

TOWN PLANNING BOARD

Minutes of 542nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 9.10.2015

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Kelvin K.M. Siu

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

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

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

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

Secretary

Absent with Apologies

Ms Anita W.T. Ma

Mr H.F. Leung

Mr David Y.T. Lui

In Attendance

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

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

Town Planner/Town Planning Board
Ms Floria Y.T. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 541st RNTPC Meeting held on 18.9.2015

[Open Meeting]

1. The draft minutes of the 541st RNTPC meeting held on 18.9.2015 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

Agenda Item 3

Section 16 Application

[Closed Meeting (Deliberation)]

A/I-TCTC/51 Temporary Eating Place for a Period of 3 Years in “Open Space” Zone,
Lot 2261 in D.D. 3, G/F, No.2 Wong Nai Uk Village, Tung Chung,
Lantau Island
(RNTPC Paper No. A/I-TCTC/51)

3. The Committee noted that the Paper of the item was tabled at the meeting for Members’ consideration. The Secretary reported that there was a request from the applicant for Members’ consideration.

Deliberation Session

4. The Secretary reported that the applicant sought planning permission to use the application premises as an eating place on a temporary basis for a period of three years and

the application was originally scheduled for consideration by the Committee at today's meeting. On 6.10.2015, the applicant submitted a letter to withdraw the application and the Town Planning Board Secretariat issued a letter on 7.10.2015 to the applicant acknowledging the withdrawal of the application. The Paper on the subject application was hence not issued to Members. However, the applicant submitted another letter on 8.10.2015 requesting the Committee to continue processing and consider the planning application on 9.10.2015, i.e. today's meeting.

[Mr F.C. Chan arrived to join the meeting at this point.]

5. The Secretary further reported that should the Committee consider that the application had already been withdrawn, the applicant would need to submit a fresh planning application to pursue the development. Alternatively, should the Committee agree to continue processing the application as requested by the applicant, the Planning Department (PlanD) recommended to defer a decision on the application such that the Paper would be issued to the Committee for consideration at the next meeting on 23.10.2015.

6. The Chairman said that sympathetic consideration might be given to the request as the applicant might not be familiar with the application procedure. Given that it was the statutory requirement for the Town Planning Board to consider a s.16 application within 2 months, the Committee could consider deferring the consideration of the application until the next meeting so that sufficient time would be allowed for circulation of Paper to Members prior to the meeting.

7. After further deliberation, the Committee decided to defer a decision on the application and agreed that the application would be submitted for its consideration at the next meeting on 23.10.2015.

[Mr William W.T. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/222 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” and “Village Type Development” Zones, Lot 243 (Part)
 in D.D. 220 and adjoining Government land, Nam Shan Village, Sai
 Kung, New Territories

 (RNTPC Paper No. A/SK-PK/222)

Presentation and Question Sessions

8. With the aid of a Powerpoint presentation, Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

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

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from nature conservation point of view as the proposed Small House might affect a number of trees on government land within “Green Belt” (“GB”) zone. The Commissioner for Transport (C for T) had reservation on the application and advised that such type of development should be confined within “Village Type Development” (“V”) zone as far as possible. Such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications and the resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation on the application. The site was a piece of regenerated vegetated land at a lower ground level than the existing village

houses to the south. Two native trees of common species were found within the site. Although significant landscape resource was not found within the site, there were large mature trees surrounding the site. The construction of the proposed Small House and associated temporary access might cause adverse landscape impact on surrounding native mature trees of the existing woodland;

- (d) during the first three weeks of the statutory publication period, four public comments were received from Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited, residents of Nam Shan Village and an individual, objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of “GB” zone and Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for development within “GB” zone and there was no strong justification in the submission for a departure from the planning intention; it would cause adverse environmental and traffic impacts but no impact assessments had been provided. No local objection/view was received by the District Officer (Sai Kung); and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The site fell within an area partly zoned “V” (about 63%) and partly zoned “GB” (37%). There was a general presumption against development within the “GB” zone. There was no strong planning justification in the submission for a departure from the planning intention. The application did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the subject “V” zone. The proposed development also did not comply with TPB PG-No. 10 for development within “GB” zone in that there were no exceptional circumstances to justify the application and the proposed development would involve vegetation clearance and adversely affect the woodland in the vicinity. Both DAFC and CTP/UD&L had reservation on the application. Regarding the public comments, the assessments above were

relevant.

9. Members had no question on the application.

Deliberation Session

10. After deliberation, the Committee decided to reject the application. The reasons for rejection were:

- “(a) the proposed Small House development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. The applicant fails to provide strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in the New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone;
- (c) the proposed development is not in line with Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that there are no exceptional circumstances to justify the application and the proposed development would likely involve vegetation clearance and result in adverse landscape impact within the Site and to the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in the encroachment on the “GB” zone by development and a general degradation of the natural environment of the area.”

[The Chairman thanked Mr William W.T. Wong, STP/SKIs, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 5 to 7

Section 16 Applications

[Open Meeting]

A/DPA/NE-TT/61 Proposed House (New Territories Exempted House - Small House) in 'Unspecified Use' Area, Lot 483 S.A ss.1 in D.D. 289, Ko Tong, Tai Po, New Territories
(RNTPC Paper No. A/DPA/NE-TT/61)

A/DPA/NE-TT/62 Proposed House (New Territories Exempted House - Small House) in 'Unspecified Use' Area, Lot 483 RP in D.D. 289, Ko Tong, Tai Po, New Territories
(RNTPC Paper No. A/DPA/NE-TT/62)

A/DPA/NE-TT/63 Proposed House (New Territories Exempted House - Small House) in 'Unspecified Use' Area, Lot 476 S.B ss.2 in D.D. 289, Ko Tong, Tai Po, New Territories
(RNTPC Paper No. A/DPA/NE-TT/63)

11. The Committee noted that the three applications were similar in nature (proposed house (New Territories Exempted House – Small House)) and the application sites were in close proximity to one another and within the same 'Unspecified Use' area. The Committee agreed that they would be considered together.

12. The Committee noted that on 5.10.2015 (for Applications No. A/DPA/NE-TT/61 and 62) and on 6.10.2015 (for Application No. A/DPA/NE-TT/63), after issuance of the Papers, the applicants wrote to the Town Planning Board (TPB) requesting for deferment of consideration of the applications for two months in order to allow time to prepare further

information in support of the application and to address the comments of the Chief Town Planner/Urban Design and Landscape and the letters were received by the Town Planning Board Secretariat on 6.10.2015 (for Applications No. A/DPA/NE-TT/61 and 62) and 7.10.2015 (for Application No. A/DPA/NE-TT/63). The letters from the applicants were tabled at the meeting for Members' consideration. This was the second time the applicants requested for deferment of the applications. Since the first deferment, the three applicants had submitted further information including responses to address the comments of concerned departments in relation to landscape matters and provided further justifications for the applications. The applicants of applications No. A/DPA/NE-TT/61 and 62 had also provided an access plan for each site and clarification regarding the village access.

13. In response to the Chairman's question, the Secretary said that the requests for deferment were received by the TPB Secretariat on 6.10.2015 and 7.10.2015, which was after issue of the Papers. The requests for deferment met the criteria as set out in the Town Planning Board Guidelines (TPB PG-No. 33) on 'Deferment of Decision on Representations, Comments, Further Representations and Application'. Members generally agreed that the requests could be acceded to.

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

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/108 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” Zone, Government land in D.D. 167, Nai Chung Village,
 Sai Kung North, New Territories
 (RNTPC Paper No. A/MOS/108)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent, and the resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. As the whole site fell within “Green Belt” (“GB”), which was primarily for containing urban sprawl, approval of the application would set an undesirable precedent to attract other similar applications for small house developments extending the village towards existing woodland vegetation surrounding the site. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments were received from Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and an individual, objecting to the application mainly on the grounds of being not in line with the planning intention of the “GB” zone, undesirable precedent effect, potential environmental, traffic, landscape/visual impacts and misusing the government land. No local objection/view was received by the District Officer (Tai Po); and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of the “GB” zone. Both CTP/UD&L and C for T had reservation on the application. The proposed development was considered not in compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Nai Chung Village and the proposed development would have adverse landscape impact on the surrounding areas. The proposed development also did not comply with the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for development within “GB” zone in that it would adversely affect the existing natural landscape of the surrounding environment. Regarding the public comments, the assessments above were relevant.

16. In response to a Member’s query, Mr Kenny C.H. Lau said that the allegation that the application was a ‘Destroy First, Build Later’ case was a public comment. With the aid of aerial photos on Plans A-3a and A-3b of the Paper, he further explained that one of the considerations of the application was that vegetation clearance undertaken on the site and extending towards the “GB” zone had been observed. This would result in the further degradation of the landscape resources and landscape character of the ‘GB’ and undermining the intactness of the “GB” zone. Members noted from the site photo taken on 10.7.2015 in Plan A-4 of the Paper and remarked that there appeared to be excavation of land undertaken recently.

Deliberation Session

17. After deliberation, the Committee decided to reject the application. The reasons for rejection were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within the “GB” zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone and the proposed development would have adverse landscape impact on the surrounding areas;
- (c) the proposed development does not comply with the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “Green Belt” zone under Section 16 of The Town Planning Ordinance’ in that the proposed development would adversely affect the existing natural landscape of the surrounding environment;
- (d) land is still available within the “V” zone which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (e) the approval of the application would set an undesirable precedent for other

similar applications in the area. The cumulative impacts of approving such applications would result in adverse impacts on the natural environment and landscape character of the area.”

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/154 Temporary Goods Distribution and Storage Use for a Period of 3 Years in “Other Specified Uses” annotated “Port Back-up Uses” Zone and area shown as ‘Road’, Lots 182 RP(Part) and 183 RP(Part) in D.D.52, Fu Tei Au, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-FTA/154A)

Presentation and Question Sessions

18. 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) the proposed temporary goods distribution and storage use for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a public comment was received from a North District Council (NDC) member who

had no specific comment on the application but stated that the residents nearby should be consulted. The District Officer (North) had consulted the locals regarding the application. All the respondents had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that no major adverse departmental comments and no local objection had been received on the application. Part of the site fell within an area shown as 'Road' on the approved Fanling North Outline Zoning Plan No. S/FLN/2. The area was required for the proposed Fanling Bypass Western Section, to be implemented in the Remaining Packages of Development of Kwu Tung North and Fanling North New Development Areas not earlier than 2024. The subject application for a temporary period of three years would not jeopardise the long-term planning intention for the proposed road works. Also, the development would not have significant adverse traffic, drainage, environmental and landscape impacts on the surrounding area. A public comment from a NDC member which indicated no specific comment on the application had been received.

19. Members had no question on the application.

Deliberation Session

20. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2018, 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. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning

approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, is allowed for the operation of the site at any time during the planning approval period;
- (d) the existing trees and landscape plantings implemented under Application No. A/NE-FTA/113 on the site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities implemented under Application No. A/NE-FTA/113 on the site shall be maintained at all times and those inadequate/ineffective facilities should be rectified during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities implemented under Application No. A/NE-FTA/113 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 9.1.2016;
- (g) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2016;
- (h) in relation to (g) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2016;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby

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

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

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

“(a) prior planning permission should have been obtained before commencing the applied use at the site;

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

- (i) the lots under application are Old Schedule agricultural lots held under the Block Government Lease without any guarantee of right of vehicular access, and covered by Short Term Waiver (STW) No. 1292 for the purpose of container trailer park and ancillary office and storage. The total site coverage of the structures erected on the lots shall not exceed 37.16m²;

- (ii) it is noted that there are structures erected on the lots concerned. The total built-over area of the aforesaid structures is larger than both the maximum permitted site coverage stipulated in STW No. 1292 and the one mentioned in the planning application. Moreover, one of the aforesaid structures has been erected on the non-building area stipulated in STW No. 1292. The unauthorised structures are not acceptable under the concerned lease and STW No. 1292. His office reserves the right to take enforcement action against the irregularities;

- (iii) the actual occupation area is larger than the site. Some other portions of Lots Nos. 182RP and 183 RP in D.D. 52 have also been

occupied; and

- (iv) the owner of the lots concerned should apply to his office for modification of STW No. 1292 to regularize the irregularities and cover all structures erected or to be erected on the lots, which will be considered by the Government in its landlord's capacity. There is no guarantee that the application will be approved. If the application is approved, it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office;
- (c) to note the comments of the Commissioner for Transport that the unnamed non-standard local track connected to Man Kam To Road is not under his office's management. The land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department (BD), and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (ii) part of the lots concerned is within the waterworks reserve of WSD's 1,200mm diameter water mains. No structure or support for any structure, except boundary fences, shall be placed or erected and no motor vehicles is allowed to park or remain for any purposes including for display within the waterworks reserve. Free access shall be made available at all times for staff of the WSD or his authorised contractor to carry out construction, inspection, operation, maintenance and repair works to the water mains within the waterworks reserve; and
 - (iii) the site is located within the flood pumping gathering ground;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows:
- (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including container/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;

- (iv) the temporary converted containers for office/staff resting room/kitchen/toilet are considered as temporary buildings and are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;
 - (v) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the B(P)Rs respectively;
 - (vi) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
 - (vii) detailed comments under the BO will be provided at building plan submission stage;
- (g) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the proposed vehicular access connecting the lots concerned and Man Kam To Road is a non-standard local track and is not maintained by his department. It is within unallocated government land. The applicant should clarify with LandsD the right to use this piece of land as the lot's access;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site is located just to the north of an abandoned meander currently maintained by his department for ecological purposes under the "Main Drainage Channel for Fanling, Sheung Shui and Hinterland project". The applicant should adopt good site practices and implement necessary environmental measures including but not limited to provision of screen planting/hoarding and control of surface runoff to avoid disturbance to the abandoned meander of the Ng Tung River; and

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/156 Proposed Temporary Unloading/Loading Platforms for a Period of 3 Years in “Agriculture” Zone, Lots 464, 465, 466, 520 RP, 521, 522 and 523 in D.D 89, Fu Tei Au, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-FTA/156)

Presentation and Question Sessions

22. 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) the proposed temporary unloading/loading platforms for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Divisional Commander (Ta Kwu Ling Division), Hong Kong Police Force (DVC TKLDIV, HKPF) raised concern over the application in that the site was situated at Man Kam To Road where there were heavy traffic movements on the road. Any vehicle slowdown would easily cause traffic congestion to the road and the adjacent road network. He was also concerned that trucks/heavy goods vehicles entering the site might affect the traffic flow or cause other

vehicles to pass over the opposite lane for overtaking, thus causing danger to the public. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as active agricultural activities were found in the vicinity of the site and the site possessed good potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had objection to the application from the landscape planning point of view as the proposed use was incompatible with the surrounding environment which was in a typical rural setting. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. The closest ones were less than 10m to the east and northwest of the site. DEP also advised that the proposed corrugated steel sheets for screening off noise to the nearby receivers was not considered as an effective noise mitigation measure;

- (d) during the first three weeks of the statutory publication period, 13 public comments were received from the Chairman of Sheung Shui District Rural Committee, the local villagers of Sha Ling, a group of residents of Sha Ling Village enclosing 191 signatures from villagers, the Sheung Shui Vegetable Marketing and Credit Co-operative Society Limited, Designing Hong Kong Limited, the Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation and individuals. They objected to/raised concerns on the application mainly on the grounds of not in line with the planning intention, incompatible with the surrounding land uses, causing traffic and environmental impacts, the loss of agricultural land and vegetation, approval of the case would cause road safety/pollution/flooding risks to the nearby residents, destruction of ecosystem in the locality, and setting of undesirable precedent;
- (e) the District Officer (North) (DO/N) had consulted the locals regarding the application. A group of residents of Sha Ling Village enclosing 191 signatures from villagers, the comments of which were the same as one of

the public comments received from them. The Chairman of Ta Kwu Ling District Rural Committee raised objection to the application and was concerned that the increase of the road capacity of Man Kam To Road would cause traffic jam. The North District Council (NDC) member of the subject constituency, the Indigenous Inhabitant Representative and Resident Representative (RR) of San Uk Ling, the RR of Lo Wu and 沙嶺村孟蘭會 had no comment on the application; and

- (f) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper and highlighted as follows:
- (i) the proposed temporary unloading/loading platforms use was not in line with the planning intention of the “AGR”. DAFC, DEP and CTP/UD&L did not support the application;
 - (ii) While the Commissioner for Transport (C for T) considered that the application could be tolerated from the traffic engineering viewpoint, DVC TKLDIV, HKPF raised concern as there were heavy traffic movements on Man Kam To Road, and any vehicle slowdown would easily cause traffic congestion, and trucks/heavy good vehicles entering the site might affect the traffic flow or cause other vehicles to pass over the opposite lane for overtaking, thus causing danger to the public;
 - (iii) the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site fell within Category 3 area where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals;
 - (iv) there was no major change in the planning circumstances since the rejection of the previous application (Application No. A/NE-FTA/151); and
 - (v) regarding the adverse public comments/local objections received during

the statutory publication period and conveyed by DO/N, the assessments above were relevant.

23. Members had no question on the application.

Deliberation Session

24. After deliberation, the Committee decided to reject the application. The reasons for rejection were:

- “(a) the application is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which is primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there is no previous planning approval granted at the site; the proposed development is not compatible with the surrounding land uses which are predominantly rural in character; there are adverse departmental comments on the application; and the applicant fails to demonstrate that the development would have no adverse environmental and landscape impacts on the surrounding area; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

Agenda Item 11

Section 16 Application

[Open Meeting]

A/NE-LYT/578 Temporary Open Storage of Construction Machinery and Equipments for a Period of 3 Years in “Government, Institution or Community” and “Residential (Group C)” Zones, Lots 888 S.B RP, 889 S.A RP, 892 RP in D.D.83 and adjoining Government Land, Ma Liu Shui San Tsuen, Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/578)

25. The Committee noted that the applicant requested on 24.9.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

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.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent, and the resulting cumulative adverse traffic impact could be substantial. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods of the application and the further information, a total of four public comments were received from Designing Hong Kong Limited, a group of residents in San Uk Pai and an individual, objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agricultural” (“AGR”) zone; would affect the local access;

no impact assessment had been submitted; and potential cumulative impacts on drainage, hygiene, safety, environment and traffic aspects. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention of the “AGR” zone. C for T had reservation on the application. The proposed development was considered not in compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of San Uk Pai. In general, the proposed development which was not in line with the Interim Criteria would normally not be allowed. However, sympathetic consideration might be given if there were specific circumstances to justify the cases, such as the site was an infill site among the existing NTEHs/Small House. Regarding the public comments, the assessments above were relevant.

28. Members had no question on the application.

Deliberation Session

29. Whilst there was sufficient land within San Uk Pai village to meet the Small House development demand, the Chairman noted that the site was flat, paved and currently used for car parking and vehicular and pedestrian access, and surrounded by village houses. Given that the site was located on a narrow strip of land sandwiched between the boundary of “V” zone and the village ‘environs’ of San Uk Pai, he invited Members to consider whether sympathetic consideration could be given to the application.

30. The Committee noted that the applicant had already shifted the footprint of the proposed Small House toward the north-western corner of the site to allow sufficient space for the villagers to access the village houses nearby, and there was limited scope to further shift the footprint towards the “V” zone due to the site constraint.

31. The Committee also noted that there was public objection to the application during the public inspection period on grounds, inter alia, that the proposed development would obstruct the vehicular access to the nearby village houses. Nevertheless, the site entirely fell within private land.

32. In response to the Chairman's query on the availability of the public sewer, Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department said that a planned public sewer located at the northern boundary of the site was under construction and was expected to be completed by end 2015. Members generally agreed that sympathetic consideration could be given to the application.

33. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.10.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands

Department (DLO/TP, LandsD) that:

- (i) the proposed works would encroach upon the adjoining government land. Consent from his office should be obtained prior to the commencement of the proposed works. The Authorised Person is requested to seek view from his office to ensure that consent to enter government land for carrying out of the proposed works has been given; and
 - (ii) if the proposed works would encroach upon the adjoining private lot, the applicant will be advised that the relevant Deed of Consent against all affected lots for the drainage works should be obtained and registered in the Land Registry;
- (b) to note the comments of the Director of Environmental Protection that actual construction of the proposed Small House would not begin until the public sewerage network has been completed; the applicant shall connect the house to the future public sewer at his own cost; and adequate space shall be reserved for the connection to the public sewer;
- (c) to note the comments of the Chief Engineer/Mainland North (CE/MN) and the Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) that:
- (i) public stormwater drain is not available for connection in the vicinity of the site. Any proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicant at his own expense. The applicant/owner is required to rectify the drainage system if it is found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;

- (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;
- (iii) the lot owner/developer should take all precautionary measures to prevent disturbance, damage and pollution from the development to existing drainage facilities in the vicinity of the site. In the event of damage to the existing facilities, the lot owner/developer would be held responsible for the cost of all necessary repair works, compensation and other consequences arising therefrom;
- (iv) there is no existing public sewerage system connection available now. Public sewers will be laid in San Uk Pai Village under DSD's project 4373DS "Lam Tsuen Village Sewerage". The applicant could extend the sewer to the nearest connection point of the proposed sewerage system by himself via other private/government land if he would like to discharge his sewage into the planned public sewerage system subject to the site situation. The above information is preliminary and will be subject to revision to suit the actual site situation; and
- (v) the applicant should note the following points for the sewerage connection proposal:
 - (i) the soil cover of the 150 mm diameter sewer connection pipe laid under footpath should be 450 mm minimum;
 - (ii) the public sewerage system in San Uk Pai Village is still being constructed under the project "Lam Tsuen Valley Sewerage, Stage 1" managed by DSD and is not yet usable. The applicant should not make sewerage connection to the public sewerage system until it is completed. DSD should be consulted on the time of the completion of the project; and
 - (iii) upon the completion of the sewerage connection, an on-site

technical audit will be carried out by DSD. The Authorized Person should submit the application for technical audit (Form HBP1), the approved drainage plan and the technical audit fee to DSD at least two weeks before the technical audit;

- (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 LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) 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 Lam Kam Road) in the vicinity of the site. The project proponent/consultant shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the proposed study area and any required minimum set back distance away from them during the design and construction stages of development. The project proponent/consultant is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes";
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) that:
 - (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (ii) the water mains in the vicinity of the site cannot provide the standard pedestal hydrant; and

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

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/547 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Government Land in D.D. 19, Lam Tsuen San
Tsuen, Tai Po, New Territories
(RNTPC Paper No. A/NE-LT/547)

Presentation and Question Sessions

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

- (a) background to the application;

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

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief

Engineer/Construction, Water Supplies Department (CE/C, WSD) objected to and the Director of Environmental Protection (DEP) did not support the application as the applicant proposed to use a septic tank and soakaway system for waste water which was not in line with the Hong Kong Planning Standards and Guidelines (HKPSG). The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent, and the resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from the landscape planning point of view as the approval of the application would encourage similar Small House developments within the subject “Green Belt ” (“GB”) zone, leading to further degradation of the landscape quality in the area. Moreover, there was no space within the site for mitigation planting. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received from World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, villagers of Tong Sheung Village and an individual, objecting to the application mainly on the grounds of being not in line with the planning intention of the “GB’ zone and Town Planning Board Guidelines No. 10 (TPB PG-No. 10); clearance of vegetation; no impact assessments; adverse ecological, landscape, water quality, traffic and safety impacts. No local objection/view was received by the District Officer (Tai Po); and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of the “GB” zone. DEP and CE/C, WSD objected to the application which C for T and CTP/UD&L had reservation on. The proposed development was considered not in compliance with the Interim Criteria for Consideration of

Application for NTEH/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone of Lam Tsuen San Tsuen and the proposed development would have adverse landscape and water quality impacts on the surrounding area. The proposed development also did not comply with TPB PG-No. 10 as the proposed Small House might adversely affect the adjacent tree groups and natural landscape in the area. Regarding the public comments, the assessments above were relevant.

36. Members had no question on the application.

Deliberation Session

37. After deliberation, the Committee decided to reject the application. The reasons for rejection were:

- “(a) the proposed development is not in line with the planning intention of “Green Belt” (“GB”) zone on the Outline Zoning Plan, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification given in the submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House (NTEH)/Small House in New Territories in that there is no shortage of the land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Lam Tsuen San Tsuen;
- (c) the proposed development does not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories in that the proposed development located within the Water Gathering Grounds (WGG) would not be able to be connected to the existing or planned

sewerage system in the area. The applicant fails to demonstrate that the proposed development located within WGG would not cause adverse impact on the water quality in the area;

- (d) land is still available within the “V” zone of Lam Tsuen San Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services;
- (e) the application does not comply with the TPB PG-No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the natural landscape of the area; and
- (f) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impact of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

Agenda Items 14 and 15

Section 16 Applications

[Open Meeting]

A/NE-TK/561 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 672 S.G RP, 672 S.H ss.1, 673 S.A RP, 673 S.B, 674 S.A ss.1 and 674 S.A ss.2 in D.D.15, Shan Liu Village, Tai Po, New Territories
(RNTPC Paper No. A/NE-TK/561 and 562)

A/NE-TK/562 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 672 S.F ss.1, 672 S.G ss.1, 672 s.J, 673 S.A ss.1 and adjoining Government Land in D.D.15, Shan Liu Village, Tai Po, New Territories
(RNTPC Paper No. A/NE-TK/561 and 562)

38. The Committee noted that the two applications for Small Houses were similar in nature (proposed house (New Territories Exempted House – Small House)) and the application sites were located in close proximity to each other and within the same “Agriculture” (“AGR”) zone. The Committee agreed that they would be considered together.

39. The Secretary reported that Mr Leung Pak Keung, who was the Indigenous Inhabitant Representative of Shan Liu under the Tai Po Rural Committee (TPRC), was one of the consultants of the applicants. Dr W.K. Yau had declared an interest in the item as he was an Executive Member of TPRC. As Dr W.K. Yau had no involvement in the application, the Committee agreed that he could stay in the meeting.

40. The Committee noted that the site fell within the “AGR” zone on the draft Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/18. On 9.1.2015, the draft Ting Kok OZP No. S/NE-TK/18, mainly incorporating the amendment to expand the “Village Type Development” (“V”) zone in Shan Liu, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 31 representations and no comment were received. The sites under the current applications fell within the representation site proposed by some representers for “V” zone. After giving consideration to the representations on 10.7.2015, the Town Planning Board decided not to propose any amendment to the draft OZP to meet the representations.

41. According to the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Ordinance (TPB PG-No. 33), a decision on a section 16 application would be deferred if the application site was still subject to outstanding adverse representation yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representation was relevant to the application. The Planning Department (PlanD) therefore

proposed to defer decisions on the subject applications pending the submission of the OZP together with the representations to CE in C and CE in C's final decision on the representations in respect of the OZP.

42. After deliberation, the Committee decided to defer decisions on the applications pending the submission of the OZP together with the representations to CE in C and CE in C's final decision on the representations in respect of the OZP. The Committee agreed that the applications should be submitted to the Committee for consideration after the CE in C's decision on the OZP and the relevant adverse representations had been made.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/563 Proposed House (New Territories Exempted House - Small House) in
 "Agriculture" Zone, Lot 287 in D.D. 29, Ting Kok Village, Tai Po,
 New Territories
 (RNTPC Paper No. A/NE-TK/563)

43. The Committee noted that a replacement page (page 1) to rectify typographical errors on the address of the site was tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;

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

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

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site wholly fell outside the village ‘environs’ (‘VE’) of Ting Kok. He also advised that Ting Kok Tau village was not a recognized village and his office would not process the Small House application which was outside “Village Type Development” (“V”) zone and ‘VE’. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the site had high potential for rehabilitation of agricultural activities. The Commissioner for Transport (C for T), in general, had reservation on the application and advised that Small House development should be confined within the “V” zone as far as possible. Approval of the application would set an undesirable precedent, and the resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view as the approval of the application would set an undesirable precedent and encourage similar Small House applications within the subject “Agricultural” (“AGR”) zone, resulting in village expansion to the south of Ting Kok Road, leading to disturbance to landscape resources in the surrounding area and degradation of the existing agricultural landscape character along the coastal area of Ting Kok. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period of the application, two public comments were received from Designing Hong Kong Limited and an individual, objecting to the application mainly on the grounds of being not in line with the planning intention of “AGR” zone; no impact assessments had been submitted; setting of undesirable precedent; and adverse landscape, traffic, environmental and ecological impacts. No local objection/view was received by the District Officer (Tai Po); and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of the “AGR” zone. DAFC, DLO/TP, LandsD and CTP/UD&L, PlanD did not support, while C for T had reservation on the application. The proposed development was considered not in compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the proposed Small House footprint fell outside the “V” zone and ‘VE’ of Ting Kok; and it would cause adverse landscape impact on the surrounding area. Regarding the public comments, the assessments above were relevant.

45. Members had no question on the application.

Deliberation Session

46. After deliberation, the Committee decided to reject the application. The reasons for rejection were:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House (NTEH)/Small House in New Territories in that more than 50% of the footprint of the proposed Small House falls outside the “Village Type Development” (“V”) zone and the village ‘environs’ of Ting Kok village and the proposed development would cause adverse landscape impact on the surrounding area;

- (c) land is still available within the “V” zone of Ting Kok which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (d) the approval of the application would set an undesirable precedent for similar applications in the subject “AGR” zone, resulting in village expansion to the south of Ting Kok Road, leading to disturbance to landscape resources in the surrounding area and degradation of the existing agricultural landscape character.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/591 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Lot 782 (Part) and adjoining Government Land in D.D. 26, Wong Yue Tan, Tai Po, New Territories

(RNTPC Paper No. A/TP/591)

47. The Committee noted that replacement pages (pages 8 and 11 in main paper and page 4 in Appendix IV) to rectify editorial errors regarding the comments of the Commissioner for Transport (C for T) and to include the comments of C for T in the advisory clauses and the comments of the Director of Environmental Protection in Appendix IV of the Paper, were sent to Members on 7.10.2015.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from the landscape planning perspective as approval of the application would become an undesirable precedent and encourage similar Small House developments within the same “Green Belt” (“GB”) zone, the cumulative impact of which would change the existing woodland landscape character of the subject area. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited, objecting to the application mainly on the grounds of being not in line with the planning intention of the “GB” zone and Town Planning Board Guidelines No. 10 (TPB PG-No. 10); adverse traffic, safety, ecological and landscape impacts; and no impact assessments had been submitted. No local objection/view was received by the District Officer (Tai Po); and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of the “GB” zone. CTP/UD&L, PlanD had some reservation on the application. The proposed development was considered not in compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas. The proposed development

also did not comply with TPB PG-No. 10 as the proposed Small House would result in deterioration of landscape quality in the subject “GB” zone. Regarding the public comments, the assessments above were relevant.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to reject the application. The reasons for rejection were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone on the Outline Zoning Plan, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape of the surrounding environment;
- (c) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding area;
- (d) land is still available within the “Village Type Development” (“V”) zone of Wong Yue Tan for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and

provision of infrastructure and services; and

- (e) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impact of approving such applications would result in a general degradation of the environment and landscape quality of the area.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/592 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Lots 1436 S.D and 1436 RP in D.D. 11, Kau Shi Wai, Fung Yuen, Tai Po, New Territories
(RNTPC Paper No. A/TP/592)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) had strong reservation on the application. The landscape character of the area was predominantly rural consisting of dense woodland and village houses and the proposed Small House was not

incompatible with the surrounding landscape character. As most of the application site was located on a slope, slope cutting and filling would be necessary. According to the submitted site formation plan, two extensive retaining walls were proposed along the northern and southern sides of the site. The natural hill slope outside the site would be disturbed by the extensive site formation works requiring removal of existing vegetation. However, no landscape measures were proposed to mitigate the adverse landscape impact due to the site formation work;

- (d) during the first three weeks of the statutory publication period, three public comments were received from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited, objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and the Town Planning Board Guidelines No.10 (TPB PG-No. 10); the proposed development would have adverse impacts on the visual and landscape aspects and environment of the area; there was still land available in the “Village Type Development” (“V”) zone for Small House development; setting of undesirable precedent for future applications that would undermine the function and value of the “GB” zone; no impact assessment had been submitted and shortage of land for parking and access in the area. No local objection/view was received by the District Officer (Tai Po); and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House development was not in line with the planning intention of the “GB” zone. CTP/UD&L, PlanD had strong reservation on the application from the landscape perspective. The proposed development was considered not in compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zones of the concerned villages and the proposed development would have adverse landscape impact on the surrounding areas. The

proposed development also did not comply with TPB PG-No. 10 as the proposed Small House might adversely affect the natural landscape in the area. Approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications could result in a general degradation of the environment and landscape quality of the area. Regarding the public comments, the assessments above were relevant.

52. Members had no question on the application.

Deliberation Session

53. After deliberation, the Committee decided to reject the application. The reasons for rejection were:

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification given in the submission for a departure from the planning intention of the “GB” zone;
- (b) the application does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the natural landscape of the area;
- (c) the proposed Small House development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House development in the New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Fung Yuen and the proposed development would cause adverse landscape impact on

the surrounding areas;

- (d) land is still available within the “V” zone of Fung Yuen for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (e) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impact of approving such applications could result in a general degradation of the environment and landscape quality of the area.”

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 19

Section 12A Application

[Open Meeting]

Y/YL-MP/4

Application for Amendment to the Approved Mai Po & Fairview Park Outline Zoning Plan No. S/YL-MP/6, To Rezone the Application Site from “Residential (Group D)” to “Residential (Group B)”, Various Lots in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long, New Territories
(RNTPC Paper No. Y/YL-MP/4)

54. The Secretary reported that the application was submitted by Capital Chance Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). AECOM Asia Company Limited (AECOM), Environ Hong Kong Ltd. (Environ) and Urbis Limited (Urbis)

were the consultants of the applicant. The following Members had declared interests in the item:

- | | | |
|---------------------|---|---|
| Mr Ivan C.S. Fu | } | having current business dealings with SHK, AECOM, Environ and Urbis; |
| Ms Janice W.M. Lai | | |
| Professor S.C. Wong | - | having current business dealings with AECOM and being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong where AECOM had sponsored some activities of the Department; |
| Ms Christina M. Lee | - | being the Secretary-General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from SHK; and |
| Dr W.K. Yau | - | being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK. |

55. The Committee noted that the applicant had requested for deferment of consideration of the application. The Committee agreed that as the interests of Ms Christina M. Lee and Dr W.K. Yau were indirect and Professor S.C. Wong had no involvement in the application, they could stay in the meeting. As the interests of Mr Ivan C.S. Fu and Ms Janice W.M. Lai were direct, the Committee agreed that they could stay in the meeting but should refrain from participating in the discussion.

56. The Committee noted that the applicant requested on 11.9.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of responses to address departmental comments. This was the first time that the applicant requested for deferment of the application.

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-KTN/481 Proposed Temporary Open Storage of Sand and Construction Material with Ancillary Vehicle Repair Workshop for a Period of 3 Years in "Industrial (Group D)" Zone, Lots 1262 (Part), 1263 (Part), 1264, 1266 (Part), 1271 (Part) & 1272 (Part) in D.D. 107 and Adjoining Government Land, Fung Kat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/481)

58. The Committee noted that the applicant requested on 30.9.2015 for deferment of the consideration of the application for two months so as to allow time to address the comments of relevant department. This was the first time that the applicant requested for deferment of the application.

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

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

[Mr 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 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/678 Renewal of Planning Approval for Temporary “Open Storage of Vehicles and Vehicle Parts” for a Period of 3 Years in “Agriculture” Zone, Lot 466 RP in D.D. 106 and Adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/678)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of vehicles and vehicle parts under previous application No. A/YL-KTS/579 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural

development point of view. Although the site had been paved and used as an open storage for a few years, the site had high potential for reverting to agricultural uses such as green house or plant nursery. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential structures located to the immediate north (about 1m away) of the site and in its vicinity, and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;

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

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 3 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was in line with the TPB PG-No. 13E and the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that the previous approval (Application No. A/YL-KTS/579) for the same applied use was granted on 5.10.2012 and all the approval conditions under the last application had been complied with. As there was no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current application. Although the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application as the site had high potential for reverting to agricultural uses, the applied use for open storage of vehicles and vehicle parts had been operated on the subject site since 2000 under six previous approvals. It was considered that approval of the application for

another three years would not frustrate the long-term planning intention of the “AGR” zone. Although DEP did not support the application, no environmental complaint was received by DEP in the past three years. To address DEP’s concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours, types of vehicles and prohibition of dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities were recommended.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 24.10.2015 to 23.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no machinery is allowed to be stored at the site at any time during the planning approval period;

- (f) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fence of the site at any time during the planning approval period;
- (g) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (h) the drainage facilities implemented on the site under Application No. A/YL-KTS/579 shall be maintained at all times during the planning approval period;
- (i) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (j) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.1.2016;
- (k) the submission of a run-in/out at the access point of Kam Sheung Road within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 24.4.2016;
- (l) in relation to (k) above, the implementation of run-in/out at the access point of Kam Sheung Road within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 24.7.2016;
- (m) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2015;

- (n) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.4.2016;
- (o) in relation to (n) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.7.2016;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (j), (k), (l), (m), (n) or (o) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (r) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with the concerned owners of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises government land (GL) and an Old Schedule Agricultural Lot held under the Block Government Lease

which contains the restriction that no structure is allowed to be erected without prior approval of the Government. No permission is given for occupation of the GL (about 25.71m² subject to verification) included in the site. The applicant's attention should be drawn to the fact that the act of occupation of GL without Government's prior approval should not be encouraged. The private land of Lot No. 466 RP in D.D. 106 is covered by a Short Term Waiver (STW) to permit structures for the purpose of "ancillary use to open storage of vehicles and vehicle parts". The site is accessible to Kam Sheung Road via GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The site falls within Shek Kong Airfield Height Restriction Area (SKAHRA). The height of the proposed structures does not exceed the relevant airfield height limit within SKAHRA. The STW holder(s) will need to apply to his office for modification of the STW conditions to regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) including granting of the GL will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant should adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' (COP) issued by DEP to minimise any potential environmental nuisances. The applicant's attention is drawn to the following water pollution preventive measures as specified in Annex 1 of the latest COP: sewerage discharge from the site should be directed to nearby public sewer. In case of unavailability of public sewer, a septic tank and soakaway pit should be provided; bunds should be provided to contain any spillage of chemical storage and the

chemical storage area should be properly hard-paved; measures such as waste minimisation, recycling or reuse of effluent should be implemented as far as practicable on the site; drainage channels and an oil interceptor should be installed to reduce pollutants from the site run-off; materials stored in the open area which may leak out oil or chemical waste should be placed on the non-slip heavy duty membrane and properly covered with water proofing sheet to avoid any soil contaminations;

- (e) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, consents from relevant lands and maintenance authorities on using the road for accessing the site should be sought;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road. The applicant should construct a run in/out at the access point at Kam Ho Road in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site is adjacent to a meander of Kam Tin Tsuen Channel (KT15), and is in the vicinity of KT15. The applicant should adopt necessary measures to prevent polluting these watercourses during operation as far as practicable;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are

anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant is advised to make reference to the requirements in Appendix VI of the Paper;

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

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

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

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

Agenda Item 22

Section 16 Application

[Open Meeting]

A/YL-MP/246 Temporary Shop and Services (Metal Hardware Shop and Household Items Retail Store) for a Period of 3 Years in “Open Space” Zone, Lot 2874 in D.D.104, Mai Po, Yuen Long, New Territories
(RNTPC Paper No. A/YL-MP/246)

64. The Committee noted that the applicant requested on 23.9.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of responses to address comments from the Transport Department. This was the first time that the applicant requested for deferment of the application.

65. 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 23

Section 16 Application

[Open Meeting]

A/YL-NTM/320 Temporary Open Storage of Containers and Cargo Handling and Forwarding Facilities for a Period of 2 Years in "Comprehensive Development Area" Zone, Various Lots in D.D. 104, Ngau Tam Mei, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NTM/320)

66. The Committee noted that the applicant requested on 24.9.2015 for deferment of the consideration of the application for two months as more time was needed for the technical consultants to complete the necessary assessments to address the environmental and traffic issues. According to the applicant, there was a change in operators at the site which had caused delay to the completion of the technical studies. This was the applicant's second request for deferment.

67. 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. Since this was the second deferment and a total of four months had been allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/478 Temporary Parking of Lorry Cranes for Sale with Ancillary Maintenance Workshop for a Period of 3 Years in “Residential (Group D)” Zone, Lots 155 (Part), 157 and Adjoining Government Land in D.D. 105, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/478)

Presentation and Question Sessions

68. 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) the temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 2 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that the site fell within the Category 2 areas where previous planning approvals for the same applied use had been granted since 2005 (i.e. Applications No. A/YL-ST/281, 319, 374 and 420). Concerned government departments had no objection to or no adverse comment on the environmental, traffic, fire safety, drainage and landscape aspects. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours and requiring maintenance of existing drainage facilities were recommended.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 7:00 a.m. 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) a vehicular access/run-in between the site and Castle Peak Road – San Tin shall be maintained at all times during the planning approval period;
- (d) no reversing in or out from the site is allowed at all times during the planning approval period;

- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of as-built drainage plans and photographic records of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.1.2016;
- (g) the submission of proposal on buffer area fronting Castle Peak Road – San Tin within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.4.2016;
- (h) in relation to (g) above, the provision of buffer area fronting Castle Peak Road – San Tin within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.7.2016;
- (i) 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 9.4.2016;
- (j) in relation to (i) 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 9.7.2016;
- (k) 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 9.4.2016;
- (l) 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 9.4.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) is not

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

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

71. 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 site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease under which no structures are allowed to be erected without prior approval of the Government. The land of Lots No. 155 & 157 in D.D. 105 are covered by Short Term Waiver (STW) Nos. 3670 & 3671 which permit structures for the applied use. The government land (GL) of the site is covered by Short Term Tenancy (STT) No. 2650 for the applied use. The site is accessible to Castle Peak Road – San Tin through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The STT and STW holders will need to apply to his office for modification of the STT and STW conditions if there is any irregularities on site. Such application will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including the payment of premium or fee, as may be imposed by LandsD;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the

site from Castle Peak Road – San Tin should be commented by the Commissioner for Transport (C for T). If the proposed run-in is agreed by C for T, the applicant should construct a run in/out at the access point at the Castle Peak Road – San Tin in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. HyD is not and shall not be responsible for the maintenance of any access connecting the site and Castle Peak Road – San Tin. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;

- (d) 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 FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (e) 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 Buildings Department is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the 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 BA should be obtained, otherwise they are

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

- (f) 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;
- (g) to note the comments of the Commissioner of Police that there shall be no activities associated with General Merchandise Operator and only vehicles may park on site and no containers or any lorry of storage be allowed on site at any time; and

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

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-ST/479 Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Village Type Development” Zone, Lots 3045 RP, 3056 RP in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/479)

72. The Committee noted that the applicant requested on 17.9.2015 for deferment of the consideration of the application for one month so as to allow time for preparation of responses to departmental comments. This was the first time that the applicant requested for deferment of the application.

73. 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.

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

Tuen Mun and Yuen Long West District

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/299 Proposed Temporary Open Storage of Building Materials and Warehouse for Storage of Building Materials for a Period of 3 Years in “Residential (Group B) 1” Zone, Lots 769 RP, 771 RP and 774 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTYYY/299)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of building materials and warehouse for storage of building materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a supporting public comment was received from a member of the Tuen Mun District

Council without giving any reason. No local objection/view was received by the District Officer (Tuen Mun); and

[Mr K.F. Tang returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 3 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The proposed development did not comply with the planning criteria of Category 3 areas of the TPB PG-No. 13E in that applications falling within Category 3 areas would normally not be favourably considered unless the applications were on sites with previous planning approvals. Part of the site (about 58.6%) was granted with 6 previous permissions for temporary open storage of scrap metal and waste paper (for recycling) and ancillary office and weighing station and the remaining part of the site (about 41.4%) had not been granted with planning permission for open storage use. Whilst the remaining part of the site was once occupied by storage of metal/metal collection with storage use which was tolerated under the Town Planning Ordinance only, the existing use had been discontinued and cleared. The approval of the application would result in proliferation of open storage use within the “Residential (Group B)1” (“R(B)1”) zone and set an undesirable precedent. The cumulative effect of approving such similar applications would frustrate the planning intention of the “R(B)1” zone. The last two permissions (Applications No. A/TM-LTY/252 and 269) were revoked due to non-compliance with approval conditions on implementation of tree preservation proposal and provision of fencing; and submission and implementation of fire service installations proposal respectively.

75. In response to the Chairman's query, Mr. K.C. Kan, STP/TMYLW elaborated that part of the site was the subject of six previous applications for temporary open storage of scrap metal and waste paper (for recycling) with ancillary office and weighing station. Three of them were revoked due to non-compliance with conditions on the submission of fire

services installations proposal (Application No. A/TM-LTYYY/178), implementation of tree preservation proposal and provision of fencing on the site (Application No. A/TM-LTYYY/252) and submission and implementation of fire service installations proposal (Application No. A/TM-LTYYY/269).

Deliberation Session

76. The Chairman invited Members to consider whether sympathetic consideration could be given to the application given that there was no objection to or no adverse comment on the application received from concerned government departments, the site was situated amidst the West Rail and Castle Peak Road which might impose severe constraints for residential development, and the temporary use could alleviate the demand for such facilities in the territory provided that it would not bring about adverse environmental impact. A Member concurred and considered that the site, which was sandwiched between the railway track and a major thoroughfare, might be difficult for residential development as it would be difficult to mitigate the noise impact.

77. A Member, though considered that the application could be approved, expressed concern that the site was the subject of previously revoked applications. The same Member asked whether the applicant could be reminded to duly comply with the approval conditions or otherwise no further approval would be given. Whilst noting that the applicants of the revoked applications and the current application were different, Members agreed that PlanD should be requested to remind the applicant to observe and diligently comply with the approval conditions.

78. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2018, 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. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 1:30 p.m. and 9:00 a.m. on Sundays and public

holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) only light goods vehicles (not exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) the drainage facilities implemented under Application No. A/TM-LTY Y/269 shall be maintained at all times during the planning approval period;
- (e) the provision of fire extinguisher(s) and submission of fire certification (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.11.2015;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.4.2016;
- (g) in relation to (f) 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 Town Planning Board by 9.7.2016;
- (h) the submission of condition record of the drainage facilities as implemented under Application No. A/TM-LTY Y/269 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.1.2016;
- (i) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 9.4.2016;

- (j) in relation to (i) above, the implementation of tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 9.7.2016;
- (k) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 9.1.2016;
- (l) 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;
- (m) if any of the above planning conditions (e) (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.”

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

- “(a) to resolve any land issues relating to the development with the owner(s) of the application site;
- (b) the planning permission is given to the structures under application. It does not condone any other structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (c) to note that the erection of fence walls and external mesh fences on private

land are building works subject to the control under the Buildings Ordinance. The applicant should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (d) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the site comprises 3 private lots, Lots 769 RP, 771 RP and 774 RP in D.D. 130 and adjoining government land (GL). The lots are Old Schedule Agricultural Lot held under the Block Government Lease. The site is accessible from Castle Peak Road over a short strip of GL which is not maintained by his Office. The owner(s) of Lot 769 RP and Lot 774 RP will be required to apply for modification of the terms and conditions of the existing Short Term Waivers (STWs). The owner(s) of Lot 771 RP will need to apply to his office for an STW for erection of the structures on the lot. Besides, the occupier of the concerned GL will need to apply to his Office for Short Term Tenancy (STT). Otherwise, his office reserves the right to take action against the unauthorized structures erected on the lots and the unauthorized occupation of GL. The applications for STW/STT will only be considered by his office upon receipt of formal applications from the registered owner(s) of the lots and the occupier of the GL. There is no guarantee that the STW/STT applications will be approved and he reserves his comment on such. The STW/STT applications will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the STW/STT applications are approved, they would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee and rental, deposit and administrative fees, etc.;
- (e) to note the comments of the Chief Estate Surveyor/Railway Development, LandsD that given that the site falls within the West Rail Protection Boundary, comments of the MTR Corporation Limited (MTRCL) are advised to be sought;

- (f) 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 warehouses and open sheds) 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 co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations 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 Building (Planning) Regulations at the building plan submission stage. As the site is within the West Rail Protection Boundary, comments of the MTRCL are advised to be sought. Detailed comments will be made at the building plan submission stage;

- (g) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental nuisance on the surrounding area;

- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should be responsible for the applicant's own access arrangement. In addition, adequate drainage

measures should be provided to prevent surface/waste water from flowing out from the lots onto public roads;

- (i) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office that as the subject lots fall within the railway protection boundary of the West Rail Line, the MTRCL shall be consulted and their requirements with respect to the operation, maintenance and safety of the West Rail shall be complied with; and

- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporating the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant should adhere to the good practice guidelines for open storage at Appendix IV of the Paper. To address the approval condition on provision of fire extinguisher(s), the applicant shall submit a valid fire certificate (FS 251) to his Department for approval. 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.”

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

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-PS/491 Proposed Temporary Open Storage of Building Materials with Ancillary Office for a Period of 3 Years in “Residential (Group B) 1” Zone, Lots 113 S.B RP, 114 and 115 RP in D.D. 121, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/491)

80. The Committee noted that the applicant requested on 14.9.2015 for deferment of the consideration of the application for two months so as to allow sufficient time to seek the necessary information, to complete the necessary amendment to the proposed layout and to address comments of the Environmental Protection Department and the Transport Department. This was the first time that the applicant requested for deferment of the application.

81. 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 28

Section 16 Application

[Open Meeting]

A/YL-PS/492 Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” Zone, Lots 258 S.A (Part), 258 RP (Part), 262 RP (Part), 263 (Part), 264 (Part), 265, 267 RP and 268 RP in D.D. 122, and adjoining Government Land, near Long Tin Road, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/492)

82. The Committee noted that the applicant requested on 15.9.2015 for deferment of the consideration of the application for one month so as to allow additional time to address the concern of the Drainage Services Department. This was the first time that the applicant requested for deferment of the application.

83. 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 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/493 Temporary Shop and Services (Retail Shop for selling Electrical Appliances) for a Period of 3 Years in “Open Space” Zone, Government Land near Hung Yuen Road, Hung Shui Kiu, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/493)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (retail shop for selling electrical appliances) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that the site was entirely situated on government land (GL) (about 190 m² subject to verification) and no permission was given for occupation of GL in the site. The act of occupation of GL without the Government’s prior approval should not be encouraged. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a public comment was received from an individual, who commented that the population in-take of Hung Fuk Estate was between July to December of 2015, and it was envisaged that including the decoration period, the demand for electrical appliances would decrease significantly in mid-2016.

Hence, the permission should be valid for no more than 2 years, up to 2017. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although the site fell within an area zoned “Open Space”, the Director of Leisure and Cultural Services advised that there was not yet any programme/known intention to implement the zoned use on the site for the time being. Whilst the site fell within the Hung Shui Kiu New Development Area, the development programme was being formulated. The Chief Town Planner/Studies and Research, PlanD and the Project Manager (New Territories West), Civil Engineering and Development Department had no objection to the application. Temporary approval of the application for a period of 3 years would not jeopardize the long-term development of the site. DLO/YL, LandsD's advised that the entire site was GL and no permission had been given for occupation of GL. If the application was approved, the applicant had to apply for a formal approval prior to the actual occupation of the GL. Regarding the public comment, the assessments above were relevant.

85. Members had no question on the application.

Deliberation Session

86. The Chairman said that the land administration matters related to GL in the application site would be handled by the Lands Department.

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2018, 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) only private cars and light goods vehicles not exceeding 5.5 tonnes as defined under the Road Traffic Ordinance, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.4.2016;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 9.4.2016;
- (g) in relation to (f) 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 9.7.2016;
- (h) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2016;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.7.2016;
- (j) if any of the above planning conditions (a), (b), (c) or (e) is not complied with during the planning approval period, the approval hereby given shall

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

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is entirely situated on government land (GL) (about 190m² subject to verification) and no permission is given for occupation of GL in the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Hung Yuen Road via a local road on GL. His Office provides no maintenance work for the GL involved and do not guarantee right-of-way. The applicant has to apply for a formal approval prior to the actual occupation of the GL. Such application will be considered by the LandsD acting in the capacity of the landlord at its sole discretion. In general, Short Term Tenancy should be granted through open public tender, hence, 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 fee, as may be imposed by the LandsD;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments that there is no record of approval

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

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

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department's (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The HyD shall not be responsible for the maintenance of any access connecting the site and Hung Yuen Road;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult the DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside the applicant's lot boundary before commencement of the drainage works;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Director of Leisure and Cultural Services that the site falls within an area reserved for the ex-Municipal Council project, namely 'Local Open Space Hung Shui Kiu, Phase I', which is under review by the Yuen Long District Council (YLDC) and he has no implementation programme for the development at present. To strike a balance between the possible development of the site and the gainful use of GL, and noting that the application is only for a period of 3 years, he has no in-principle

objection to the application. Nevertheless, he will resume the land without compensation when YLDC would like to kick off the development on the site;

- (j) to note the comments of the Chief Town Planner/Studies and Research, Planning Department that depending on the development programme of the Hung Shui Kiu New Development Area (HSK NDA) which is being formulated, further extension of the planning permission should be subject to review of the concerned Bureau/Departments;
- (k) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department that the site falls within the boundary of HSK NDA. Depending on the development programme of the HSK NDA which is being formulated, approval or further extension of the planning permission may not be entertained after the finalization of the Recommended Outline Development Plan for the HSK NDA; and
- (l) to note the comments of the Director of Food and Environmental Hygiene that no sanitary nuisance shall be generated from the activity or the site.”

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/494 Temporary Open Storage of Construction Materials and Machineries and Storage of Tools and Parts with Ancillary Site Office for a Period of 3 Years in “Undetermined” Zone, Lots 1630 RP (Part), 1631 RP (Part), 1633 RP (Part), 1634, 1635 S.A RP, 1635 RP, 1636 RP (Part), 1712 RP (Part), 3206 RP, 3225 RP, 3226 RP, 3228 RP, 3230, 3231, 3232, 3233, 3234, 3235, 3236 RP (Part), 3237 (Part), 3239 (Part), 3240, 3241 (Part), 3244 (Part), 3246 (Part), 3247 (Part), 3339 (Part), 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351 RP, 3352 RP, 3370, 3371, 3372, 3373, 3374, 3375 and 3376 (Part) in D.D. 124, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/494)

89. The Secretary reported that the application was submitted by Team Harvest Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). The following Members had declared interests in the item:

- | | | |
|---------------------|---|--|
| Mr Ivan C.S. Fu | } | having current business dealings with SHK; |
| Ms Janice W.M. Lai | | |
| Ms Christina M. Lee | - | being the Secretary-General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from SHK; and |
| Dr W.K. Yau | - | being the operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK. |

90. The Committee noted that Dr W.K. Yau had already left the meeting. As the

interests of Mr Ivan C.S. Fu and Ms Janice W.M. Lai were direct, the Committee agreed that they should be invited to leave the meeting temporarily for the item. The Committee also noted that the interest of Ms Christina M. Lee was indirect, and agreed that she could stay in the meeting.

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

Presentation and Question Sessions

91. Mr K.C. Kan, STP/TMYLW, drew Members' attention that there were typographical errors on Plan A-2 of the Paper. The dates in Notes (2) and (3) should be revised and read as 22.6.1993 instead of 12.1991. He then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage of construction materials and machineries and storage of tools and parts with ancillary site office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the development would cause traffic of heavy vehicles and the site boundary was within 100m from the nearest residential building. Moreover, the development might cause dust nuisance and the site boundary was within 100m from the nearest residential building. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a public comment was received from the Hung Shui Kiu New Development Area (HSK NDA) Concern Group which objected to the application on the grounds of open storage not being compatible with the surrounding residential uses; the site should be developed into residential purpose; the

lack of proper vehicular access; traffic, air and noise pollution; increased flooding risk; the future implementation of the HSK NDA would be hindered. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. The site fell within Category 2 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E in that relevant government departments had no objection to or no adverse comments on the application and the concerns of the departments and public comment could be addressed through imposing approval conditions. The approval of the development on a temporary basis for 3 years would not jeopardize the long-term development of the “Undetermined” (“U”) zone. Although DEP did not support the application, there was no environmental complaint against the site from 2012 to July 2015. To minimize the potential environmental impacts, approval conditions on restriction on operation hours, prohibition of workshop activities and provision of boundary fencing were recommended. Regarding the public comment objecting to the application, the assessments above were relevant.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operations between 7:00 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 dismantling, repairing or other workshop activity is allowed at the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the provision of waterworks reserve within 1.5m from the centreline on both sides of the existing water mains within the site at all times during the planning approval period;
- (f) the existing trees within the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.1.2016;
- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.11.2015;
- (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 9.4.2016;
- (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 9.7.2016;

- (l) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.1.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises of Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The private land of Lots No. 3371 and 3373 both in D.D.124 are covered by Short Term Waivers (STWs) No. 3278 and 3279 respectively which permit structures for the purpose of “ancillary use to open storage of construction materials and machineries”. The site is accessible to Yick Yuen Road direct. His Office does not guarantee right-of-way. The STW holders will need to apply to his Office for modification of the STW conditions. The lot owner(s) of the lots without STW will need to apply to his Office for permitting the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by his Department acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by his Department;
- (e) 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 (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including container converted structures) are to be carried out on leased land in the site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with

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

- (f) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize the potential environmental nuisance on the surrounding area;
- (g) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under the TD's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) 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. The HyD shall not be responsible for the maintenance of any access connecting the site and Yick Yuen Road;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains will be affected. A waterworks reserve within 1.5m from the centreline on both sides of the water mains shall be provided to his Department. No structure shall be erected over the waterworks reserve and such area shall not be used for

storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. No trees or shrubs shall be planted within the waterworks reserve. No change of the existing conditions shall be undertaken without prior agreement of his Department;

- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. "Good practice guidelines for open storage sites" (Appendix V of the Paper) should be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (k) to note the comments of the Chief Town Planner/Studies and Research, Planning Department that according to the Recommended Outline Development Plan of the Hung Shui Kiu New Development Area (HSK NDA) promulgated for public consultation in June 2015, the site falls within areas zoned "Commercial" and "Other Specified Uses" designated for 'Regional Plaza'. Depending on the development programme of the HSK NDA which is being formulated, further extension of the planning permission should be subject to review of the concerned Bureaux or Departments;
- (l) to note the comments of the Project Manager (New Territories West), Civil Engineering and Development Department that the site falls within the

boundary of the HSK NDA. Depending on the development programme of the HSK NDA which is being formulated, further extension of the planning permission may not be entertained; and

- (m) to note the comments of the Director of Food and Environmental Hygiene that no sanitary nuisance shall be generated from the activity or the site.”

Agenda Item 31

Section 16 Application

[Open Meeting]

A/TM/477 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” Zone and area shown as ‘Road’, Lot 538 S.K in D.D. 130, To Yuen Wai, Tuen Mun, New Territories
(RNTPC Paper No. A/TM/477)

95. The Committee noted that the applicant requested on 16.9.2015 for deferment of the consideration of the application for two months so as to allow more time to address concerns raised by the Environmental Protection Department by conducting a further review and analysis of local meteorological conditions. This was the applicant’s second request for deferment.

96. 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. Since this was the second deferment and a total of four months had been allowed for preparation of the submission of the further information, no further deferment would be granted unless under very special circumstances.

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/480 Proposed Shop and Services in “Industrial” Zone, Workshop A, G/F,
Block 1, Koon Wah Mirror Factory No.6 Industrial Building,. 7-9 Ho
Tin Street, Tuen Mun, New Territories
(RNTPC Paper No. A/TM/480)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed shop and services could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. In view of the nature of operation and small scale of the applied use, no significant

adverse traffic, environmental and infrastructural impacts on the surrounding areas were anticipated. The applied use was in line with the Town Planning Board Guidelines No. 25D (TPB PG-No. 25D) on “Use/Development within “Industrial” Zone”. A temporary approval of three years was recommended in order not to jeopardize 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.

98. Members had no question on the application.

Deliberation Session

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, instead of permanent permission sought, until 9.10.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of fire service installations proposal in the application premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2016;
- (b) the implementation of fire service installations proposal in the application premises within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2016; and
- (c) if the above planning condition (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.”

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

- “(a) a temporary approval of three years is given in order to allow the Committee to monitor the supply and demand of industrial floor space in

the area to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardized;

- (b) to note the comments of the District Lands Officer/Tuen Mun that the proposed 'Shop and Services' does not comply with the user restrictions of the lease conditions. The applicant will need to apply to the Lands Department (LandsD) for a lease modification or temporary waiver for the proposal. The proposal will only be considered upon their receipt of formal application from the applicant. There is no guarantee that the application, if received by LandsD, will be approved and he reserves his comment on such. The application will be considered by the LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of premium, waiver fee and administrative fee;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). Detailed comments under the BO will be provided at the building plan submission stage; and
- (d) to note the comments of the Director of Fire Services that fire service installation and equipments should be provided to his satisfaction. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. Regarding matters related to fire resisting construction of the premises, the applicant is reminded to comply with the 'Code of Practice for Fire Safety in Buildings' which is administered by the Building Authority. The applicant's attention should be drawn to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for commercial Uses in Industrial

Premises' if the application is approved. Detailed requirements will be formulated upon receipt of formal submission of general building plans.”

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/950 Proposed Temporary Open Storage of Metal Ware for a Period of 3 Years in “Agriculture” Zone, Lots 544 (Part) and 547 (Part) in D.D. 128, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/950A)

101. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse is a shareholder of a company which owned two pieces of land in D.D. 124 and 125, Ha Tsuen. The Committee noted that the two pieces of land of Ms Janice W.M. Lai’s spouse did not have direct view of the site and agreed that she could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of metal ware for a period of three years;
- (c) departmental comments –departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive users along the Deep

Bay Road and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning perspective as the site was mostly covered by vegetation with a number of large trees and the site was situated in an area of rural landscape character. The development was incompatible with the adjacent environment, and approval of the application would set an undesirable precedent and attract similar applications which would further deteriorate the landscape quality of the area. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site was considered of high potential for agricultural rehabilitation.

- (d) during the first three weeks of the statutory publication periods of the application and the two further information, 17 public comments were received. Five public comments, mainly from the recycling industry, expressed support to the application on the basis that more sites should be provided for recycling industry uses. 12 public comments, including one from a member of the Yuen Long District Council, three each from the World Wild Fund for Nature Hong Kong, the Hong Kong Bird Watching Society, and Designing Hong Kong Limited and two from the public objected to the application mainly on the grounds of not in line with the planning intention; polluting the water course; causing dust pollution and danger to other road users; no information to justify the proposed use; the destroy first, build later approach should not be tolerated; increasing the disturbance to the egret in Ngau Hom Sha and its surrounding thus adversely affecting the recolonization of the breeding of the egrets; and that the approval of the application would set an undesirable precedent for similar applications and the cumulative effect of which would result in general degradation of the quality of agricultural land; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. DAFC, DEP and CTP/UD&L, PlanD did not support the application. The site fell within Category 3 areas under the Town Planning Board Guidelines for

Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The proposed development did not comply with the planning criteria of Category 3 areas of the TPB PG-No. 13E in that no previous approvals for open storage use had been granted for the site and the other sites in the same “AGR” zone, there were adverse comments from DAFC, DEP and CTP/UD&L, PlanD and there was no information in the submission to demonstrate that the applied use would not have adverse landscape and environmental impacts. Also, the application was a ‘Destroy First, Build Later’ case. The site was the subject of an enforcement case and the Planning Authority had issued relevant Enforcement Notice to the concerned parties.

103. Members had no question on the application.

Deliberation Session

104. After deliberation, the Committee decided to reject the application. The reasons for rejection were:

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning justification to merit a departure from such planning intention, even on a temporary basis;
- (b) the development is not compatible with the rural neighbourhood;
- (c) the development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval has been granted for the site, there are adverse departmental comments on the agricultural, landscape and environmental aspects and there are local objections. The applicant fails to demonstrate that the proposed development would not generate adverse landscape and environmental impacts; and

- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment of the area.”

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/977 Proposed Temporary Shop and Services (Convenience Store) for a Period of 3 Years in “Village Type Development” Zone, Lot 1089 (Part) in D.D. 125, Sik Kong Wai, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/977)

105. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse is a shareholder of a company which owned two pieces of land in D.D. 124 and 125, Ha Tsuen. The Committee noted that the two pieces of land of Ms Janice W.M. Lai’s spouse did not have direct view of the site and agreed that she could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (convenience store) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) advised that as no information related to the traffic implication to be

induced was provided under the application, there were insufficient details to assess the application from traffic engineering point of view. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, seven public comments were received. They included a member of the Yuen Long District Council who agreed with the application and 6 individuals objecting to the application on the grounds that the track leading to the site was too narrow to cope with the increase in traffic, the proposed development would cause adverse traffic and drainage impacts, the site was intended to be used for recreational and festival event uses, and the site should be used for residential instead of convenience store use. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The applicant refused to clarify how loading/unloading (L/UL) activities were carried out and whether there was a need to provide parking or L/UL spaces; and the trip generation and attraction rate to the site. C for T commented that as no information related to the traffic implication to be induced was provided under the current application, there were insufficient details to assess the application from traffic engineering point of view. The applicant had made reference to the previous application No. A/YL-HT/882. However, as compared with the previous application, the applicant had deleted two on-site parking spaces without providing any information on the traffic arrangement in the current application. Moreover, the area previously reserved for 2 parking spaces (42m²) was now proposed for the convenience store and storeroom uses in the current application. In the circumstances, the traffic impact of the applied use could not be ascertained and there was no information in the submission to demonstrate that the applied use would not generate adverse traffic impact on the surrounding areas. Also, the last planning permission (Application No. A/YL-HT/882) was revoked on 7.2.2015 due to non-compliance of

approval conditions on implementation of drainage facilities and landscape proposal, and submission and implementation of fire service installations proposal. Regarding the public comments, the assessments above were relevant.

107. Members had no question on the application.

Deliberation Session

108. After deliberation, the Committee decided to reject the application. The reason for rejection was:

“the applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas.”

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/355 Temporary Warehouse for Storage of Cosmetics for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lots 1214 RP and 1215 (Part) in D.D. 119, Pak Sha Shan Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/355)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of cosmetics for a period of three

years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential use in the vicinity (with the nearest ones located about 5m south and southeast of the site), and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as the development was not compatible with the surrounding environment and approval of the application would set an undesirable precedent for similar uses to proliferate into the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone. The cumulative effect of approving such applications would likely result in a general degradation of the environment of the area;

- (d) during the first three weeks of the statutory publication period, a public comment was received from a member of the public expressing concerns on the application. The commenter pointed out that the proposed development would perpetuate inefficient use of land resources, setting an undesirable precedent, and leading to further degradation of the rural landscape resources. No local objection/view was received by the District Officer (Yuen Long); and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applied use was considered not in line with the planning intention of the “OU(RU)” zone under the extant Outline Zoning Plan which was primarily for the preservation of the character of the rural area. The applied use is not in line with the Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone’ (TPB PG-No. 38) in that there were adverse departmental comments on the application from the environmental and landscape perspectives. DEP did not support, and CTP/UD&L, PlanD had reservation on the

application. The applicant failed to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas. Regarding the public comment, the assessments above were relevant.

110. Members had no question on the application.

Deliberation Session

111. After deliberation, the Committee decided to reject the application. The reasons for rejection were:

- “(a) the development is not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which is intended primarily for the preservation of the character of the rural area. No strong planning justifications have been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applied use is not in line with the Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone’ (TPB PG-No. 38). The applicant fails to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar uses to proliferate into the “OU(RU)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/356 Proposed 4 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 1916 and 1917 in D.D.119, Shui Tsiu San Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/356)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed four 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 District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that the site fell outside the village ‘environs’ (‘VE’) of Shui Tsiu San Tsuen and the concerned Small Houses application would be rejected under the New Territories (NT) Small House Policy even though the applicant was an indigenous villager who had successfully sought planning permission. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as there were active agricultural activities found in the vicinity. The Commissioner for Transport (C for T) commented that the proposed vehicular access was located at the junction of Shui Tsiu San Tsuen and a local road which was not preferred from traffic engineering point of view. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from

landscape planning point of view as the proposed access road and houses were in conflict with the existing trees and the landscape impact could not be fully ascertained as no tree preservation and landscape proposal was submitted;

- (d) during the first three weeks of the statutory publication period of the application, seven public comments were received from Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited, and five individuals, objecting to the application mainly on the grounds of land use; fire safety; no impact assessment had been submitted; storage of land for parking and access might lead to disharmony among residents and illegal behavior; not in line with the planning intention; large site was sufficient to provide more Small Houses; not notifying the other members of family and the site was currently subject to land dispute. No local objection/view was received by the District Officer (Yuen Long); and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. DAFC did not support the application from agricultural development point of view. The proposed development was not in line with the planning intention of the “Argiculture” (“AGR”) zone and there was no strong planning justification in the submission for a departure from the planning intention. The proposed development was considered not in compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the site and the footprints of the proposed Small Houses fall entirely outside the ‘VE’ of Shui Tsiu San Tsuen and the “Village Type Development” zones of Shui Tsiu San Tsuen, Shung Ching San Tsuen, Shui Tsiu Lo Wai, Nam Hang Tsuen and Hung Tso Tin Tsuen. C for T commented that the proposed vehicular access leading to the site was not preferred and CTP/UD&L of PlanD also had reservation on the application. Besides, DLO/YL of LandsD advised that the subject Small Houses application would be rejected under the NT Small House Policy, even though the applicant was an indigenous villager.

113. Members had no question on the application.

Deliberation Session

114. After deliberation, the Committee decided to reject the application. The reasons for rejection were:

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification given in the submission for a departure from the planning intention; and
- (b) the application does not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH) – Small House development in that the proposed NTEH – Small House footprints fall entirely outside the village ‘environs’ of Shui Tsiu San Tsuen and the “Village Type Development” zones of Shui Tsiu San Tsuen, Shung Ching San Tsuen, Shui Tsiu Lo Wai, Nam Hang Tsuen and Hung Tso Tin Tsuen. There is no exceptional circumstance to justify approval of the application.”

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/357 Temporary Shop and Services (Environmental Consultancy and Landscaping Services) for a Period of 3 Years in “Village Type Development” Zone, Lots 4891 RP (Part), 4892 RP (Part), 4893 (Part) and 4894 in D.D. 116 and Adjoining Government Land, Tai Tong Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/357)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (environmental consultancy and landscaping services);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) considered that the submitted parking layout and run-in/out proposals were not acceptable. Most of the proposed parking spaces would be blocked by the proposed structures. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape perspective in view of the previous non-compliances with approval conditions on the landscaping aspect and commented that the submitted landscape proposal was inadequate to compensate the affected landscape resources and that approval might set an undesirable precedent for prior clearance of vegetation before obtaining planning approval. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection in principle to the

proposed development from public drainage point of view, however, the technical concerns had yet to be addressed by the applicant;

- (d) during the first three weeks of the statutory publication period, three public comments were received raising objection to the application mainly on the grounds that the development would induce additional traffic flow and thus aggravate the local traffic conditions and affect pedestrian safety, generate adverse environmental impacts, and/or worsen the security of the area. No local objection/view was received by the District Officer (Yuen Long); and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The site was the subject of four planning applications (Applications No. A/YL-TT/289, 302, 327 and 344) for real estate agency use submitted by the same applicant. The first two applications were approved with conditions by the Committee, but were subsequently revoked in 2012 and 2013 respectively due to non-compliance with approval conditions. The latter 2 applications were rejected by the Town Planning Board on review in that approval of application with repeated non-compliances with approval conditions would set an undesirable precedent and nullify the statutory planning control mechanism as well as for failure to demonstrate no adverse traffic, landscape and drainage impacts on the surrounding area. CTP/UD&L, PlanD had reservation on the application from the landscape perspective. C for T considered that the submitted parking layout and run-in/out proposals were not acceptable. CE/MN, DSD advised that the technical concerns that had yet to be addressed by the applicant. In view of the above, the applicant failed to demonstrate that the requirements of relevant departments would be satisfactorily complied with and that the development would not cause adverse traffic, landscape and drainage impacts on the surrounding areas. Further approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus

nullifying statutory planning control. Regarding the public comments, the assessments above were relevant.

116. Members had no question on the application.

Deliberation Session

117. The Committee noted that the applicant could not demonstrate that he had made every effort to comply with the approval conditions of the previous planning permissions. The previous application No. A/YL-TT/302 was revoked due to non-compliance with approval conditions on the submission and implementation of parking arrangement, run-in/out, landscaping and tree preservation and drainage proposals. The two subsequent applications No. A/YL-TT/327 and 344 were rejected on grounds, inter alia, that the applicant had failed to demonstrate that the development would not cause adverse traffic, landscape and drainage impacts on the surrounding area, and approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

118. After deliberation, the Committee decided to reject the application. The reasons for rejection were:

- “(a) the applicant fails to demonstrate that the development would not cause adverse traffic, landscape and drainage impacts on the surrounding area; and
- (b) previous planning permissions granted to the applicant under Applications No. A/YL-TT/289 and 302 were revoked due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.”

Agenda Item 38

Section 16 Application

[Open Meeting]

A/YL-TT/358 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 1241 S.A
ss.3 in D.D.116, Yeung Uk Tsuen, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TT/358)

119. The Committee noted that on 6.10.2015, after issuance of the Paper, the applicant wrote to the Town Planning Board requesting for deferment of consideration of the application for two months in order to allow time to prepare further information in support of the application. The letter from the applicant was tabled at the meeting for Members’ consideration. This was the first time that the applicant requested for deferment of the application.

120. 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 39

Section 16 Application

[Open Meeting]

A/YL-TYST/755 Proposed Temporary Shop and Services (Real Estate Agency) and Eating Place for a Period of 3 Years in “Residential (Group B) 1” Zone, Lot 293 RP (Part) in D.D. 127, Hung Shun Road, Hung Shui Kiu, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/755)

121. The Committee noted that the applicant requested on 2.10.2015 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address comments from the Transport Department and Highways Department on the application. This was the first time that the applicant requested for deferment of the application.

122. 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 40

Section 16 Application

[Open Meeting]

A/YL-TYST/756 Temporary Open Storage and Warehouse for Storage of Construction Material with Ancillary Site Office for a Period of 3 Years in “Undetermined” Zone, Lots 1937 (Part), 1945 (Part), 1946, 1947, 1948, 1954 (Part), 1955, 1956 and 1957 (Part) in D.D. 117 and Adjoining Government Land, Kung Um Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/756)

123. The Committee noted that the applicant requested on 25.9.2015 for deferment of the consideration of the application for one month so as to allow time for preparation of further information to address comments from the Chief Town Planner/Urban Design and Landscape of the Planning Department on the application. This was the first time that the applicant requested for deferment of the application.

124. 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.

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

Agenda Item 40

Any Other Business (i)

Section 16A Application

[Open Meeting]

A/YL-TYST/740-1 Application for Extension of Time for Compliance with Planning Conditions, Lots 1355 RP and 1356 RP (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories (Open Meeting)

125. The Secretary reported that an application for extension of time (EOT) for compliance with approval conditions (e), (g) and (i) by three months under application No. A/YL-TYST/740 was received on 24.9.2015. The subject application was approved with conditions by the Committee on 3.7.2015. The applicant was required to comply with following approval conditions by 3.10.2015:

- condition (e) on the submission of a run-in/out proposal;
- condition (g) on the submission of tree preservation and landscape proposals;
and
- condition (i) on the submission of a fire service installations proposal.

126. The current EOT application was received on 24.9.2015, which was five working days before the expiry of the specified time limit for the aforesaid conditions. According to the Town Planning Board Guidelines No. 34B for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development, an application submitted less than six weeks before the expiry of the specified time might not be processed for consideration of the Town Planning Board, as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the condition which were essential for the consideration of the application. Hence, the Committee was recommended not to consider the application as the planning permission had been revoked on 3.10.2015.

127. After deliberation, the Committee agreed that the application for EOT for

compliance with planning conditions could not be considered for reason that conditions (e), (g) and (i) had already expired on 3.10.2015, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked, the Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

Any Other Business (ii)

Section 16A Application

[Open Meeting]

A/YL-KTS/655-2 Application for Extension of Time for Compliance with Planning Conditions, Lot 702 S.C. in D.D. 106, Kam Tin, Yuen Long, New Territories (Open Meeting)

128. The Secretary reported that an application for extension of time (EOT) for compliance with approval conditions (h), (i) and (l) by three months under application No. A/YL-KTS/655 was received on 25.9.2015. The subject application was approved with conditions by the Committee on 2.1.2015. The applicant was required to comply with following approval conditions by 2.10.2015:

- condition (h) on the submission of drainage proposal;
- condition (i) on the implementation of drainage facilities; and
- condition (l) on the provision of fire service installations proposal.

129. The Secretary further reported that on 2.10.2015, the applicant submitted a letter to withdraw the EOT application as the applicant claimed that he had submitted the drainage proposal on 25.9.2015 and implemented the fire service installations on the application site on 30.9.2015. The Committee noted the withdrawal of the EOT application by the applicant.

Any Other Business (iii)

Section 16A Application

[Open Meeting]

A/NE-KTS/340-10 Application for Extension of Time for Compliance with Planning Condition, Lots 1669 S.A ss.1 RP (Part), 1670 S.A ss.1 RP, 1671 S.A ss.1, 1673 S.A and 1675 S.B ss.1 S.A. RP (Part) in D.D. 100 and Adjoining Government Land, Kwu Tung South, Sheung Shui, New Territories (Open Meeting)

130. The Secretary reported that an application for extension of time (EOT) for compliance with approval condition (h) by three months under application No. A/NE-KTS/340 was received on 23.9.2015. The 9th EOT application No. A/NE-KTS/340-9 was approved by the Director of Planning under the delegated authority of the Town Planning Board on 6.8.2015. Approval condition (h) on the implementation of the proposals of water supplies for fire fighting and fire service installations within 9 months required compliance by the applicant by 5.10.2015.

131. The current EOT application was received on 23.9.2015, which was six working days before the expiry of the specified time limit for the aforesaid conditions. According to the Town Planning Board Guidelines No. 34B for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development, an application submitted less than six weeks before the expiry of the specified time might not be processed for consideration of the Town Planning Board, as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the condition which were essential for the consideration of the application. Hence, the Committee was recommended not to consider the application as the planning permission had been revoked on 5.10.2015.

132. After deliberation, the Committee agreed that the application for EOT for compliance with planning condition could not be considered for reason that condition (h) had already expired on 5.10.2015, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked, the Committee could not consider the section 16A application as the planning permission no longer existed at the time

of consideration.

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