question on the application.

#### Deliberation Session

32. After deliberation, the Committee 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 5.6.2019, 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.”

33. 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 the 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 the 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 no public sewerage connection is available;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, 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 the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to follow the requirements as set out in ‘Professional Persons Environmental Consultative Committee Practice Notes’ (No. PN 5/93) on the design and construction of the septic tank and soakaway pit system for the proposed Small House published by the Environmental Protection Department; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

### **Agenda Item 39**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/507      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lots 1087 S.A (part), 1087 S.B (part) and 1087  
S.C, in D.D. 82, Tong Fong Village, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/507)

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

34.            Mr Wallace W.K. Tang, STP/STN, said that a typo in the Paper was found. The first sentence of paragraph 1(d) of Appendix VI should read “the latest number of outstanding

Small House applications and the number of 10-year (2014 – 2023) Small House demand forecast for Tong Fong Village is 24 and 150 respectively”.

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix VI of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, two public comments were received. A member of the North District Council supported the application as it would bring convenience to the villagers. Designing Hong Kong Limited objected to the applications mainly on grounds that the proposed Small House development was not in line with the planning intention of “Agriculture” zone; Small House should be developed within the “Village Type Development” (“V”) zone; no traffic, environmental, drainage and sewerage assessments had been submitted by the applicant; and the approval of the application would set an undesirable precedent for similar applications; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Although the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application, the application generally met the the ‘Interim Criteria for Assessing Planning Application for NTEH/Small House Development in the New Territories’ (the Interim Criteria) in that more than 50% of the

footprint of the proposed Small House fell within the village 'environs' of Tong Fong Village and there was insufficient land within the "V" zone of the village to meet the Small House demand. Sympathetic consideration could be given to the application. The proposed Small House was located adjacent to the existing village proper of Tong Fong Village and considered not incompatible with the surrounding rural landscape character. Significant adverse landscape impact arising from the proposed Small House development was not anticipated. Most departments consulted had no objection to or no adverse comment on the application. The site was the subject of a previous application for the same use, which was approved by the Committee in 2011 and its planning permission was valid up to 5.8.2015. In the current application, the applicant had relocated the septic tank and connecting pipes farther away from the stream in the vicinity of the site and adjusted the footprint/disposition of the Small House to avoid encroaching onto an existing footpath. Should the application be approved, the applicant would be required to follow the requirements as set out in 'Professional Persons Environmental Consultative Committee Practice Notes' (ProPECC) PN 5/93 published by the Environmental Protection Department. There were 18 similar applications for Small House development since the first promulgation of the Interim Criteria in 2000 in the vicinity of the site and all of them were approved by the Committee mainly on similar considerations as that of the current planning application. There had not been any major change in planning circumstances for the area since the approval of the previous and similar applications. Regarding the public comments against the applications, the above departmental comments and planning assessments were relevant.

36. Members had no question on the application.

#### Deliberation Session

37. 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 5.6.2019, 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.”

38. 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 the inside services within the private lot 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 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 sewerage connection is not available;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, 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 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 Professional Persons Environmental Consultative Committee Practice Notes (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, Ms Channy C. Yang and Mr Wallace W.K. Tang STPs/STN, for their attendance to answer Members’ enquires. Messrs Tsang and Tang left the meeting at this point.]

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

[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 40**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/666      Proposed 8 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone, Lots 1540 S.A, 1540 S.B, 1540 S.C, 1540 S.D, 1540 S.E, 1871 S.A, 1871 S.B, 1871 S.C, 1871 S.D and 1871 S.E in D.D. 106, Yuen Kong Tsuen, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-KTS/666)

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**Presentation and Question Sessions**

39.            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 8 houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c)    departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had potential for agricultural rehabilitation. The Director of Environmental Protection did not support the application as the surrounding industrial uses might cause adverse impacts on the proposed NTEHs. The Director of Electrical and Mechanical Services was concerned that the existing petrol-cum-liquefied problem gas filling station opposite to the site would pose additional risks due to increase in population brought by the proposed development;
- (d)    during the first three weeks of the statutory publication period, two public comments were received. The Village Representatives of Yuen Kong Tsuen strongly objected to the application mainly on the grounds that the

proposed developments would adversely affect the *fung-shui* of Yuen Kong Tsuen, increase the risk of flooding of the site and the surrounding area, have adverse traffic impact to the vicinity, the proposed use was not in line with the planning intention of “Agriculture” (“AGR”) zone, and the application should not be approved before the village boundaries of Yuen Kong Tsuen and Yuen Kong San Tsuen were finalised. Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone; the applicant failed to provide traffic or environmental impact assessments; there was no appropriate access, right-of-way and parking space; similar applications near the site were previously rejected by the Committee; and the proposed Small Houses were entirely outside the draft village ‘environs’ of Yuen Kong Tsuen and the “Village Type Development” (“V”) zone; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed developments were not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Approval of the subject application would set an undesirable precedent for similar applications within the “AGR” zone in the future. There was no strong planning justification in the submission for a departure from the planning intention. The proposed developments did not meet the Interim Criteria in that it would frustrate the planning intention of the “AGR” zone. About 3.31 ha of land were still available within the “V” zone of Yuen Kong for Small House development, and it was more appropriate to concentrate the proposed Small Houses close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services. The applicant failed to demonstrate that the proposed developments were environmentally acceptable and not subject to risk hazard. While 11 similar applications for NTEHs were approved by the Committee, all

except two applications straddled the “AGR” zone and the same or adjoining “V” zones of Yuen Kong, Yuen Kong San Tsuen or Tin Sam San Tsuen. For the subject application, there was no strong justification in the submission that might warrant sympathetic consideration. There were two public comments against the application on various grounds.

40. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification given in the submission for a departure from the planning intention;
- (b) land is still available within the “Village Type Development” zone of Yuen Kong where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (c) the applicant has failed to demonstrate that the proposed development is environmentally acceptable and not subject to risk hazard.”

**Agenda Item 41**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/667      Temporary Metal Recycling Centre and Open Storage of Scrap Metal, Concrete and Machinery with Ancillary Office for a Period of 3 Years in “Agriculture” zone, Lots 355 RP (Part), 356 S.B, 356 RP, 359 RP, 360 RP (Part), 361, 362 (Part), 363, 364 (Part) and 435 RP (Part) in D.D. 103 and Adjoining Government Land, Ko Po San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-KTS/667)

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**Presentation and Question Sessions**

42.            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 metal recycling centre and open storage of scrap metal, concrete and machinery with ancillary office for a period of 3 years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection commented that three substantiated environmental complaints related to dumping of waste were received in the past three years and did not support the application as there were sensitive receivers, i.e. residential dwellings/structures, in the vicinity of the site, and environmental nuisance was expected. The environmental mitigation measures provided by the applicant could not relieve the concern over traffic of heavy vehicles and noisy activities affecting residential dwellings. The Director of Agriculture, Fisheries and Conservation did not support the filling of a pond at the northwestern portion of the site;

- (d) during the first three weeks of the statutory publication period, one public comment from the Kam Tin Rural Committee (KTRC) was received. KTRC objected to the application, mainly on the grounds that the proposed development would generate heavy traffic flow; would cause traffic congestion, environmental contamination and noise nuisance to the local residents; and also the future land use planning of the site would be affected; and
  
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Agriculture” zone and no strong planning justification had been given to justify a departure from the planning intention, even on a temporary basis. The development, which required the operation of machinery and heavy goods vehicles, was not compatible with the surrounding residential structures/dwellings. Although there were open storage yards and workshops in the vicinity, they were suspected unauthorised developments subject to enforcement action taken by the Planning Authority. The application did not comply with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there were adverse departmental comments and public objection against the development. Although previous approvals had been granted for temporary open storage of vehicles/construction materials and vehicle repair workshop, the approval for open storage use was granted more than 15 years ago and no adverse departmental comment nor local objection was received at that time while the vehicle repair workshop in the approvals would not generate significant adverse impact since the development was fenced off with vehicle repairing activity being carried out within the covered workshop. The nature of the applied use in the current application was different from that of the previous approvals. Although similar applications at a site to the south of the application site for temporary open storage of vehicles and container trailers/tractors park were approved by the Committee on 13.3.2009 and 5.10.2012 respectively, it

was subject to previous approvals for the same use since 2000. Besides, three similar applications for temporary port back- up and cargo handling use were rejected by the Committee or the Board in 2010 and 2011 respectively on the grounds that the applications did not comply with the TPB PG-No. 13E. Regarding the public comment objection to the application, the above departmental comments and planning assessments were relevant.

43. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. 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 the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ in that the development is not compatible with the surrounding land uses which are predominated by residential structures/dwellings, vacant/unused land, fallow agricultural land and grave. The residential dwellings/structures which are located to the immediate west of the site and in the vicinity would be susceptible to adverse environmental nuisance generated by the development and adverse comment from the relevant government department and local objections were received; and

- (c) the applicant fails to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas.”

## **Agenda Item 42**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/715            Social Welfare Facility (Residential Care Home for the Elderly) in “Village Type Development” zone, Lots 603 S.B ss.2, 603 S.B ss.3, 603 S.B ss.4, 603 S.B ss.5 (Part), 603 S.B ss.6 (Part), 603 S.B ss.7 (Part), 603 S.B ss.8 (Part) and 612 S.B RP (Part) in D.D. 111 and adjoining Government Land, Wang Toi Shan Shan Tsuen, Pat Heung, Yuen Long  
  
(RNTPC Paper No. A/YL-PH/715)

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### **Presentation and Question Sessions**

45.            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) social welfare facility (residential care home for the elderly);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments made in paragraph 10 of the Paper. The site fell within the “Village Type Development” (“V”) zone which was primarily intended to develop Small Houses by indigenous villagers. While the development was not entirely in line with the planning intention of the “V” zone and there was insufficient land in the concerned “V” zone in Wang Toi Shan to meet the Small House demand, the applied development could nevertheless provide residential care home services to the elderly in the local community and was not incompatible with the surrounding developments which included mainly village houses, and the existing residential home for the mentally disabled to the immediate east approved by the Committee on 12.12.2014. Previous application submitted by a different applicant for similar use for a temporary period of three years up to 4.12.1995 had also been approved with conditions by the Committee on 4.12.1992. In order to allow the private residential home to continue to provide service to the elderly, a planning permission was required. There was no material change in planning circumstances for the immediate surroundings since the previous approval was granted.

46. Members had no question on the application.

#### Deliberation Session

47. 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 5.6.2019, and after the said date, the permission should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a drainage proposal within 9 months from the date of approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.3.2016;
- (b) the design and provision of water supply for fire fighting and fire service installations within 9 months from the date of approval to the satisfaction of

the Director of Fire Services or of the TPB by 5.3.2016;

- (c) the submission and implementation of tree preservation proposal within 9 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2016;
- (d) if any of the above planning condition(s) (a), (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) the planning permission is given to the structures under application. It does not condone any other structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (d) to note 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 the prior approval of the Government. Building Licence Nos. 1908, 1941, 1905 and 1907 were issued to Lot Nos. 603S.Bss.2, Lot 603S.Bss.4, 603S.Bss5 and Lot 603S.Bss6 respectively in D.D. 111 for erection of one building on each lot not more than 3 storeys nor exceeding a height of 7.62m and with built-over area not exceeding 65.04m<sup>2</sup> for non-industrial purposes. No permission is given for occupation of government land (GL) (about 23m<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 Fan Kam Road via private land and GL. LandsD provides no maintenance works to the GL involved and does not guarantee right-of-way. The lots owners concerned will need to apply to LandsD to permit structures to be erected or regularise any irregularities on site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application 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 and administrative fee, as may be imposed by LandsD;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should be responsible for his own access arrangement and adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (f) to note the comments of the Chief Engineer 1/Major Works, HyD that the frontage of the concerned premises along Fan Kam Road has been included in the project "Preliminary design and investigation for the Improvement to Fan Kam Road" ("the Project"). In order to reserve sufficient land for proceeding with the road improvement works under the Project, unless currently existing, no structures, fences, walls etc. shall be built within an offset of 8m from the boundary of Fan Kam Road. The applicant should also remove any existing signboards, fence walls, features, etc. under their control as may be required by his office due to proceedings of the Project in the future. The applicant should agree with relevant authorities on the disposition and establishment of the vehicular access;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should provide updated photo record of the existing trees;

- (h) to note the comments of the Director of Environmental Protection that the applicant should provide and maintain necessary noise mitigation measures in accordance with the Hong Kong Planning Standards and Guidelines;
- (i) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority;
- (j) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that a waterworks reserve as shown in Plan A-2 of the paper shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purpose. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the waterworks reserve are required to seek authorisation from the Water Authority. Government shall not be liable for any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (k) to note the comments of the Food and Environmental Hygiene Department (FEHD) that no FEHD facilities shall be affected and works on the site shall not cause any environmental hygiene problem to the surrounding area. Any food business carrying out on the site should be granted with a licence by the Director of Food and Environmental Hygiene in accordance with Food Business Regulations, Cap 132X;
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of 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 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 Unauthorised Building Works (UBW). An Authorised 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 the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the sites do not abut on a specified street of not less than 4.5m wide, their permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and

- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant and/or his contractors shall, prior to establishing any structure within the site, 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 43**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/243            Temporary Shop and Services (Hardware Grocery Shop and Real Estate Agency ) for a Period of 3 Years in “Residential (Group C)” zone, Lot 3250 S.B ss.10 S.C RP (Part) in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/243)

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

49.            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 shop and services (hardware grocery shop and real estate agency ) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The site fell within the “Residential (Group C)” (“R(C)”) zone which was

intended for low-rise, low-density residential developments where commercial uses such as shops and services serving the residential neighbourhood might be permitted by the Board on application. The applied use was not in line with the planning intention of the “R(C)” zone. However, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(C)” zone as there was no immediate permanent development proposal at the site. The temporary development was not incompatible with the surrounding land uses, comprising mainly a school, a school sports ground, residential areas and vacant land. The site fell within the Wetland Buffer Area of the Town Planning Board Guidelines No. 12C which specified that planning applications for temporary uses were exempted from the requirement of Ecological Impact Assessment. The Director of Agriculture, Fisheries and Conservation had no comment on the application from nature conservation point of view noting that there were previous planning applications at the site, and given that the site was located at some distance from the fish ponds and wetlands in the Deep Bay area, significant negative off-site disturbance impact on the ecological value of the wetlands and fish ponds was not envisaged. To mitigate potential environmental impacts on the surrounding area, approval conditions restricting the operation hours, activity on-site and requiring maintenance of paving and boundary fencing were recommended. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. The applicant should also be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the possible environmental impacts. The site was the subject of 2 previously approved applications mainly for the same applied use. The last application was approved by the Committee on 22.5.2012 for a period of 3 years, and the planning permission lapsed on 22.5.2015.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no cutting, dismantling, cleansing, repairing, compaction and workshop activity is allowed on the site during the planning approval period;
- (c) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of as-built drainage plans 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 5.9.2015;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2015;
- (g) in relation to (f) above, the implementation 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 5.3.2016;
- (h) the implementation of accepted 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 5.12.2015;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied uses at the site;
- (b) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site;
- (c) to seek owners’ consent on the use of Fairview Park Boulevard and Man Yuen Road;
- (d) to note comments of the District Lands Officer/Yuen Long, Lands Department (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 prior approval of the Government. No permission is given for occupation of government land (GL) (about 23.6m<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 Yau Pok Road through GL. His office provides no maintenance work for the GL involved and do not guarantee any

right-of-way. The Short Term Waiver (STW) holder will need to apply to his office for modification of the STW conditions to regularise the irregularities on site (if any). 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 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 the payment of premium or fee, as may be imposed by LandsD;

- (e) to note the comments of the Director of Environmental Protection that all wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (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 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 (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they

are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on leased land of the site, prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of 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;

- (h) to note comments of the Commissioner of Police that there shall be no activity whatsoever associated with parallel trading conducted on site; and
- (i) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise potential environmental impacts on the surrounding area."

**Agenda Item 44**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/244          Temporary Shop and Services (Metal Hardware Shop and Household Item Retail Store) for a Period of 3 Years in “Open Space” zone, Lot 20 RP in D.D. 101, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/244)

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**Presentation and Question Sessions**

53.          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 Shop and Services (Metal Hardware Shop and Household Item Retail Store) for a period of 3 Years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment on the application from Designing Hong Kong Limited (DHK) was received. DHK raised concerns on the use of the site in the “Open Space” (“O”) zone for non-recreation related purpose and the close proximity of the site to Mai Po Nature Reserve; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The proposed use was not in line with the planning intention of the “O” zone but the Director of Leisure and Cultural Services had no objection to the application as there was no programme for development of the open

space. Approval of the application for a period of 3 years would not frustrate the long-term planning intention of the “O” zone. The proposed development was not incompatible with the surrounding land uses comprising residential development, temporary real estate agency and temporary restaurant. The proposed temporary metal hardware shop and household item retail store could serve the needs of the nearby residents. The site fell within the Wetland Buffer Area of the Town Planning Board Guidelines No. 12C on ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No.12C) which specified that planning applications for temporary uses were exempted from the requirement of Ecological Impact Assessment. Given that the site was located at some distance from the fish ponds and wetlands in the Deep Bay area, significant negative off-site disturbance impact on the ecological value of the wetlands and fish ponds was not envisaged. The Director of Agriculture, Fisheries and Conservation had no comment on the application. To mitigate potential environmental impacts on the surrounding area, approval conditions restricting the operation hours, activity on-site and requiring maintenance of paving were recommended. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. The applicant should be also advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the possible environmental impacts.

54. In response to the Chairman’s question, Mr K.T. Ng, STP/FSYLE, said that should the application be approved, the existing structures at the site would be removed so that the proposed temporary shop would be constructed.

#### Deliberation Session

55. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 6:00p.m. and 9:00a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no cutting, dismantling, cleansing, repairing, compaction, workshop and open storage activity is allowed on the site at any time during the planning approval period;
- (c) the paving on the site shall be maintained at all times during the planning approval period;
- (d) 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 5.12.2015;
- (e) in relation to (d) above, the implementation 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 5.3.2016;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2015;
- (g) in relation to (f) 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 5.3.2016;
- (h) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2015;
- (i) in relation to (h) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2016;

- (j) 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 5.12.2015;
- (k) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (d), (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site;
- (b) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (c) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or,

if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the site comprises an Old Schedule Agricultural Lot held under the Block Government Lease under which no structures are allowed to be erected without prior approval of the Government. The site is accessible to Castle Peak Road – Mai Po through both private land and government land (GL). His office provides no maintenance work for the GL involved and do not guarantee any right-of-way. The lot owner(s) will need to apply to his Office to permit the structures to be erected or regularise any irregularities on site. Such application will be considered by the LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including the payment of fee, as may be imposed by the LandsD;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD is not and shall not be responsible for the maintenance of track road connecting the site and Castle Peak Road – Mai Po. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (f) to note the comments of the Director of Environmental Protection that all wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The 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 BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD, they are unauthorised under the 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, prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of 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;
- (i) to note the comments of the Commissioner of Police that there shall be no activity whatsoever associated with parallel trading conducted on site; and

- (j) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise potential environmental impacts on the surrounding area.”

#### **Agenda Item 45**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/237      Temporary Education Kiosk for a Period of 2 Years in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” zone, Government Land in D.D. 123, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/237)

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

57.            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 education kiosk for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the Yuen Long District Council who stated that he had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments made in paragraph 11 of the Paper. The planning intention of “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zone (“OU(CDWEA)”) was for conservation and enhancement of ecological value and functions of the existing fish ponds or wetland through consideration of application for development. The objectives of the kiosks were to raise public awareness on the conservation value of fishpond which supported the conservation of the ecological value of the Deep Bay Area. The proposed education kiosks were in line with the planning intention of the “OU(CDWEA)” zone. The site area was small and no tree felling or land excavation/pond filling would be involved. The potential ecological impact due to the kiosks would be negligible. The proposed education kiosks were in line with the Town Planning Board Guidelines No. 12C on ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No.12C) in that they helped support the conservation of the ecological value of the fishponds which formed an integral part of the wetland ecosystem in the Deep Bay Area through public education. The proposed temporary kiosks were not incompatible with the surrounding natural environment. Adverse environmental, traffic, fire safety and drainage impacts were not envisaged. The site was subject of a previous application for the same use and submitted by the same applicant which was approved with condition by the Committee on 12.9.2014 for a period of 6 months.

58. Members had no question on the application.

#### Deliberation Session

59. After deliberation, the Committee decided to approve the application on a temporary basis from 5.6.2015 until 5.6.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

“ upon the expiry of the planning permission, the reinstatement of the application site to the original state to the satisfaction of the Director of

Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under application comprises only government land (GL). No permission is given for occupation of the GL (about 144m<sup>2</sup> subject to verification) of the application site. The site is accessible to Nam Sang Wai Road through GL. His office provides no maintenance work to the GL involved and does not guarantee right-of-way. The site does not fall within any Airfield Height Restriction Area. The applicant has to apply for a formal approval prior to the actual occupation of the GL. 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; and
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that for site A, the existing water main should not be affected be affected by the proposed kiosk. No structure shall be erected over the proposed area and such area shall not be used for storage purposes. The Water Authority (WA) 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 WA may require or authorise.”

**Agenda Item 46**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/458            Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot 682 S.C RP (Part) in D.D. 102 and adjoining Government Land, Tsing Lung Tsuen, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/458)

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**Presentation and Question Sessions**

61.            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 shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings within 100m of the site or within 50m of the access road to and from the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the San Tin Rural Committee objecting to the application on the grounds that the development would jeopardise nearby villagers by using the adjoining local track as its access road; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. Although the applied use was not entirely in line with the planning

intention of the “Village Type Development” (“V”) zone, it could provide services to the residents in the vicinity and the applied use was not incompatible with the residential neighbourhood in the subject “V” zone. The District Lands Officer/Yuen Long, Lands Department commented that there was no Small House application at the site. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “V” zone. The site fell within the Wetland Buffer Area of Deep Bay. According to the Town Planning Board Guidelines No. 12C on ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No.12C), planning applications for temporary uses were exempted from the requirement of Ecological Impact Assessment. The Director of Agriculture, Fisheries and Conservation had no comment on the application given that the site was hard-paved with no wetland. As there were ponds to the east of the site, the applicant was advised to avoid causing any potential disturbance and water pollution to the nearby ponds. Regarding DEP’s concern on potential environmental nuisance, the nearest residential dwelling was at about 27.5m to the east of the site, which was separated from the site by a pond. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours and requiring maintenance of paving and boundary fencing were recommended. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. The applicant should be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the possible environmental impacts. Other relevant government departments consulted had no objection to or no adverse comment on the application. Their technical concerns could be addressed by approval conditions. The site was the subject of one previous application for the same applied use which was approved by the Committee on 16.3.2012 for a period of 3 years. However, the approval was revoked due to non-compliance with the approval condition in relation to the prohibition of vehicular access to the site. In the current application,

the applicant had submitted landscape, tree preservation and drainage proposals. The submitted drainage proposal had been accepted by the Drainage Services Department. Shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. The applicant would also be advised that should he fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application. Regarding the adverse public comment on traffic matter, the Commissioner for Transport had no objection to the application.

62. Members had no question on the application.

#### Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of as-built drainage plans and sections 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 5.9.2015;
- (e) 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 5.9.2015;

- (f) in relation to (e) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2015;
- (g) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2015;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2015;
- (i) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon 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.”

64. 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 development/use at the site;
- (c) to resolve any land issues relating to the temporary use with the concerned owner(s) of the site;
- (d) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the land under the site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of government land (GL) (about 27m<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 through GL. LandsD provides no maintenance work for the GL involved and do not guarantee any right-of-way. The lot owner(s) will need to apply to LandsD to permit the structures to be erected or regularise any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(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 of fee, as may be imposed by LandsD;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that if the proposed run-in is agreed by the Commissioner for Transport, the applicant should construct a run in/out at the access point at the 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 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 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; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
  
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorised under the BO and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be

appointed as the 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;

- (i) 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 the Director of Environmental Protection 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, LandsD regarding all the drainage works outside the site boundary in order to ensure the unobstructed discharge from the site in future;
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid causing any potential disturbance and water pollution to the nearby ponds;
- (k) to note the comments of the Commissioner of Police that any form of storage facility or container, or the premises being used as such for

vending/retailing of goods in any form should not be allowed, as such activities are conducive to parallel trading activities (general merchandise operators (GMO) activities) that is a cause of public concern and nuisances at present. The area at and around the San Tin Post Office is already a well-known and currently used area for such GMO activities and causing nuisances to the general public. Any further such activities at the location would only exacerbate the situation; and

- (l) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department to minimise potential environmental impacts on the surrounding areas.”

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

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

[Mr K.C. Kan and Ms Polly O.F. Yip, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), were invited to the meeting at this point.]

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

### **Agenda Item 47**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/296 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot 3674 RP in D.D. 124, Sun Fung Wai, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/296)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the Tuen Mun District Council, requesting no obstruction to the pavement and cycle track; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The planning intention of the “Village Type Development” (“V”) zone was to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by government projects. Although the proposed development was not entirely in line with the planning intention of the “V” zone, there was currently no Small House application at the site. Approval of the application on a temporary basis for 3 years would not jeopardise the long-term planning intention of the “V” zone. The proposed development might serve some of the demand of the local villagers/residents for real estate agency services. The site was at the fringe of a “V” zone and the proposed development for real estate agency was not incompatible with the surrounding land use. Government department consulted had no objection to or no adverse comment on the application as significant adverse environmental, traffic, drainage and

landscape impacts on the surrounding area were not envisaged. Technical concerns on drainage and fire safety could be addressed through imposing appropriate approval conditions. To further minimise the possible nuisance to the nearby residents, approval conditions on operation hours and no vehicle to enter/be parked or stored on the site were recommended. The applicant would also be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the potential environmental impacts on the surrounding area. The site was subject to five previous applications. The last two applications No. A/TM-LTY Y/192 and 243 were submitted by the same applicant of the current application. Application No. A/TM-LTY Y/192 was revoked due to non-compliance with conditions in respect of the provision of drainage facilities and run in/out. Application No. A/TM-LTY Y/243 was rejected for reasons that the applicant failed to demonstrate that the proposed development would not have adverse traffic and drainage impacts and there were previous revocations of planning permissions due to non-compliance with the approval conditions. To address the traffic and drainage concerns, the applicant proposed that no vehicles would be allowed to enter into the site, and submitted a proposed drainage plan under the current application to address the drainage requirement. There were 4 similar applications approved within same "V" zone. Regarding the public comment, the applicant had proposed that no vehicle would be allowed to enter the site. The Transport Department considered that there should not be any obstruction to the pavements and cycle track. An approval condition prohibiting vehicle to enter/park or store on the site was recommended.

66. Members had no question on the application.

#### Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 7:30 p.m. and 9:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle is allowed to enter or be parked/stored on the site, as proposed by the applicant, at any time during the planning approval period;
- (d) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2015;
- (e) in relation to (d) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.3.2016;
- (f) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2015;
- (g) in relation to (f) 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 5.3.2016;
- (h) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) the planning permission is given to the development/use and structure under application. It does not condone any other development/use which currently occurs on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;
- (c) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that the site comprises Old Schedule Agricultural Lot held under the Block Government Lease. It is noted that the proposed access road falls on the pavement is government land. His Office neither provides maintenance works to the access road nor guarantees any right-of-way to the site. The owner(s) of the site is required to apply to his Office for Short Term Waiver (STW) for erection of the structures on the lot. STW proposal will only be considered by his Office upon receipt of formal application from the owner(s) of the lot. There is no guarantee that the application will be approved and he reserves his comment 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 charging of waiver fee, deposit and administrative fee, etc.;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the

Building Authority for the structures existing at the site and the BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO for UBW erected on leased land, enforcement action may be taken by the 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 respectively;

- (e) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department (EPD) to minimise potential environmental impacts on the surrounding area;
- (f) to note the comments of the Director of Environmental Protection that public sewer is available in the vicinity along the Castle Peak Road for connection;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the nearby public roads;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that it is noted in the submitted drainage plan that provision of U-channel is proposed at the western boundary of the site only. The applicant should justify the adequacy of such provision that the stormwater runoff falling onto and passing through the site are intercepted and disposed of via proper discharge point, and would not cause nuisance/disturbance to the adjacent area/lots. Should the applicant propose to adopt fall of pavement surface as a means of controlling the direction of surface runoff, the proposed finish level of such pavement and the existing levels of the surrounding area/lots should be provided to demonstrate the proposed fall is feasible and match with the surrounding topography. Also, the applicant should demonstrate the flow would not be obstructed by any proposed building or the like. The applicant should address the above comments during the submission of drainage proposal. The applicant should refer to the guidelines as specified in “Technical Note to prepare a Drainage Submission” which is available at DSD’s website ([http://www.dsd.gov.hk/EN/Technical\\_Manuals/DSD\\_Guidelines/index.html](http://www.dsd.gov.hk/EN/Technical_Manuals/DSD_Guidelines/index.html)). Surface channels should be provided along the perimeter of the lot to collect all the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. Where solid boundary wall along the lot boundary is to be built, surface channels with adequate size on both sides of the solid boundary wall should be provided. Also openings may have to be provided at the solid boundary walls to avoid blockage of stormwater flow. The proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at the owner’s own expense. For any works to be carried out outside the applicant’s lot boundary, the applicant should consult DLO/TM, LandsD and seek consent from relevant lot owners before commencement of the drainage works. The applicant should implement the drainage facilities on site in accordance with the drainage proposal. The applicant is required to rectify the drainage system if the drainage system are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and

demands arising out of damage or nuisance caused by a failure of the drainage system. The proposal should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas. For sewerage issues, the applicant should clarify the sewerage impact and meet the full satisfaction of EPD, the planning authority of sewerage infrastructure; and

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. 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.”

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

### **Agenda Item 48**

#### **Section 16 Application**

[Open Meeting]

A/YL-HT/955                      Proposed Temporary Shop and Services (Real Estate Agency) for a  
Period of 3 Years in “Village Type Development” zone, Lot 1119  
(Part) in D.D.125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/955)

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69.            The Committee noted that the applicant requested on 27.5.2015 for deferment of the consideration of the applications for one month in order to allow time for preparation of further information to address the comments of the Drainage Services Department. This was the first time that the applicant requested for deferment of the application.

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

**Agenda Item 49**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/732 Proposed Concrete Batching Plant in "Open Storage" zone, Lot 2631  
RP in D.D.120, Shan Ha Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/732)

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71. The Committee noted that the applicants requested on 18.5.2015 for deferment of the consideration of the applications for two months in order to allow time for preparation of supplementary information to address departmental comments. It was the first time that the applicants requested for deferment of the applications.

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

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

[Dr C.P. Lau and Mr H.F. Leung returned to join the meeting at this point.]

**Agenda Item 50**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/734      Temporary Open Storage of Construction Machinery and Materials and Vehicle Repair Workshop for a Period of 3 Years in “Undetermined” zone, Lots 2366 RP, 2367 and 2386 RP (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/734)

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**Presentation and Question Sessions**

73.            Ms Polly O.F. Yip, 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 and vehicle repair workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate east and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use but was designated as “U” mainly due to concerns of the capacity of Kung Um Road. Although the use of the area was now being reviewed under ‘the Planning and Engineering Study for Housing Sites in Yuen Long South’. Approval of the application on a temporary basis would not frustrate the long-term use of the area. There were open storage yards with planning approvals to the east, south and southwest. The development under application was not incompatible with the surrounding uses. The application was generally in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses, and the concerns of relevant government departments were technical in nature which could be addressed through the implementation of approval conditions. Although there was one environmental complaint against the site in February 2012 concerning air nuisance arising from paint spraying, DEP confirmed that no paint spraying activities were found at the site and no new environmental complaints were received since then. The applicant proposed to restrict the operation hours and to prohibit the use of heavy goods vehicles and carrying out of spraying activities on the site. To address the concerns on possible nuisance to the nearby residential development, approval conditions restricting the operations hours, prohibiting the carrying out of paint spraying activities and restricting the use of heavy goods vehicles (including container trailer/tractors) were recommended. The applicant would also be advised to keep the site in a clean and tidy condition at all times and to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise any potential environmental impact. Relevant approval conditions were also recommended to prohibit the queuing back and reverse movement of vehicle onto/from public road, and to require the maintenance of the

existing trees and landscape plantings and drainage facilities on the site. Planning permissions for the same or similar open storage use with/without vehicle repair workshop at the site had been granted since 1997. The approval conditions of last application had been complied with by the applicant and the permission was valid up to 20.7.2015. There had been no major change in the planning circumstances since the last approval.

74. Members had no question on the application.

#### Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no paint spraying 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) all existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;

- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of 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 5.9.2015;
- (i) 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 17.7.2015;
- (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 5.12.2015;
- (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 5.3.2016;
- (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;
- (m) if any of the above planning conditions (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon 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.”

76. 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 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. Lots Nos. 2366 RP, 2367 and 2386 RP all in D.D. 120 are covered by Short Term Waivers which permit structures erected thereon for the purpose of vehicle repair workshop, storage of construction machinery and materials and ancillary use. The lot owner(s) will need to apply to his office to permit any additional/excessive structures to be erected or regularise any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on Government Land and private land extended from Kung Um Road. His office provides no maintenance work for the track and does not guarantee any right-of-way;
- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road should be checked with the Lands Authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Moreover, sufficient space should be provided within the site for manoeuvring of vehicles and no parking on public road is allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West,

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

- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department to minimise any potential environmental nuisances;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, 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 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;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted Houses), they are unauthorised 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 Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building

works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access 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

- (i) to note the comments of the Director of Electrical and Mechanical Services that there is a high pressure underground town gas transmission pipeline (running along Yuen Long Highway) in the vicinity of the proposed development. The applicant / consultant / works contractor shall therefore liaise/coordinate with the Hong Kong and China Gas Company Limited in respect of the exact location of existing and planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/gas installations if any excavation works are required during the design and construction stages of the development. The applicant / consultant / works contractor is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes" for reference which is available at his department's webpage ([http://www.emsd.gov.hk/emsd/e\\_download/pps/gas/cop\\_gas\\_pipes\(english\).pdf](http://www.emsd.gov.hk/emsd/e_download/pps/gas/cop_gas_pipes(english).pdf)).

[The Chairman thanked Mr K.C. Kan and Ms Polly O.F. Yip, STP/TMYLW, for their attendance to answer Members' enquires. Mr Kan and Ms Yip left the meeting at this point.]

**Agenda Item 51**

Any Other Business

77.           There being no other business, the meeting closed at 4:30 p.m.