

TOWN PLANNING BOARD

**Minutes of 524th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 12.12.2014**

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Dr C.P. Lau

Dr W.K. Yau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Christina M. Lee

Mr Peter K.T. Yuen

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

Chief Engineer (Works), Home Affairs Department
Mr Frankie W.P. Chou

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

Mr F.C. Chan

Dr Eugene K.K. Chan

Professor K.C. Chau

Professor Eddie C.M. Hui

Ms Janice W.M. Lai

Mr H.F. Leung

Ms Anita W.T. Ma

Mr David Y.T. Lui

In Attendance

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 523rd RNTPC Meeting held on 28.11.2014

[Open Meeting]

1. The draft minutes of the 523rd RNTPC meeting held on 28.11.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary said that on 14.11.2014, the Committee decided to approve a planning application No. A/DPA/NE-TT/2. The minutes were confirmed at the meeting on 28.11.2014. On 8.12.2014, the Town Planning Board Secretariat received an email from World Wide Fund for Nature Hong Kong (WWF) stating that their comment on the application had been wrongly quoted and they worried that their concern that the site was the subject of a suspected 'Destroy First, Build Later' case was not considered by the Committee. Having checked the relevant documents, it was noted that the WWF's comment on the application, including the suspected 'Destroy First, Build Later' case, was indeed attached to Appendix V of the RNTPC Paper No. A/DPA/NT-TT/2 and considered by the Committee. However, WWF's comment was misquoted in the minutes. It was therefore proposed that paragraph 36(d) of the minutes be revised as follows:

"22. Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited, all objecting to the application mainly on the grounds that the application was not in line with the general planning intention of the "~~Recreation~~" ("~~REC~~") ~~zone~~ **area**; the proposed development would cause adverse ecological impacts on the ~~area when sewage was discharged into the stream, and there was no provision of emergency vehicular access (EVA) and fire fighting facilities in the proposed development posing a threat to the surrounding villages~~ **woodland habitat; vegetation clearance, excavation and site formation were observed in October 2013; approval of the application would set an undesirable precedent for other similar applications; no development should be approved prior to the detailed planning of the**

“Unspecified Use” area; no environmental, traffic, drainage and sewerage impact assessments had been provided; and there were concerns on the lack of access and parking, etc.”

3. The Secretary said that the replacement page of page 25 was tabled at the meeting. Members agreed to the rectification of the confirmed minutes and agreed that WWF would be informed of the amendments and that their comments had been submitted to the Committee for consideration.

[Mr Frankie W.P. Chou left the meeting at this point.]

Sai Kung and Islands District

[Ms Donna Y.P. Tam and Mrs Alice K.F. Mak, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/50 Renewal of Planning Approval for Temporary “Shop and Services” for a Period of 3 Years 6 Months in "Comprehensive Development Area" zone, 10/F, One Citygate, 20 Tat Tung Road, Tung Chung, Lantau Island
(RNTPC Paper No. A/I-TCTC/50)

4. The Secretary reported that Masterplan Limited (Masterplan) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Masterplan. As Mr Ivan Fu had no involvement in this item, the Committee agreed that he should be allowed to stay in the meeting.

Presentation and Question Sessions

5. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, STP/SKIs,

presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary “Shop and Services” for a period of 3 years and 6 months;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, two public comments from members of the public objecting to the application were received. The main grounds of the objections were that there were very few customers shopping on the 10/F; there had been a lack of community facilities in Tung Chung and the subject premises should be used for community facilities such as child care centre and centre for cultural activities to benefit local residents; and the use of office space for shop and services was not in line with the planning intention and had led to competition in the leasing of existing office space; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The temporary shop and services use at the application premises was not incompatible with the uses of the subject development which mainly comprised retail outlets in the lower four floors and office uses on the upper floors. As the current application was only for shop and services use on a temporary basis for 3 years and 6 months, it would not frustrate the planning intention of the subject premises for office purpose. The temporary conversion of office to shop and services use would also be within the current non-domestic gross floor area restriction as stipulated under the “Comprehensive Development Area” zone. The proposed use would unlikely affect the car parking and loading/unloading demand and provision for the commercial and offices uses at the subject development.

The Commissioner for Transport (C for T) had no objection to the application and his concern on any increase in the parking demand in the future which might lead to traffic queuing at the access point could be addressed by recommending an approval condition to require the applicant to carry out the traffic arrangement and measures proposed for the previous application (A/I-TCTC/34) as and when requested by C for T. Regarding the public comments that the subject premises should be used for community facilities, community facilities as required according to the Hong Kong Planning Standards and Guidelines would be provided by relevant government departments in suitable premises including public housing estates in Tung Chung. The proposed shop and services on a temporary basis would not affect the long-term office use.

6. Members had no question on the application.

Deliberation Session

7. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years and 6 months until 12.6.2018, on the terms of the application as submitted to the Town Planning Board and subject to the following conditions :

- “(a) the applicant shall carry out the traffic arrangement and measures proposed for the application (No. A/I-TCTC/34) as and when requested by the Commissioner for Transport;
- (b) the existing fire service installations implemented under the planning application (No. A/I-TCTC/34) should be maintained at all times during the planning approval period; and
- (c) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that before any new building works are to be carried out on the application site, the prior approval and consent of the Building Authority should be obtained, otherwise they are Unauthorised Building Works. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance and any building works to be carried out by the applicant which fall within Minor Works under the Building (Minor Works) Regulation (B(MW)R) should fully comply with the requirements of the B(MW)R); and

- (b) to note the comments of the Commissioner for Transport that further extension of the proposed development beyond mid-2018 should not be considered unless a new Traffic Impact Assessment is carried out, which can substantiate an acceptable cumulative traffic impact arising from the application and other new developments in the area.”

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/34 Proposed Temporary Public Vehicle Park (Private Cars) for a Period of 2 Years in “Village Type Development” zone, Lots 413 S.A, 413 RP, 416 S.A ss.1, 416 S.A RP, 416 S.B, 416 S.C ss.1, 416 S.C RP, 416 S.D, 416 RP, 419 S.A (Part), 420 S.A, 420 S.B, 420 S.C, 420 RP, 421 S.A ss.1 S.A, 421 S.A ss.1 RP, 421 S.A ss.2, 421 S.A RP, 421 S.B ss.1, 421 S.B ss.2, 421 S.B RP, 421 S.C, 421 S.D, 421 S.E, 421 RP, 422 S.A ss.1, 422 S.A ss.2, 422 S.A RP, 422 RP, 429 S.A ss.1 (Part), 429 S.A RP (Part), 430 S.A, 430 S.B, 430 S.C ss.1, 430 S.C RP, 430 RP (Part), 431 S.A ss.1, 431 S.A RP, 431 S.B ss.1, 431 S.B RP, 431 RP (Part), 432 S.A, 432 S.B ss.1, 432 S.B RP, 432 RP, 433 S.A, 433 S.B, 433 S.C (Part), 433 RP (Part), 434 S.A (Part), 434 RP (Part), 435 S.A, 435 S.B, 435 RP (Part), 437 S.A, 438 S.A RP (Part), 438 S.B RP (Part) in D.D. 227 and Adjoining Government Land, Clear Water Bay, Sai Kung (RNTPC Paper No. A/SK-CWBN/34)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary public vehicle park (private cars) for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public

comments were received. A District Council member supported the application. One member of the public commented that the ticketing system should be applied to manage the proposed vehicle park. Two members of the public objected to the application mainly on grounds that the proposed vehicle park would create nuisance and adverse environmental impact on the area; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed vehicle park was located to the immediate south of the Tai Po Tsai Village and could serve the needs of the village residents and address the parking shortfall. Approval of the application on a temporary basis for a period of two years would not frustrate the planning intention of the “Village Type Development” zone. The proposed development was considered not incompatible with the surrounding residential neighbourhood. To minimise the possible environmental impacts on the nearby sensitive receivers, the applicant would be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’. As the approval of the previous application No. A/SK-CWBN/26-1 was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. The applicant would also be advised that should he fail to comply with the planning conditions, sympathetic consideration might not be given to any further application. Regarding the public comments on adverse environmental impacts, the Director of Environmental Protection had no objection to the application. The applicant would also be advised to undertake the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact.

10. In response to a Member's questions on the use of the site prior to 2004 and on how to ensure that the applicant would comply with the approval conditions if the application was approved, Mrs Alice K.F. Mak, STP/SKIs, said that the site was already cleared in 2004,

as shown in the aerial photo and that there was no information on use of the site prior to 2004. To monitor the progress of compliance with planning conditions by the applicant, shorter compliance periods were recommended if the application was approved.

Deliberation Session

11. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 12.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle without valid license issued under the Road Traffic Ordinance is allowed to be parked/stored on the site during the planning approval period;
- (b) the submission of water supplies for fire fighting and fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2015;
- (c) in relation to (b) above, the implementation of water supplies for fire fighting and fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (d) the submission of a landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.3.2015;
- (e) in relation to (d) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.6.2015;
- (f) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

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

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

- “(a) shorter compliance periods are imposed in order to monitor the progress of compliance with planning conditions. Should the applicant fail to comply with any of the planning conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (b) to resolve any land issues relating to the proposed temporary vehicle park with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Sai Kung, Lands Department that the proposed vehicle park, if permitted, should be confined within the private lots;
- (d) to note the comments of the Commissioner for Transport that the existing access road leading to the proposed temporary vehicle park is outside the Transport Department’s purview. Relevant management/maintenance agents of this access should be consulted on the proposed temporary vehicle park;
- (e) to adopt environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the size and the number of the proposed shrub planting should be included in the submission of landscape

proposal;

- (g) to note the comments of the Director of Fire Services that:
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed;
 - (ii) in the circumstances (i) above, except where building plan is circulated to the Centralised Processing System of Buildings Department, the tenant is required to send the relevant layout plans to his Department incorporated with the proposed FSIs for approval. In doing so, the applicant should note that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of the building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (i) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that:

- (i) the existing access road connecting the proposed temporary vehicle park with Clear Water Bay Road and the existing covered surface channel abutting Clear Water Bay Road are outside HyD's purview. HyD shall not be responsible for their maintenance;
 - (ii) the management/maintenance agents of the existing access road and covered surface channel should be consulted on the proposal; and
 - (iii) adequate drainage measures should be provided to prevent surface water running from the site to the nearby public area; and
- (j) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that:
- (i) adequate stormwater drainage facilities should be provided in association with the proposed works and no adverse drainage impact on the areas in the vicinity will be brought about by the proposed temporary vehicle park;
 - (ii) there is an existing stream course in the vicinity of the site. The applicant is reminded to minimise any adverse environmental and/or ecological impacts in his design and during the implementation of the works; and
 - (iii) the site is within an area where no sewerage connection maintained by DSD is available in the vicinity at present. As for stormwater drainage, the nearest connection point to the public stormwater drainage system maintained by DSD is located at Clearwater Bay Road to the south-east of the site.”

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/17 Proposed Filling of Land and Excavation of Land for Permitted
On-Farm Domestic Structure in “Green Belt” zone, Lot No. 30 (Part) in
D.D. 233, East of Clear Water Bay Road, Sai Kung
(RNTPC Paper No. A/SK-CWBS/17)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed filling and excavation of land for permitted single storey on-farm domestic structure;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from the World Wide Fund for Nature Hong Kong (WWF) was received. WWF objected to the application mainly on grounds that the proposed engineering works would involve excavation and backfilling of land for future development other than farming purpose. Approval of the proposed works might indirectly facilitate other developments in the “Green Belt” (“GB”) zone and hence degradation of the environment of the “GB” zone; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

The proposed on-farm domestic structure was a use always permitted within “GB” zone and the proposed excavation and filling of land was required for the implementation of the permitted use. The proposed filling and excavation of land to effect an always permitted use was considered not incompatible with the planning intention of the “GB” zone. The proposed work was also considered to be generally in line with the Town Planning Board Guidelines No. 10 on “Application for Development within “Green Belt” zone” (TPB PG-No. 10) in that it would not involve any extensive clearance of existing natural vegetation or cause any disruption to the existing landscape features and the character of the area. The proposed filling and excavation of land was small in scale and would locate at about 3m below the Clear Water Bay Road, it was considered acceptable from a visual impact perspective. Regarding the public comment, it was considered that the proposed work was not incompatible with the planning intention of the “GB” zone.

14. In response to the Chairman’s questions, Mrs Alice K.F. Mak, STP/SKIs, said that the applicant had not proposed to excavate any land outside the application site for construction of a road leading to the site and that the site was currently under cultivation. A Member was concerned that transportation of substantial amount of materials for construction of the on-farm structure might have adverse impacts on the surrounding areas.

Deliberation Session

15. The Chairman said that there was insufficient information in the application on the location of the farm for which the proposed on-farm domestic structure was to serve and that there was no information on the access arrangement to site. Without such information, the Committee was unable to assess the potential impacts on the surrounding areas. He suggested that a decision on the application be deferred pending further information to be obtained from the applicant on the location of the farm the proposed on-farm domestic structure was to serve and access arrangement to the site. Members agreed to defer making a decision on the application, pending the further information on the above aspects to be obtained from the applicant.

16. After further deliberation, the Committee decided to defer making a decision on the application pending further information from the applicant on the location of the farm the proposed on-farm domestic structure was to serve and access arrangement to the site.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/238 Proposed 4 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone, Lots No. 439, 440 S.A, 440 RP, 442 RP in D.D. 244, Nam Pin Wai, Sai Kung
(RNTPC Paper No. A/SK-HC/238)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed four houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was served by road access and irrigation source was available in the vicinity and it possessed potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, five public comments were received. Two comments from members of the public were of the view that the village representative should be consulted before the implementation of the proposed developments and the Government should consider the long-term impact of any proposed development at and

near the site. Three comments, which were received from Designing Hong Kong Limited and two members of the public, objected to the application mainly on grounds of non-compliance with the planning intention of “Agriculture” (“AGR”) zone, adverse traffic impact, absence of technical assessments, congested environment of the area, lack of Emergency Vehicular Access and unsuitability to provide septic tank and soakaway facilities in the area due to high ground water level; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application complied with the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories (Interim Criteria) in that the site and the footprint of the proposed Small Houses fell entirely within the village ‘environs’ (‘VE’) of Ho Chung and there was a general shortage of land in meeting Small House development in the “Village Type Development” (“V”) zone. The proposed Small Houses would not result in adverse drainage, landscape and environmental impacts on the surrounding areas. Most government departments consulted had no objection to or no adverse comment on the application. Although DAFC did not support the application, there was no farming activity at or near the site. There had been Small House applications in the vicinity of the site approved by the Committee since 2007. The proposed Small Houses were not incompatible with the surrounding developments. Regarding the public comments, the application was generally in line with the Interim Criteria in that there was a shortage of land in meeting Small House demand in the “V” zone. The proposed Small Houses would not generate adverse impacts and were not incompatible with the surrounding land uses.

18. A Member noted that some applications for Small House development on the southern side of the “AGR” zone had been approved for quite a long time but the progress of these Small Houses was not indicated in the Paper. Mrs Alice K.F. Mak, STP/SKIs, said that approval of some of the Small Houses from the Lands Department (LandsD) had already been obtained while applications for other Small Houses were in progress.

Deliberation Session

19. A Member had no objection to the proposed Small Houses but suggested that in future, in line with the practice of the Planning Department, the relevant Papers should contain details of the progress of approved planning applications for Small House developments. The Committee agreed to the Member's proposal.

20. 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 12.12.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of septic tanks, as proposed by the applicants, at locations to the satisfaction of the Director of Lands or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standards;
- (b) to note the comments of the Director of Fire Services that the applicants are reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD).

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

- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be provided in connection with the proposed development to deal with the surface runoff of the site without causing any adverse drainage impacts or nuisance to the adjoining areas;
- (d) to note the comments of the Director of Environmental Department that the septic tank and soakaway systems should follow the requirements stipulated in Environmental Protection Department's (EPD) Professional Persons Environmental Consultative Committee Practice Notes (ProPECC) PN 5/93 on "Drainage Plans Subject to Comment by the Environmental Protection Department" available in EPD's website; and
- (e) to note the comments of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department that the site is located within the Ho Chung Site of Archaeological Interest. The applicants are required to notify the AMO two weeks prior to the commencement of construction works so as to facilitate its staff to conduct site inspection in the course of excavation. A Deed of Undertaking will be prepared via the District Lands Officer/Sai Kung for the applicants to sign in order to allow AMO to conduct the site inspection."

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/63 Proposed Marina (Storage Racks for Boats/Dinghies) in "Recreation" zone, Lot No. 1138 (Part) in D.D. 217 (Part), Pak Sha Wan, Sai Kung
(RNTPC Paper No. A/SK-HH/63)

22. The Secretary reported that replacement page 6 of the Paper was to indicate that the Director of Environmental Protection had noted that the applicant had confirmed that the proposed works would not involve dredging. The replacement page had been sent to Members.

Presentation and Question Sessions

23. Mrs Alice K.F. Mak, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed marina (storage rack for boats/dinghies);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication, one comment supporting the application was received from Designing Hong Kong Limited; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed storage rack was to replace the existing storage rack in order to meet the increased demand for proper storage for speedboats, safety boats and dinghies as well as to enhance the safety of the rack. Being an essential and ancillary facility for the existing Yacht Club, the proposed development was not incompatible with the planning intention of the “Recreation” zone. The proposed development with a total gross floor area of 814.61m² and building height of 7.62m was considered not incompatible with the surrounding developments and it would not have adverse drainage, traffic, landscape and environmental impacts on the area.

24. Members had no question on the application.

Deliberation Session

25. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.12.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the submission and implementation of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

“(a) to note the comments of the District Lands Officer/Sai Kung, Lands Department that if the application is approved by the TPB, the applicant should apply for necessary amendments to the lease conditions under the proposed lease extension, subject to the policy support of the Home Affairs Bureau and no adverse comments from relevant departments. However, there is no guarantee that the proposed lease extension with or without the proposed amendments will be approved by the government. Such lease extension with or without the proposed amendments, if eventually approved, will be subject to such terms and conditions as the government considers appropriate;

(b) to note the comments of the Director of Fire Services that any proposed emergency vehicular access arrangement for the proposed development should be subject to compliance of Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department (BD);

(c) to note the comments of the Director of Electrical and Mechanical Services

that:

Electricity Safety

- (i) the applicant shall approach the electricity supplier for the requisition of cable plans and overhead line alignment drawings, where applicable, to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
- prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure;
 - the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply line;

Town Gas Safety

- (ii) it is noted that there is a high pressure town gas transmission pipeline (running along Hiram’s Highway) in the vicinity of the site;
- (iii) 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;

- (iv) 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" for reference;

- (d) to note the comments of the Director of Environmental Protection that the applicant should implement during construction the relevant pollution control measures under Environmental Protection Department (EPD)'s "Recommended Environmental Pollution Control Clauses for Construction Contracts" available on EPD's website; and

- (e) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, BD that:
 - (i) as the site does not abut on a specified street, the maximum plot ratio, site coverage and heights of building shall be determined by the Building Authority under Building (Planning) Regulations 19(3). Detailed comments would be given upon submission of building plans;

 - (ii) the applicant is required to clarify the proposed plot ratio and site coverage of all existing buildings on site in addition to the proposed storage racks for boats/dinghies for further consideration by BD;

 - (iii) all unauthorised building works/structures should be removed;

 - (iv) the granting of the planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action may be taken to effect the removal of all unauthorised works in the future; and

 - (v) in accordance with the government's committed policy to implement building design to foster a quality and sustainable built environment, the applicant is advised that the sustainable building design

requirements (including building separation, building setback and greenery coverage) under the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-152 on ‘Sustainable Building Design Guidelines’ (PNAP APP-152) should be included, where possible.”

[Mr Ivan C.S. Fu and Mr K. F. Tang left the meeting temporarily at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting]

A/SK- PK/212 Proposed Temporary Shop and Services (Retail Shop, Car Washing and Waxing Service) with Ancillary Office for a Period of 3 Years in “Recreation” zone, Lot No. 579RP in D.D. 217, Tai Chung Hau Road Track, Sai Kung
(RNTPC Paper No. A/SK- PK/212B)

27. The Committee noted that the applicant requested on 27.11.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Environmental Protection Department. This was the third time that the applicant requested for deferment of the application.

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

circumstances.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/SK-SKT/9 Proposed Comprehensive Residential Development in “Comprehensive Development Area (1)” zone, Various Lots in D.D. 221 and adjoining Government Land, Sha Ha, Sai Kung
(RNTPC Paper No. A/SK-SKT/9)

29. The Secretary reported that the application was submitted by Boxwin Limited, a subsidiary of New World Development Company Limited (NWD). Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with NWD. The applicant had requested for deferral of consideration of the application. The Committee noted that Mr Ivan Fu had left temporarily the meeting.

30. The Committee noted that the applicant requested on 26.11.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the concerned government departments. This was the first time that the applicant requested for deferment of the application.

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

[The Chairman thanked Ms Donna Y.P. Tam and Mrs Alice K.F. Mak, STPs/SKIs, for their attendance to answer Members' enquires. Ms Tam and Mrs Mak left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Items 10 and 11

Section 16 Applications

[Open Meeting]

A/DPA/NE-TT/3 Proposed House (New Territories Exempted House - Small House) in
"Unspecified Use" area, Government Land in D.D. 289, Ko Tong, Tai
Po

(RNTPC Paper No. A/DPA/NE-TT/3)

A/DPA/NE-TT/4 Proposed House (New Territories Exempted House - Small House) in
"Unspecified Use" area, Government Land in D.D. 289, Ko Tong, Tai
Po

(RNTPC Paper No. A/DPA/NE-TT/4)

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

33. The Committee noted that the applicants of Applications No. A/DPA/NE-TT/3 and A/DPA/NE-TT/4 requested on 21.11.2014 and 24.11.2014 respectively for deferment of the consideration of the applications for two months in order to allow time for clarification with the Lands Department and to seek professional advices to respond to the departmental comments. This was the first time that the applicants requested for deferment of the applications.

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

[Mr C.K. Soh, District Planning Officer, Sha Tin, Tai Po and North (DPO/STN), Mr C.K. Tsang, Mr C.T. Lau and Mr Wallace W.K. Tang, Senior Town Planners/Shanghai Tin, Tai Po and North (STPs/STN), Mr M.K. Tong, Engineer/Planning 9, Water Supplies Department (E/P(9), WSD), Mr Ricky C.H. Liu, Engineer/New Territories East Region (Headworks 1), WSD, and Ms L.W. So, Chemist/Resources Management 2, WSD, were invited to the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/103 Temporary Religious Institution (Church) for a Period of 5 Years in
"Residential (Group A)" zone, Units No. 17-23, 1/F, The Waterside, 15
On Chun Street, Ma On Shan, Sha Tin
(RNTPC Paper No. A/MOS/103)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary religious institution (church) for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no

objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The church under application was located in the purpose-built non-domestic part of The Waterside and was compatible with other existing uses on the same floor which consisted of education centres, tutorial centres, music schools, a dancing school, etc. As the commercial podium and the residential towers above had separated entrances, it was envisaged that the church would not cause nuisance to the residents of The Waterside and it would unlikely cause adverse impacts on the surrounding areas. The previous application No. A/MOS/77 was approved with conditions by the Committee on 6.11.2009 for the same use submitted by the same applicant for 5 years until 6.11.2014. The approval condition on fire safety aspect had been complied with. There was an increase in total floor area of about 36.79 m² for church office in the current application but the change in floor area was small and not considered unacceptable.

36. Members had no question on the application.

Deliberation Session

37. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 12.12.2019, 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 proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (b) in relation to (a) above, the provision of fire service installations within

9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.9.2015; and

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application premises;
- (c) to apply to the District Lands Officer/Shu Tin, Lands Department for a lease modification/temporary waiver for the applied use;
- (d) to observe the requirements of the Buildings Ordinance concerning the provision of adequate sanitary fitments for the participants of the church, the separation of the church area with other areas by fire barriers having a fire resisting rating of not less than 60 minutes, and the provision of lighting and ventilation to the proposed church office in accordance with the Building (Planning) Regulations; and
- (e) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.”

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/861 Shop and Services (Retail and Repair Shop of Electronic Appliances and Computer Products) in “Industrial” zone, Workshop D2 on G/F, Universal Industrial Centre, Nos. 19-25 Shan Mei Street, Sha Tin
(RNTPC Paper No. A/ST/861)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) shop and services (retail and repair shop for electronic appliances and computer products);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The shop and services use under application was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the ground floor of the subject industrial building and in its vicinity. The application premises was on the ground floor of the industrial building with

direct access to Shan Mei Street. The use under application generally complied with the Town Planning Board Guidelines No. 25D on “Use/Development within “Industrial” Zone” (TPB PG-No. 25D) on the fire safety and traffic aspects. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

40. Members had no question on the application.

Deliberation Session

41. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.12.2017, 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 with 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (b) in relation to (a) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.9.2015; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years is given in order to allow the

Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardised;

- (c) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that :
 - (i) the proposed use shall comply with the requirements under the Buildings Ordinance (BO). For instance, the shop shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining premises shall not be adversely affected; and
 - (ii) the subdivision of the unit/premises should comply with the provisions of BO/Building (Minor Works) Regulations. The applicant should engage a registered building professional under the BO to co-ordinate the buildings works, if any;
- (e) to note the comments of the Director of Fire Services that fire service installations should be provided to the satisfaction of this department. Detailed requirements will be formulated upon receipt of formal submission of general building plans; and
- (f) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.”

Agenda Item 14

Section 16 Application

[Open Meeting]

A/ST/862 Religious Institution (Management Offices and Ancillary Facilities) in “Village Type Development” zone, Lot Nos. 3 (Part) and 313 RP (Part) in D.D. 185 and adjoining Government Land, No.148 Pai Tau Village, Sha Tin
(RNTPC Paper No. A/ST/862)

43. The Committee noted that the applicant requested on 26.11.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant government departments and the public. This was the first time that the applicant requested for deferment of the application.

44. 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 Kelvin K.M. Siu left the meeting temporarily at this point. Dr W.K. Yau arrived to join the meeting at this point.]

Agenda Item 15

[Open Meeting]

Proposed Amendments to the Approved Ting Kok

Outline Zoning Plan No. S/NE-TK/17

(RNTPC Paper No. 15/14)

45. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, presented the proposed amendments to the Approved Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17 as detailed in the Paper and covered the following main points:

Background

- (a) on 19.11.2010, in considering a review application (No. A/NE-TK/301) for Small House development in Shan Liu, the Town Planning Board (the Board) noted that there was a significant shortage of land in the “Village Type Development” (“V”) zone in meeting Small House demand and requested that a review of Shan Liu “V” zone should be undertaken;
- (b) the Planning Department (PlanD) conducted a review of the “V” zone of Shan Liu and proposed to enlarge the “V” zone from 0.52 ha to 1.44 ha. On 7.12.2012, the Committee noted the findings of the review and agreed to the rezoning proposals;
- (c) the Tai Po Rural Committee (TPRC) and the Environment, Housing and Works Committee of the Tai Po District Council (TPDC) were consulted on the rezoning proposals on 12.3.2013 and 13.3.2013 respectively. TPRC did not support the proposed “V” zone of Shan Liu and requested PlanD to consider extending the boundary of the proposed “V” zone further to cover an area of about 0.85 ha in the southeast as suggested by the Indigenous Inhabitant Representative (IIR) of Shan Liu. TPDC had no in-principle objection to the proposed “V” zone and requested PlanD to consider the views of TPRC;
- (d) since then, the Water Supplies Department (WSD) and PlanD had been

engaged in lengthy discussions with the TPRC and the IIR of Shan Liu on the further extension of the proposed “V” zone in the Water Gathering Grounds (WGG). On 23.7.2013, WSD explained at the TPRC meeting that the IIR’s request for extending the “V” zone boundary into the lower indirect WGG could not be supported mainly on consideration that it would increase the risk of polluting fresh water resources as the area is in close proximity to the water gathering inlet. TPRC expressed strong dissatisfaction on such explanation as a number of Small House applications within the lower indirect WGG, to which WSD had no objection, had been approved by the Board, and decided to set up a task group to liaise with WSD with a view to resolving the water quality concern;

- (e) in response to the TPDC members’ enquiries on Small House development in Shan Liu at the meeting on 6.3.2014, the Director of Water Supplies expressed that WSD was open for discussion on sewage disposal issues. Subsequently, the IIR came up with a revised proposal on 12.5.2014. The revised proposed “V” zone covered an area of about 1.95 ha currently zoned “V”, “Agriculture” (“AGR”) and “Green Belt” (“GB”), and about 0.63 ha of land falls within the lower indirect WGG; and
- (f) the water quality issue in relation to Small House development in Shan Liu was further discussed among PlanD, WSD and TPRC on 11.11.2014. WSD further explained to the TPRC at the meeting that the IIR’s revised proposal could not be supported for the same reasons mentioned in paragraph 45 (d) above but was willing to consider any feasible proposal to address the water quality impact within the lower indirect WGG. The TPRC suggested that the task group would continue discussing with WSD with a view to working out a technically feasible solution to resolve the water quality impact of Small Houses in the lower indirect WGG and requested PlanD not to proceed with the rezoning process until an agreement among all parties including WSD, PlanD, TPRC and Shan Liu IIR was reached.

Proposed Amendments to the Matters shown on the OZP

Amendment Item A

- (g) to rezone an area (about 0.97 ha) surrounding the immediate east, south and southwest of the existing “V” zone of Shan Liu from “AGR” to “V”;

Amendment Item B

- (h) to rezone an area (about 0.06 ha) to the immediate north of the existing “V” zone from “GB” to “V”;

Amendment Items C1 and C2

- (i) to rezone two areas (about 0.21 ha) on the lower hill slopes and at the edge of woodland covered with dense and mature trees from “AGR” to “GB”;

Amendment Item D

- (j) to rezone an area (about 0.1 ha) covering part of the hill slopes from “V” to “GB” to ensure minimal impact on the existing landscape quality and enhance geotechnical safety;

Proposed Amendments to the Explanatory Statement (ES) of the OZP

- (k) the ES would be revised to take into account the proposed amendments, and the latest status and planning circumstances;

[Mr Lincoln L.H. Huang arrived to join the meeting at this point. Mr Kelvin K.M. Siu returned to join the meeting at this point.]

Consultation

- (l) relevant government departments had no major comment on the proposed amendments; and
- (m) the Tai Po District Council and the Tai Po Rural Committee would be

consulted on the proposed amendments during the exhibition of the draft OZP.

46. The Chairman noted that a number of applications for Small House developments had already been approved in an area zoned “AGR” to the south of Shan Liu Village. He asked the progress of development of these Small Houses and the possibility to extend the “V” zone to cover this area to reflect the approved Small House applications. Mr C.K. Soh, DPO/STN, said that there were about 60 applications within the “AGR” zone in the south of Shan Liu Village of which 34 applications were approved. As the area fell within the lower indirect WGG, the construction work of the approved Small Houses could only commence after the completion of the sewerage system in 2014. Mr C.K. Soh said that a number of the approved Small House applications could be connected to the sewerage system and it was expected that there would be more construction of the approved Small Houses in 2015. In response to the Chairman’s question on whether the “V” zone could be expanded to include the lower indirect WGG, Mr M.K. Tong, E/P(9), WSD, said that the subject area fell within the lower indirect WGG which had a high risk of water pollution from accumulated sewage impacts. WSD objected to the proposal to extend the “V” zone to cover the lower indirect WGG as under the “V” zone, there would be no way to assess the sewage impact on a case-by-case basis in the absence of the planning application mechanism. He further said that in considering applications for Small House developments within the WGG, reference would be made to the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories and whether the proposed Small House developments could be connected to the sewerage system. In this regard, he said that the existing “AGR” zone should be retained.

47. In response to the Chairman’s question, Mr C.K. Soh, DPO/STN, said that Amendment Item D (i.e. to rezone the area from “V” to “GB”) was to reflect the existing slope. A Member said that if there was no scope for the local villagers and WSD to reach an agreement on the “V” zone expansion, and the Committee considered that the current proposal was the most appropriate to meet the Small House demand and to address WSD’s concern on the protection of the lower indirect WGG, the proposed zoning amendments should be agreed to. Another Member said that given WSD’s concern, he had no objection to WSD’s approach to consider each Small House application within the WGG on a case-by-case basis and agreed to the zoning amendments. After discussion, the Chairman

concluded that the “AGR” zone to the south of Shan Liu Village should be retained.

48. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/17A as mentioned in paragraph 8 of the Paper and that the draft Ting Kok OZP No. S/NE-TK/17A at Attachment II of the Paper (to be renumbered to S/NE-TK/18 upon exhibition) and its Notes at Attachment III of the Paper were suitable for exhibition under section 5 of the Town Planning Ordinance;
- (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper as an expression of the planning intention and objectives of the Town Planning Board for various land use zonings on the OZP; and
- (c) agree that the revised ES was suitable for exhibition together with the draft OZP and issued under the name of the Board together with the OZP.

[The Chairman thanked Mr M.K. Tong, Mr Ricky C.H. Liu and Ms L.W. So for their attendance to answer Members’ enquires. Mr Tong, Mr Liu and Ms So left the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/520 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 1535 S.B in
D.D. 8, San Tong Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/520)

Presentation and Question Sessions

49. Mr C.T. Lau, STP/STN, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. Major comments were summarised as below:
 - (i) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as more than 50% of the proposed Small House fell outside both the “Village Type Development” (“V”) zone and village ‘environs’ (‘VE’) of San Tong Village; and
 - (ii) the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the majority of the site was located outside the ‘VE’ and “V” zone and compliance with the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories (Interim Criteria) could not be established;
- (d) during the first three weeks of the statutory publication period, one comment from Designing Hong Kong Limited (DHK) was received. DHK objected to the application mainly on grounds that the proposed development was not in line with the planning intention of the “Agriculture” zone; there might be potential cumulative sewerage impact; there was no proper provision of parking and proper access in villages; and there was no assessment on the traffic and environmental impacts in the application; 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 did not comply with the Interim Criteria as there was no general shortage of land in meeting the future demand for Small House development in the “V” zone of San Tong Village and more than 50% of the proposed Small House footprint fell outside the ‘VE’ and “V” zone of the village. DLO/TP, LandsD and CE/Dev(2), WSD did not support the application. The site was the subject of two previous planning applications for Small House development submitted by the same applicant and rejected by the Town Planning Board on review on 24.3.2006 and by the Committee on 11.7.2014 respectively mainly on the grounds that the development was not in line with the Interim Criteria in that the majority of the site was located outside the “V” zone and ‘VE’ and there was no general shortage of land in the “V” zone to meet the Small House demand. When compared with the last rejected application No. A/NE-LT/508, there was no change in the site area but the disposition of the proposed Small House had been revised such that more area of the Small House footprint (29%, as against 8%) fell within the “V” zone. There were 12 similar applications in the vicinity of the site in the same “AGR” zone which were approved by the Committee between 2003 and 2013, mainly on grounds that they complied with the Interim Criteria and/or were under special circumstances including being an in-fill development, subject of previously approved application or the majority of the Small House footprint falling within the “V” zone. Regarding the public comment objecting to the application, the planning assessment and comments of concerned government departments were relevant.

50. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development does not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the 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 San Tong Village (the village) and there is no general shortage of land in meeting the demand for Small House development in the “V” zone of the village; and
- (b) there is land available within the “V” zone of the village for Small House development. The applicant fails to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development.”

Agenda Items 17 and 18

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/521 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 1287 S.B in
D.D.8, Lam Tsuen, Tai Po

(RNTPC Paper No. A/NE-LT/521)

A/NE-LT/522 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 1287 S.A in
D.D.8, Lam Tsuen, Tai Po

(RNTPC Paper No. A/NE-LT/522)

52. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to each other within the same “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as there were active agricultural activities at the sites. The Chief Engineer/Development (2) of Water Supplier Department (CE//Dev(2), WSD) and Director of Environmental Protection (DEP) did not support the applications as the sites fell within upper indirect Water Gathering Ground (WGG) and were about 40m from the nearest stream, and the proposed Small Houses were about 4m below the planned sewer and sewer connection was not feasible;
- (d) during the first three weeks of the statutory publication period, two public comments on each of the applications were received. The Hong Kong Bird Watching Society objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “AGR” zone; and there would be cumulative loss of agricultural land and ecological impact. Another comment was submitted by an individual objecting to the applications mainly on the grounds of adverse visual, landscape and ecological impact and noise and air pollution during the construction of the Small Houses; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Papers. The proposed Small Houses were not in line with the planning intention of the “AGR” zone and DAFC did not support the applications as there were active agricultural activities in the sites. There was sufficient land

available to meet the future Small House demand in Lam Tsuen San Tsuen. The applicant had failed to justify why land within the “V” zone could not be made available for the proposed Small House developments. The sites falls within the WGG. WSD and EPD objected to the applications mainly on the grounds that the proposed Small Houses were about 4m lower than the planned public sewer and the sewer connection was considered not feasible. The applications were considered not in line with the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House development in the New Territories (Interim Criteria) in that there was no general shortage of land in the “V” zone for Small House Development and the applicants failed to demonstrate in the submission that the proposed developments could be connected to the planned sewerage system and would not have adverse impact on the water quality in the area. An application in the same “AGR” was recently rejected by the Committee mainly on similar grounds. The nine applications in the vicinity were approved as they generally complied with the Interim Criteria in that the there was general shortage of land to meet the Small House demand in the “V” zone of the concerned village and the proposed developments were able to be connected to the planned sewerage system. The subject applications did not warrant the same planning considerations as these approved applications. Regarding the two public comments, the comments of relevant departments and assessment on the applications were relevant.

54. Members had no question on the application.

Deliberation Session

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

“(a) the proposed development is not in line with the planning intention of the “Agriculture” zone, which is primary to retain and safeguard good quality

agricultural land/farm/fish ponds for agricultural purposes and 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 current 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” (“V”) zone;
- (c) there is land available within the “V” zone of Lam Tsuen San Tsuen for Small House development. The applicant fails to demonstrate in the submission why land within the “V” zone could not be made available for the proposed development; and
- (d) the applicant fails to demonstrate that the proposed Small House located within Water Gathering Ground would be able to be connected to the existing or planned sewerage system and would not have adverse impact on the water quality in the area.”

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/148 Proposed Temporary Asphalt Plant for a Period of 5 Years in “Open Storage” zone, Lots 20 RP, 21 and 23 RP (Part) in D.D. 88 and adjoining Government Land to the East of Man Kam To Road, Sheung Shui

(RNTPC Paper No. A/NE-FTA/148A)

Presentation and Question Sessions

56. With the aid of a PowerPoint presentation, Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary asphalt plant for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Secretary for Food and Health (S for FH) and the Director of Agriculture, Fisheries and Conservation (DAFC) raised concern on the future co-existence of the proposed asphalt plant and the proposed wholesale poultry market to the immediate south and considered that any future renewal of the planning approval for the proposed development should take into consideration the works schedule of the proposed wholesale poultry market, the construction works of which were expected to commence in mid-2019 for completion by end 2021. If the applicant applied for renewal of the planning approval covering the period or beyond, their comments should be sought based on the latest position of the market relocation project and the outcome of its related assessments, including the environmental and traffic impact assessments;
- (d) during the first three weeks of the statutory publication period, nine public comments were received. A North District Council (NDC) member stated that he had no comment on the application. The other eight public comments, which were submitted by individuals / local villagers, objected to / raised concerns on the application mainly on the grounds of health risk of nearby residents, odour problem, adverse environmental and traffic impacts, and pollution problems to the surrounding areas;
- (e) the District Officer (North), Home Affairs Department advised that the Chairman of Sheung Shui District Rural Committee (RC) supported the application as it would tie in with the development of the North East New

Territories New Development Areas and reduce the travelling time of construction materials for infrastructural projects; and six objections were received from the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of San Uk Ling, the incumbent NDC member cum IIR of Sheung Shui Heung, IIR of Sheung Shui Heung, RR of Sheung Shui Heung and RR of Sha Ling Village mainly on grounds of odour and health risk to nearby residents, possible adverse environmental and traffic impacts on the surrounding areas, and creation of pollution problems. Besides, the IIR of Sheung Shui Heung, IIR and RR of Wa Shan Tsuen, the First Vice-chairman of Ta Kwu Ling District RC, incumbent NDC member and 沙嶺村孟蘭會 had no comment on the application; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application for temporary asphalt plant for a period of 5 years would not jeopardise the planning intention of the “Open Storage” zone. The proposed asphalt plant was, in general, considered not incompatible with the surrounding rural environment and would not significantly affect the existing landscape character. The approval of the application on a temporary basis of five years would not affect the implementation of the proposed wholesale poultry market to the immediate south, the construction works of which were expected to commence in mid-2019 for completion by end 2021. The applied use on a temporary basis of 5 years would not affect the long-term planning and development of the area. Concerned government departments had no objection to or no adverse comment on the application. The previous application for asphalt plant on a permanent basis submitted by the same applicant was rejected by the Committee mainly on the grounds that the proposed development was not compatible with the planned land uses in the area and approval of the application would jeopardise the land use planning of the area and set an undesirable precedent for similar applications in the area. Regarding the public comments on objection to the application, concerned government departments' comments and the planning assessment were relevant and Sha Ling Village was located at a distance from the site.

Deliberation Session

57. A Member said that although the current application was for temporary asphalt plant for a period of 5 years and would not affect the implementation of the proposed wholesale poultry market to the immediate south of the site, to draw the attention of the applicant on DAFC's concern on the future co-existence of the proposed asphalt plant and the wholesale poultry market, an advisory clause should be imposed informing the applicant that in the event of future renewal of the planning permission, comments from S for FH or DAFC should be sought based on the latest position of the relocation of the existing Cheung Sha Wan Temporary Wholesale Poultry Market and the outcome of its related assessments, including environmental and traffic impact assessments. The Committee agreed to the Member's proposal should the application be approved.

58. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 12.12.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.6.2015;
- (b) the submission of drainage impact assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.6.2015;
- (c) in relation to (b) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.9.2015;
- (d) 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 12.6.2015;

- (e) in relation to (d) 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 12.9.2015;
- (f) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.6.2015;
- (g) in relation to (f) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.9.2015;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) 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;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the BO and should not be designated for any

approved use under the application;

- (ii) before any new building works (including asphalt plant) are to be carried out on the site, 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;
 - (iii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (v) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)Rs) 5 and 41D respectively; and
 - (vi) if the site does not abut a specified street of not less than 4.5m wide, the development intensity shall be determined by the BA under B(P)R 19(3) at the building plan submission stage;
- (c) to note the comments of the District Lands Officer/North, Lands Department that:

- (i) the site comprises private lots and the adjoining Government land (GL). The lots are Old Schedule agricultural lots held under the Block Government Lease and covered by Short Term Waiver (STW) No. 883 for the purposes of (i) concrete production plant; and (ii) open storage of machinery and equipment. The built-over area of the proposed structures specified in the planning application is larger than the maximum permitted site coverage stipulated in STW No. 883. The owner of the lots concerned shall apply to his office for modification of the existing STW No. 883 to regularise the irregularities. There is no guarantee that STW will be approved. If the STW application is approved, it will be subject to such terms and conditions to be imposed including the payment of STW fee; and

- (ii) the government land within the site is covered by Short Term Tenancy (STT) No. 641 for the purposes of (i) a concrete / asphalt batching plant; (ii) manufacturing of concrete products; and (iii) open storage of machinery and equipment. The actual occupation area is larger than the site. Existing structures straddled the site and the adjoining GL were erected. The applicant shall apply to his office for a STT for the occupation of GL. There is no guarantee that the application for STT will be approved. If the STT application is approved, it will be subject to such terms and conditions to be imposed including the payment of STT rental;

- (d) to note the comments of the Commissioner for Transport that the unnamed local track connected to Man Kam To Road is not under his 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;

- (e) to note the comments of the Director of Fire Services as follows:

- (i) emergency vehicular access arrangement shall comply with Section 6, Part D of the “Code of Practice for Fire Safety in Building 2011” administered by BD; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (PlanD) that there is a potential space to plant trees at the eastern and western boundary of the site. The applicant should seek opportunity of tree planting in these locations;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the site is within the flood pumping gathering ground and is less than 30m from the nearest water course, and it falls within the Consultation Zone of Sheung Shui Water Treatment Works, which is a potentially hazardous installation. The following requirements should be complied with:
- (i) site formation, construction and drainage plans shall be submitted to his department for approval;
 - (ii) no discharge of effluent within the flood pumping gathering grounds shall be allowed without WSD’s prior approval. Any effluent discharge must comply fully at all times with standards for effluents stipulated in Table 3 and paragraph 8.4 of the “Technical Memorandum on Effluent Standards” issued under Section 21 of the Water Pollution Control Ordinance;
 - (iii) all solid waste and sludge arising from the operation of the asphalt plant shall be disposed of properly outside the flood pumping gathering grounds;
 - (iv) the proposed asphalt plant shall be surrounded by kerbs and drains

on all sides to avoid polluting the nearby water course during heavy rainfall;

- (v) drainage traps such as silt traps, grease traps and petrol interceptors shall be installed at each of the drainage outlets and shall be under proper maintenance. All such drainage traps shall have sufficient capacity to ensure the proper collection and disposal of silt, fuel and lubricants; and
- (vi) no oil leakage or spillage in the flood pumping gathering grounds is allowed;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation (DAFC) that in the event of future renewal of the planning permission, comments from S for FH or DAFC should be sought based on the latest position of the relocation of the existing Cheung Sha Wan Temporary Wholesale Poultry Market and the outcome of its related assessments, including environmental and traffic impact assessments; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant / working party shall approach the electricity supplier for the requisition of cable plans and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and / or overhead line within or in the vicinity of the site. Based on the information provided, if there is underground cable (and / or overhead line) within or in the vicinity of the site, the applicant / working party shall carry out the following measures:
 - (i) for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD, prior consultation and arrangement with the electricity supplier is necessary;

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/553 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 639 S.F in
D.D.83, Kwan Tei, Fanling
(RNTPC Paper No. A/NE-LYT/553)

60. The Secretary reported that replacement pages 4 and 7 of the Paper and pages 1 and 3 of Appendix IV of the Paper which were tabled at the meeting, were to indicate the latest figures of Small House applications in Kwan Tei Village provided by the Lands Department and the corresponding change in land requirement.

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural activities in the vicinity were active and the site had potential for agricultural rehabilitation.
- (d) during the first three weeks of the statutory publication period, a total of four public comments were received. A North District Council member supported the application. The Chairman of the Fanling District Rural Committee objected to the application as there was a lack of infrastructural provision in the area to support the recently completed Small Houses and approval of the application would worsen the flooding and traffic problems and aggravate the traffic congestion in Fu Tei Pai Village. Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; agricultural land should be retained to safeguard the potential agricultural activities; no environmental and traffic impact assessments had been submitted; and approval of the case would set an undesirable precedent for similar applications; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although DAFC did not support the application on grounds that agricultural activities in the vicinity were active and the site had potential for agricultural rehabilitation, the application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that more than 50% of the proposed Small House’s footprint fell within the village ‘environs’ of Kwan Tei Village and there was insufficient land within the “Village Type Development” zone of the same village to meet the Small House demand. The proposed

Small House development was near the existing village cluster to the west and bounded by village houses. It was not incompatible with the surrounding area dominated by village houses, tree groups and farmlands. While four existing fruit trees would be affected, the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considered that significant adverse landscape impact arising from the proposed development was not anticipated and had no objection to the application. An approval condition on the submission and implementation of tree preservation and landscape proposals was recommended. There were six similar applications approved between 2004 and 2014 mainly on considerations that the applications generally met the Interim Criteria as more than 50% the footprint of the proposed Small Houses fell within the 'VE' and there was a general shortage of land in meeting the demand for Small House developments in the "V" zone; the proposed developments were generally compatible with the surrounding rural environment and would not have significant adverse impacts on the surrounding area. Some of these cases were located near the subject site and the planning circumstances of these cases were similar to the current application. Three applications were rejected mainly on the grounds that the proposed Small House developments did not comply with the Interim Criteria as more than 50% of the footprint of the proposed Small Houses fell outside the "V" zone and 'VE'. There had not been any material change in the planning circumstances for the area since the approval / rejection of these similar applications. Regarding the public comments objecting to the application, Government departments' comments and the planning assessment were relevant.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.12.2018, and after the said date, the permission should cease to have

effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department 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 his department’s standards; and
 - (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Sha Tau Kok Road to the site is not maintained by her department;

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/554 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1579 S.B ss.1 in D.D.83, Wing Ning Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/554)

Presentation and Question Sessions

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

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

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. Concerned government departments had no objection to or no adverse comment on the application.
- (d) during the first three weeks of the statutory publication period, three public comments were received. The Chairman of Fanling District Rural Committee had no comment on the application. A North District Council member supported the application while Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; agricultural land should be retained to safeguard the food supply for Hong Kong; no environmental, traffic, drainage and sewage assessments had been submitted; and approval of the application would set an undesirable precedent for similar applications;
- (e) the District Officer (North), Home Affairs Department advised that the Residents Representative and two Indigenous Inhabitant Representatives of Lung Yeuk Tau supported the application and suggested that the village ‘environs’ (‘VE’) should be enlarged so as to meet the housing need of the indigenous villagers. The Chairman of Fanling District Rural Committee had no comment on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. DAFC had no objection to the application as the site was surrounded by structures and its potential for agricultural rehabilitation was low. The application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that more than 50% of the footprint of the proposed Small House fell within the ‘VE’ of Wing Ning Tsuen and there was insufficient land within the “Village Type Development” (“V”) zone of Lung Yeuk Tau village cluster to meet the Small House demand. The site was surrounded by existing village houses and the proposed Small House development was not incompatible with the surrounding area which was rural in character.

Significant changes or disturbance to the existing landscape character and resources and significant adverse impact on the traffic, environment and drainage of the surrounding area arising from the proposed development were not anticipated. There were 33 similar applications for Small House developments in the vicinity of the site, thirty of them were approved by the Committee mainly on considerations that the applications generally met the Interim Criteria; the proposed Small House developments were not incompatible with the surrounding rural and village environment; and they would not cause adverse impacts on the surrounding areas. Some of the approved cases were in close proximity to the site. The three remaining applications were rejected mainly on grounds that the proposed Small House developments did not comply with the Interim Criteria as the sites were outside both the 'VE' and "V" zone of a recognised village and there was no exceptional circumstances to merit special consideration of the applications; and the approval of the applications would set undesirable precedents for similar applications.

66. A Member noted that some Small Houses were already developed near the site but there was no indication of any previous applications for these Small Houses as shown in Plan A-1 of the Paper. Mr Wallace W.K. Tang, STP/STN, said that the said Plan was to indicate the approved Small Houses since the first promulgation of the Interim Criteria in 2000 while the concerned Small Houses were developed before 2000.

Deliberation Session

67. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.12.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department on the following:
 - (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 his department’s standards; and
 - (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Sha Tau Kok Road to the site is not maintained by her department;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/68 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1588 S.A in D.D. 91, Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/68)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as some agricultural activities were found in the vicinity of the site and it had potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, a comment from a North District Council (NDC) member supporting the application was received;

- (e) the District Officer (North), Home Affairs Department, advised that a NDC member supported the application while the Chairman of Sheung Shui District Rural Committee, the Indigenous Inhabitant Representative and Resident Representative of Kai Leng had no comment on it; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although DAFC did not support the application as the site possessed potential for agricultural rehabilitation, the application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ (‘VE’) of Kai Leng and there was a general shortage of land within the “Village Type Development” (‘V’) zone of the same village to meet the Small House demand. The proposed Small House was considered not incompatible with the surrounding area of rural landscape character dominated by temporary structures, tree groups, farmland and village houses, and the village proper of Kai Leng was located to its north. A total of 44 similar applications within the same “Agriculture” (‘AGR’) zone in the vicinity of the site were approved by the Committee between 2001 and 2014 mainly on considerations that the applications generally met the Interim Criteria; the proposed Small House developments were not incompatible with the surrounding rural and village environment; and the proposed developments would not cause adverse impacts on the surrounding areas. Some of the approved cases were in close proximity to the site and their Small House grant applications were being processed. There had not been any major change in planning circumstances for the area since the approval of these applications.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application, on the

terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.12.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department 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 his department’s standards; and
 - (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Chief Highway Engineer/New Territories East,

Highways Department that any access road leading from Yu Tai Road to the site is not maintained by her department;

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/493 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 656 in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/493)

Presentation and Question Sessions

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

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

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active agricultural activities were found in the vicinity of the site and it had potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, four public comments were received. A North District Council member supported the application. Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited objected to the application mainly on grounds that the proposed Small House was not in line with the planning intention of the “Agriculture” (“AGR”) zone; agricultural land should be retained to safeguard food supply; possible water pollution to the nearby Ping Yuen River; no relevant technical assessments had been submitted; and approval of the application would set an undesirable precedent for similar applications in the future;
- (e) the District Officer (North), Home Affairs Department advised that the Residents Representative of Lei Uk Tsuen supported the application. The Secretary of Ta Kwu Ling District Rural Committee, an Incumbent North District Council member and an Indigenous Inhabitant Representative of Lei Uk Tsuen had no comment on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although DAFC did not support the application as the site had potential for agricultural rehabilitation, the application generally met the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories (Interim Criteria) in that more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ (‘VE’) to the east of Lei Uk Tsuen and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Lei Uk

Tsuen. The proposed Small House development was not incompatible with the surrounding environment and significant adverse impact on the traffic, environment and drainage of the surrounding area was not expected. 11 similar applications for Small House development had been approved by the Committee between 2002 and 2014. All these applications were approved by the Committee mainly on the considerations that the applications complied with the Interim Criteria in that the sites were located within the 'VE' of Lei Uk Tsuen where there was a general shortage of land in meeting the demand for Small House development in the "V" zone; and the proposed Small House developments would unlikely have significant adverse impacts on the surrounding areas. There had not been any material change in planning circumstances for the area since the approval of these similar applications. The proposed Small House development was located within the 'VE' to the east of Lei Uk Tsuen and its circumstances were similar to those approved cases, some of which were located near the site to the west. Twelve similar applications for Small House development were rejected by the Committee or by the Board on review between 2012 and 2014. All these applications were located within the concerned "AGR" zone to the west of the "V" zone of Lei Uk Tsuen and were rejected mainly on the grounds that the applications were not in line with the planning intention of the "AGR" zone; no strong planning justification in the submissions for a departure from the planning intention; land was still available within the "V" zone of Lei Uk Tsuen for Small House development, and it was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services. Regarding the public comments objecting to the application, the Director of Environmental Protection had no objection to the application. However, to address public concerns on environmental impacts, the applicant would be reminded of following the requirements as set out in Professional Persons Environmental Consultative Committee Practice Notes (ProPECC) PN 5/93 on the design and construction of the septic tank and soakaway pit system for the proposed Small House, and to strictly confine the construction works within the site

and implement good site practices and measures to avoid disturbance to Ping Yuen River.

Deliberation Session

74. A Member considered that Small House development should expand gradually from the boundaries of the “V” zone and had reservation on the application as the approved Small House applications to the east of Lei Uk Tsuen were along the periphery of the boundary of the “V” zone while the subject application site was located far away from the “V” zone. The Member further said that should the application be approved, there would be no strong reasons for not approving similar Small House applications in the area between the “V” zone and the subject site (the Area). The Member also pointed out that while land within the “V” zone was not adequate to meet the future Small House demand, there was still land available within the “V” zone for the subject application. In response to the Chairman’s question on the 68 outstanding applications for Small House development being handled by the Lands Department, Mr Wallace W.K. Tang, STP/STN, said that most of the applications were on the western, north-eastern and eastern sides of the “V” zone of Lei Uk Tsuen but there were also applications within the “V” zone. The current application was located about 20m to the east of the nearest approved applications and it abutted on a footpath. The Chairman said that the subject site was not far away from those of the approved applications and should the application be approved, similar applications for Small House developments in the Area would follow. However, he was concerned that future Small House developments might affect Ping Yuen River in the vicinity of the site. He suggested that PlanD should liaise with the villagers and LandsD to ensure that future Small House developments would not affect the river.

75. 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 12.12.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

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

- “(a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
- (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection and to resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lot to WSD’s standards; and
 - (ii) the site is located within flood pumping gathering ground;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any local track or footpath leading to the site will not be maintained by HyD;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (e) to follow the requirements as set out in the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC) PN 5/93 published by the Director of Environmental Protection on the design and construction of the septic tank and soakaway pit system for the proposed Small House;
- (f) to strictly confine the construction works within the site and implement good site practices and other appropriate measures to avoid disturbance to the adjoining Ping Yuen River; and
- (g) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/494 Proposed Temporary Container Vehicle Park for a Period of 3 Years in “Open Storage” zone, Lots 393RP, 394RP, 397 S.B RP(part), 398(part) and 401 RP in D.D. 77, Lot 1206 RP and 1209(part) in D.D.79, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/494)

Presentation and Question Sessions

77. 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) temporary container vehicle park for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site, the closest one was located at about 10m to the southeast;
- (d) during the first three weeks of the statutory publication period, one public comment indicating no comment on the application was received from a North District Council (NDC) member;
- (e) the District Officer (North), Home Affairs Department advised that the Vice-chairman of Ta Kwu Ling District Rural Committee, an incumbent NDC member, the Indigenous Inhabitant Representative of Ping Che and the Resident Representative of Ping Che had no comment on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The temporary container vehicle park under application was generally in line with the planning intention of the “Open Storage” zone which was primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. The development was not incompatible with the surrounding land uses which comprised mainly open storage yards intermixed with vacant land and some temporary domestic structures and was unlikely to have significant adverse traffic, drainage and fire safety impacts on the surrounding areas. Approval conditions on the submission and implementation of landscape proposal were recommended to address any possible adverse landscape impact on the adjacent “Green Belt” zone to the east of the site. The temporary container vehicle park was generally in line with the Town

Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that no major adverse departmental comments had been received on the application. Although DEP did not support the application on the grounds that there were some domestic structures scattered in the areas to the north and east of the site, there was no record of environmental complaint regarding the site in the past three years and the concern of DEP could be addressed by imposing an approval condition restricting the operation hours of the site. The applicants would also be advised to follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to alleviate any possible adverse environmental impact. The majority part of the site was the subject of a previously approved application submitted by another applicant which was revoked in 2014 due to non-compliance with approval conditions. There had not been any material change in planning circumstances for the area since the approval of the previous application.

78. Members had no question on the application.

Deliberation Session

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.12.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00p.m. and 7:00a.m., as proposed by the applicants, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the site, as proposed by the applicants, during the planning approval period;
- (c) 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 12.6.2015;

- (d) in relation to (c) 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 12.9.2015;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.6.2015;
- (f) in relation to (e) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.9.2015;
- (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 12.6.2015;
- (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 12.9.2015;
- (i) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

80. 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 that the owners of the lots should be advised to apply to his office for Short Term Waivers (STWs) and a Short Term Tenancy (STT). There is no guarantee that the applications for STWs and STT will be approved. If the STWs and STT are approved, they will be subject to such terms and conditions to be imposed, including payment of STW fees and STT rental.;

- (c) to note the comments of the Commissioner for Transport that the access road leading from Wo Keng Shan Road to the site is not under the Transport Department’s management. The land status, 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 Chief Highway Engineer/New Territories East, Highways Department (HyD) that the local track leading to the site is not maintained by HyD;

- (e) to note the comments of the Director of Fire Services as follows:
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed;

 - (ii) in such circumstance, except where building plan is circulated to the Centralised Processing System of the Buildings Department, the applicants are required to send the relevant layout plans to his department incorporated with the proposed FSIs for his approval. In preparing the submission, the applicants are advised on the following points:

- (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the location of the proposed FSI and the access for emergency vehicles should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicants will need to subsequently provide such FSIs according to the approved proposal;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as follows:
- (i) the applicants should note that there are existing open channels and box culverts maintained by his office to the north and south of the site;
 - (ii) the applicants should ensure that the development proposal, including any proposed planting works, will not protrude outside the site boundary and encroach upon or affect the existing drains in the vicinity of the site. This is to prevent any adverse impact on the drainage function and maintenance works of the existing channels; and
 - (iii) the site is in an area where no public sewerage connection is available;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
- (i) there are existing government mains inside and in the close vicinity of the site (Plan A-2 of the Paper), the applicants are requested to make all necessary arrangements to avoid conflict with them and

take precautionary measures to avoid damage to them during the use of the site and during the construction works. The cost of diversion of existing water mains upon request will have to be borne by the applicants;

- (ii) the applicants should make available at all times free access within the site for inspection, operation, maintenance and repair works to the water mains for staff of the Director of Water Supplies or the authorised contractor(s); and
 - (iii) the site is located within the flood pumping gathering ground;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) before any new building works (including containers as temporary buildings) are to be carried out on the site, prior approval and consent from 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 Buildings Ordinance (BO);
 - (ii) 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;
 - (iii) in connection with (i) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)Rs) 5 and 41D respectively; and

- (iv) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage; 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 Items 25 and 26

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/495 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 626 RP in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/495)

A/NE-TKL/496 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 626 S.A. in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/496)

81. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to each other, and agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;

- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Papers. Major comments were summarised as below:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as active farming activities were noted in the vicinity of the sites and the sites had high potential for agricultural rehabilitation;
 - (ii) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the proposed developments. The sites were fallow agricultural land surrounded by farmland. There was no other Small House in close proximity to the sites. Although landscape impact was not anticipated, approval of the applications might set an undesirable precedent to extend the village development in the “Agriculture” (“AGR”) zone. Landscape proposal had not been included in the applications; and
 - (iii) the Commissioner for Transport had reservation on the applications and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed developments was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial.
- (d) during the first three weeks of the statutory publication period, four public comments were received. A North District Council member supported the applications without giving any reason. The other three public comments received from Kadoorie Farm and Botanic Garden Corporation, World

Wide Fund for Nature Hong Kong and Designing Hong Kong Limited objected to the applications mainly on the grounds that the proposed Small Houses were not in line with the planning intention of the “AGR” zone and agricultural land should be retained to safeguard the food supply; no relevant technical assessments had been submitted to demonstrate that no unacceptable adverse impacts would be resulted; and approval of the applications would set an undesirable precedent for similar applications in the future; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Papers. The proposed developments were not in line with the planning intention of the “AGR” zone. DAFC did not support the applications as active farming activities were found in the vicinity of the sites. Permitting the Small House developments outside the “V” zone would set an undesirable precedent for similar applications in the future. The rural landscape character of the area would be eroded and the resulting cumulative adverse traffic impact could be substantial. The applications did not meet the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories (Interim Criteria) for consideration of application for NTEH/Small House in New Territories in that although more than 50% of the proposed Small House footprints fell within the village ‘environs’ (‘VE’) to the west of Lei Uk Tsuen and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Lei Uk Tsuen, the proposed Small Houses would frustrate the planning intention of the “AGR” zone. There were 10 similar applications within the same “AGR” zone to the west of Lei Uk Tsuen which were rejected by the Committee or by the Town Planning Board (the Board) on review between 2012 and 2014 mainly on the grounds that the applications were not in line with the planning intention of the “AGR” zone and no strong planning justification in the submissions for a departure from the planning intention; and land was still available within the “V” zone of Lei Uk Tsuen for Small House development and it was considered more

appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services. As there was no similar application within this part of “AGR” zone which had been approved by the Board, the approval of the current applications would set an undesirable precedent, the cumulative effect of approving these applications would result in loss of agricultural land and adverse traffic and landscape impacts on the surrounding areas. Regarding the 11 similar approved Small House applications to the east of Lei Uk Tsuen, they were approved mainly on considerations that the applications complied with the Interim Criteria in that the sites were located within the ‘VE’ of Lei Uk Tsuen where there was a general shortage of land in meeting the demand for Small House development in the “V” zone; and the proposed Small House developments would unlikely have significant adverse impacts on the surrounding areas. The circumstances of the current applications were not comparable to those approved similar cases. Since the approval / rejection of the similar applications, there had not been major change in planning circumstances. Regarding the adverse public comments, departmental comments and the planning assessment were relevant.

83. Members had no question on the application.

Deliberation Session

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

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

- (b) land is still available within the “Village Type Development” zone of Lei Uk Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services.”

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

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

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

Fanling, Sheung Shui and Yuen Long East District

[Ms Maggie M.Y. Chin, District Planning Officer, Fanling, Sheung Shui & Yuen Long East (DPO/FSYLE), Mr Otto K.C. Chan, Mr Kevin C.P. Ng and Mr Ernest C.M. Fung, Senior Town Planners/Sha Tin, Tai Po and North (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/225 Temporary Shop and Services (Retail Shop) for a Period of 6 Years in
“Residential (Group A)” zone, Lot 3035RP (Part) in D.D.51, Fanling
(RNTPC Paper No. A/FSS/225)

Presentation and Question Sessions

85. Mr Otto K.C. Chan, STP/FSYLE, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary shop and services (retail shop) for a period of 6 years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two comments were received from a North District Council member and the Chairman of Fanling District Rural Committee. The commenters stated that they had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The site was zoned “Residential (Group A)” on the Fanling/Sheung Shui Outline Zoning Plan and designated “Local Open Space” (LO) on the draft Fanling/Sheung Shui Layout Plan No. L/FSS 13/1C. The Director of Leisure and Cultural Services indicated that no existing recreational facility would be affected and there was no implementation programme for the site at this moment. The approval of the application on a temporary basis would not frustrate the long term planning intention. The applied retail shop would serve the local community. It was not incompatible with the surrounding areas which was mainly characterised by domestic structures, temporary structures and high-rise residential developments. In view of the small scale of the applied retail shop and its nature of operation, it was unlikely that the use would have adverse impacts on the surrounding areas. The site was the subject of an approved planning application for the same use. All approval conditions of the previous application had been complied with and there had been no major change in the planning circumstances for the area. The approval of the subject application was in line with the Committee’s previous decision.

86. In response to the Chairman's questions, Mr Otto K.C. Chan, STP/FSYLE, said that a small part of the site was for selling of pot plants and the uncovered area was used for storage of the pot plants.

Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 6 years until 12.12.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night time operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.6.2015;
- (c) in relation to (b) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.9.2015;
- (d) the submission of fire service installations and water supplies for firefighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (e) in relation to (d) above, the implementation of fire service installations and water supplies for firefighting proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.9.2015;
- (f) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the

TPB by 12.6.2015;

- (g) in relation to (f) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.9.2015;
- (h) if the above planning condition (a) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) the permission is given to the use/development proposed under application. It does not condone any other use/development which currently exists on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the comments of the Commissioner for Transport that the land status of the access should be checked with the lands authority. The management and maintenance requirements of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note that the comments of the Chief Highway Engineer/New Territories East, Highways Department that the proposed vehicular access road leading

to the application site will not be maintained by his department;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) if existing structures are erected on leased land without approval of his department (not being a New Territories Exempted House), the structures are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of his department should be obtained, otherwise the new building works 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;
 - (iii) for UBW erected on leased land, enforcement action may be taken by his department to effect their removal in accordance with Buildings Department's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works of UBW on the application site under the BO;
 - (iv) in connection with (ii), 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 (R(P)R) respectively; and
 - (v) if the site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply, and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (g) to note the comments of the Director of Fire Services Department that:
- (i) if no building plan is circulated to the Centralised Processing System of BD and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, the applicant is required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to Fire Services Department for approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission, the applicant should also be advised on the following points:
- the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - the location of where the proposed FSI and the access for emergency vehicles should be clearly indicated on the layout plans; and
- (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;

- (h) to note the comments of the Director of Environmental Protection that the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (i) to note the comments of the District Lands Officer/North, Lands Department that the owner of the lot concerned shall apply to his office for a Short Term Waiver (STW), which will be considered by Government in its landlord's capacity. This is no guarantee that the application for STW will be approved. If the STW is approved, it will be subject to such terms and conditions to be imposed including payment of STW fee; and
- (j) to note the comments of the Project Manager, New Territories East Development Office, Civil Engineering and Development Department (CEDD) that the applicant is advised to inform the Land Works Division of CEDD for any change of the layout plan in future."

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/226 Proposed Office (Money Lending Office - Back office) in "Industrial" zone, Unit 7, 3/F, Fuk Shing Commercial Building, 28 On Lok Mun Street, Fanling
(RNTPC Paper No. A/FSS/226)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed office (money lending office – back office);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received. A member of the North District Council (NDC) and the Chairman of the Fanling District Rural Committee (FDRC) had no comment on the application but the NDC member expressed that the residents in the vicinity should be consulted on the application. A tenant of the same commercial building where the subject premises was located, and an owner of the neighbouring premises objected to the application mainly for the reasons that the proposed money lending office would attract outsiders to the building, thereby causing security problem; and the proposed office would affect the operation and image of the commenters' companies;
- (e) the District Officer (North), Home Affairs Department, advised that the Chairman of FDRC, a member of NDC and the Chairman of Fanling Industrial Centre Owners' Corporation (OC) had no comment on the application; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development complied with the Town Planning Board Guidelines No. 25D on "Use/Development within "Industrial" Zone" (TPB PG-No. 25D) in that the applicant had demonstrated there was a need for the proposed use and no office building or suitable alternative accommodation could be found in Fanling. In view of the small scale of the proposed office and its nature of operation, the proposed use would not induce adverse fire safety and traffic impacts to the users within the subject building and the adjacent areas, and was considered not incompatible with the land use character of the subject building and its vicinity. Regarding

the public comment on security issue and concerns on affecting the operation and image of the neighboring tenants, it was a building management issue, rather than a planning consideration. Moreover, the applicant had claimed that the proposed money lending office was a back office and no direct service would be provided at the premises. A temporary approval period of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.12.2017, 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 proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (b) in relation to (a) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.9.2015; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

92. 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 jeopardised;

- (b) to note the comments of the District Lands Officer/North, Lands Department that the registered owner is required to apply to his office for a temporary waiver of the user restriction, which if approved will be subject to such terms and conditions as may deem appropriate including payment of waiver fee and administrative fee, to be determined by the government acting in the capacity as landlord at its discretion; and
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that regarding the proposed layout, the inner rooms are not acceptable unless vision panel is located in the door or walls of the inner rooms. Clause B11.5 of Fire Safety Code 2011 should be observed.”

[The Vice-chairman arrived to join the meeting at this point. Mr K.F. Tang returned to join the meeting at this point.]

Agenda Items 29 to 38

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/378 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 420 S.D in D.D. 100, Tsiu Keng, Sheung Shui
(RNTPC Paper No. A/NE-KTS/378)

A/NE-KTS/379 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 643 S.E in D.D. 100, Tsiu Keng Lo Wai Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/379)

A/NE-KTS/380 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 655 S.C in D.D. 100, Tsiu Keng Village,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/380)

A/NE-KTS/381 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 655 S.D in D.D. 100, Tsiu Keng Village,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/381)

A/NE-KTS/382 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 655 S.E in D.D. 100, Tsiu Keng Village,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/382)

A/NE-KTS/383 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 420 S.A in D.D. 100, Tsiu Keng, Sheung Shui
(RNTPC Paper No. A/NE-KTS/383)

A/NE-KTS/384 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 420 S.B in D.D. 100, Tsiu Keng, Sheung Shui
(RNTPC Paper No. A/NE-KTS/384)

A/NE-KTS/385 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 420 S.C in D.D. 100, Tsiu Keng, Sheung Shui
(RNTPC Paper No. A/NE-KTS/385)

A/NE-KTS/386 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 420 S.E in D.D. 100, Tsiu Keng, Sheung Shui
(RNTPC Paper No. A/NE-KTS/386)

A/NE-KTS/387 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 420 S.F in D.D. 100, Tsiu Keng, Sheung Shui
(RNTPC Paper No. A/NE-KTS/387)

93. The Committee noted that the ten applications were similar in nature, the sites

were located in close proximity to one another and within the same “Agriculture” (“AGR”) zone and agreed that the applications should be considered together.

Presentation and Question Sessions

94. With the aid of a PowerPoint presentation, Mr Kevin C.P. Ng, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Papers for Applications No. A/NE-KTS/378, 380 to 387, and paragraph 10 and Appendix IV of the Paper for Application No. A/NE-KTS/379. Major departmental comments were summarised as below:

Comments of the Commissioner for Transport (C for T)

(For all applications)

- (i) he had reservation on the applications and advised that Small House developments should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed developments was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent for similar applications in the future, the resulting cumulative adverse traffic impact could be substantial;

Comments of the Director of Agriculture, Fisheries and Conservation (DAFC)

(For Applications No. A/NE-KTS/378, 379, 383 to 387)

- (ii) he did not support the applications as some of the sites were currently fallow land, agricultural activities in some of the sites were very active and some of the sites possessed high potential for agricultural rehabilitation;

(For Applications No. A/NE-KTS/380 to 382)

- (iii) he did not support the applications as some of the sites were part of a large agricultural land located to the north and north-west of Tsiu Keng Village. The agricultural land in the area was generally under active cultivation. Although some of the sites had been left fallow, they had high potential for agricultural rehabilitation. Approval of the Small House applications might set an undesirable precedent for similar applications in the future and would further reduce agricultural land in the area;

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)

(For Applications No. A/NE-KTS/378, 383 to 387)

- (iv) he had reservation on the applications as the sites were situated in an area of rural landscape character dominated by active farmland. Approval of the proposed Small House applications might set an undesirable precedent for similar applications which might spread village development outside the “V” zone and thus erode the rural landscape character of the area;

(For Applications No. A/NE-KTS/380 to 382)

- (v) he had reservation on the applications. Although significant disturbance to existing landscape resources by the proposed Small

Houses was not be anticipated, approval of the applications might set an undesirable precedent of spreading village development outside the “V” zone and would erode the rural landscape character of the area;

(For Application No. A/NE-KTS/379)

- (vi) he had no objection to the application as the site was in close proximity to the existing village and agricultural land of typical rural character. The proposed Small House development was not incompatible with the surrounding environment;
- (d) public comments on the applications were received during the first three weeks of the statutory publication period. Details of the public comments were summarised as follows:

(For Applications No. A/NE-KTS/378, 383 to 387)

- (i) a total of six public comments were received from a North District Council (NDC) member, Kadoorie Farm and Botanic Garden Corporation (KFBG), Conservancy Association (CA), World Wide Fund for Nature Hong Kong (WWF), the Hong Kong Bird Watching Society (HKBWS) and a villager of Tsiu Keng. The NDC member supported the applications while the other five commenters objected to the applications, mainly on grounds that the proposed developments were not in line with the planning intention of the “AGR” zone; the sites had high potential for agricultural rehabilitation and there were active farmland in the vicinity of the sites; Kwu Tung South had been identified as an area suitable for agricultural rehabilitation. The proposed developments would encroach land suitable for farming; supply of farmland should be safeguarded and area of agricultural land in Hong Kong should not be further reduced; wet agriculture provided foraging and roosting opportunities for waterbirds and wetland-dependent species, and dry

agriculture provided food source to generalist species; and approval of the applications would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in adverse impact to the natural setting of the area comprising arable farmland; and signs of land excavation and vegetation clearance were spotted and any “Destroy First, Build Later” activities should not be tolerated;

(For Applications No. A/NE-KTS/380 to 382)

- (ii) a total of six public comments were received from a NDC member, KFBG, CA, WWF, HKBWS and Designing Hong Kong Limited. The NDC member supported the applications while the other five commenters objected to the applications, mainly on grounds that the proposed developments were not in line with the planning intention of the “AGR” zone and were not compatible with the surrounding areas of vegetated land and arable farmland; active or arable farmland were found within or in the vicinity of the sites. The sites and the abandoned farmland in the vicinity had high potential for agricultural rehabilitation; Kwu Tung South had been identified as an area suitable for agricultural rehabilitation; the proposed developments would encroach land suitable for farming; supply of farmland should be safeguarded and area of agricultural land in Hong Kong should not be further reduced; no environmental assessment nor traffic impact assessment had been submitted by the applicant; wet agriculture provided foraging and roosting opportunities for waterbirds and wetland-dependent species, and dry agriculture provided food source to generalist species; leakage of sewage soakaway system of the proposed Small Houses and surface runoff from site formation and construction works might cause pollution to nearby watercourse and stream. Aquatic organism in the streams would be negatively affected and irrigation of farmland would also be affected; and approval of the applications would set an undesirable precedent for similar applications within the “AGR”

zone. The cumulative effect of approving such applications would result in adverse impact to the natural setting of the area comprising arable farmland; and suspected land filling/excavation activities and landscape changes were noted in the vicinity of the site. Any “Destroy First, Build Later” activities should not be tolerated;

(For Application No. A/NE-KTS/379)

- (iii) a total of seven public comments were received from a NDC member, KFBG, CA, WWF, HKBWS, Designing Hong Kong Limited and a villager of Tsiu Keng. The NDC member supported the applications while the other six commenters objected to the applications, mainly on grounds that the proposed developments was not in line with the planning intention of the “AGR” zone and was not compatible with the surrounding areas of vegetated land and arable farmland; active or arable farmland were found within or in the vicinity of the site. The site and the abandoned farmland in the vicinity had high potential for agricultural rehabilitation; Kwu Tung South had been identified as an area suitable for agricultural rehabilitation. The proposed development would encroach land suitable for farming; supply of farmland should be safeguarded and area of agricultural land in Hong Kong should not be further reduced; no environmental assessment nor traffic impact assessment had been submitted by the applicant; wet agriculture provided foraging and roosting opportunities for waterbirds and wetland-dependent species, and dry agriculture provided food source to generalist species; leakage of sewage soakaway system of the proposed Small Houses and surface runoff from site formation and construction works might cause pollution to nearby watercourse; the proposed development would affect an existing footpath; and approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in adverse impact to the natural setting of the area comprising farmland; and the site was largely paved and

debris was found within the site, and some landscape changes had been observed. Any “Destroy First, Build Later” activities should not be tolerated; and

- (e) the Planning Department (PlanD)’s views – PlanD’s views on the applications were summarised as follows:

(For Applications No. A/NE-KTS/378, 380 to 387)

- (i) the proposed Small House developments were not in line with the planning intention of the “AGR” zone. DAFC did not support the applications as the sites possessed potential for agricultural rehabilitation and agricultural activities in the vicinity of the sites were very active. Approval of the Small House applications might set an undesirable precedent for similar applications in the future and would further reduce agricultural land in the area;
- (ii) the proposed Small House developments were considered not in line with the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories (Interim Criteria) in that they would frustrate the planning intention of the “AGR” zone. The sites formed part and parcel of a larger piece of active or fallow agricultural land located to the north and north-west of Tsiu Keng. There were still 2.24 ha of land (equivalent to 89 Small House sites) within the “V” zone of Tsiu Keng Pang Uk, Tsiu Keng Lo Wai and Tsiu Keng San Wai for Small House developments. It was considered more appropriate to concentrate the proposed Small House close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services;
- (iii) CTP/UD&L, PlanD had reservation on the applications and advised that the sites were situated in an area of rural landscape character dominated by active farmland, and approval of the applications

might set an undesirable precedent of spreading village development outside the “V” zone, eroding rural landscape character. C for T also shared similar view that such type of Small House developments should be confined within the “V” zone as far as possible, and advised that such type of development outside the “V” zone, if permitted, would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;

- (iv) there were nine similar applications which fell wholly within the “AGR” zone. All the nine Small House applications were rejected by the Committee or by the Board on review between 2013 and 2014 on the grounds that the proposed developments were not in line with the planning intention of the “AGR” zone in the Kwu Tung South area and there was no strong planning justification in the submissions for a departure from the planning intention. It was considered more appropriate to concentrate the proposed Small House developments close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services;
- (v) although there were 20 applications approved with conditions by the Committee between 2001 and 2014, these applications involved application sites which were either located close to Tsiu Keng Road serving as direct vehicular access of the village or fell partly within the “V” zone of Tsiu Keng Village;

(For Applications No. A/NE-KTS/378, 383 to 387)

- (vi) since the first promulgation of the Interim Criteria on 24.11.2000, there was only one approved similar application for Small House development partly within the same “AGR” zone to the north-west of Tsiu Keng Village. The application site was vacant and covered by weeds at the time of consideration. The application was

approved with conditions by the Committee on 19.10.2001 on consideration that although about 83% of the application site fell within “AGR” zone and 17% fell within the “V” zone of Tsiu Keng Village, about 50% of the footprint of the Small House fell within the “V” zone and the entire footprint fell within the village ‘environs’ (‘VE’). There had been no other approved application for Small House development within the same “AGR” zone to the north and north-west of Tsiu Keng Village as these areas were generally green area forming part and parcel of the larger piece of active or fallow agricultural land. The current sites were entirely outside the “V” zone and further away from the village cluster of Tsiu Keng Village;

- (vii) each of the sites was the subject of a previously rejected s.17 review application for the same use submitted by the same applicants. There had been no material change in planning circumstances for the surrounding areas of the sites since the rejection of the applications by the Board in 2013 which warranted a departure from the Board’s previous decision; and
- (viii) there were public comments against the applications mainly on the grounds that there were active farmland in the vicinity of the sites; the sites had high potential for agricultural rehabilitation; and setting of an undesirable precedent.

(For Applications No. A/NE-KTS/A/NE-KTS/380 to 382)

- (ix) since the first promulgation of the Interim Criteria on 24.11.2000, there had been no approved application for Small House development within the same “AGR” zone to the north of Tsiu Keng Village as areas to the north and north-west of the village were generally green areas forming part and parcel of the larger piece of active or fallow agricultural land. The only approved application for proposed five NTEHs (Small Houses) to the north of Tsiu Keng,

was submitted and considered by the Committee before the first promulgation of the Interim Criteria and it fell partly within “V” zone of Tsiu Keng Village. The sites of the current applications were entirely outside the “V” zone and further away from the village cluster of Tsiu Keng Village;

- (x) the sites of Applications No. A/NE-KTS/380 and 382 were the subject of rejected s.16 applications and the site of Application No. A/NE-KTS/381 was the subject of a rejected s.17 application for the same applied use submitted by the same applicants. The sites were fallow agricultural land which was covered by wild grass at the time of consideration by the Committee in 2013/the Board in 2014, and they still formed part and parcel of the larger piece of active or fallow agricultural land to the north and north-west of Tsiu Keng Village. The site conditions remained unchanged. There was no material change in planning circumstances for the sites and surrounding areas since the rejection of the previous applications which warranted a departure from the Board’s previous decisions; and
- (xi) there were local objections mainly on grounds that there were active farmland in the vicinity of the sites; the sites had high potential for agricultural rehabilitation; there concerns on water pollution; and setting of an undesirable precedent.

(For Application No. A/NE-KTS/379)

- (xii) although the proposed Small House development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application as the site possessed potential for agricultural rehabilitation and agricultural activities in the vicinity of the site were very active, it was noted that the site was located close to Tsiu Keng Road (less than 25m) and the proposed Small House development was not incompatible with the surrounding land uses,

and the site was located about 30m to the east of Tsiu Keng Lo Wai village cluster. Similar applications for Small House development had been approved with conditions by the Committee. It was not anticipated that the proposed development would have significant adverse traffic, drainage, environmental and landscape impacts on the surrounding area;

- (xiii) the application generally met the Interim Criteria in that the footprint of the proposed Small House fell entirely within the 'VE' of Tsiu Keng Village and there might not be sufficient land in the two "V" zones in Tsiu Keng to meet the Small House demand;
- (xiv) there were 21 applications for Small House developments approved with conditions by the Committee between 1999 and 2014, involving sites that were either located close to Tsiu Keng Road or fell partly within the "V" zone of Tsiu Keng Village, involving a site to the immediate north-west, and to the east and south-east of the current site. The situation of the current application was comparable to these approved similar applications;
- (xv) although some similar applications were rejected, these application sites were located in a green area further away from the village proper of Tsiu Keng Village and they formed part and parcel of the larger piece of active or fallow agricultural land to the north and north-west of the village;
- (xvi) CTP/UD&L, PlanD had no objection to the application but advised that this application should not serve as a precedent to allow unrestrained Small House development within the "AGR" zone which might generally disturb the agricultural character of the surrounding area; and
- (xvii) there were local objections mainly on grounds that there were active farmland in the vicinity of the site; the site had high potential for

agricultural rehabilitation; there were concerns on water pollution; setting of an undesirable precedent; suspected unauthorised development; and infringing interests of indigenous inhabitants. While DAFC did not support the application as the site possessed potential for agricultural rehabilitation and agricultural activities in the vicinity of the site were active, the site did not fall within the 34 ha of land proposed for agricultural rehabilitation in Kwu Tung South area under the North East New Territories New Development Area Study.

95. In response to the Chairman's question on why there was local objection against some of the proposed Small House developments, Mr Kevin C.P. Ng, STP/FSYLE, said that some of the applications involved cross-village applications which were objected by the villager of Tsiu Keng Village.

Deliberation Session

96. After deliberation, the Committee decided to:

(a) reject Applications No. A/NE-KTS/378, 380 to 387. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Papers and considered that they were appropriate. The reasons were :

“(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Kwu Tung South area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;

(b) land is still available within the “Village Type Development” zone of Tsiu Keng Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the

proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services; and

(c) the site forms part and parcel of the larger piece of active or fallow agricultural land to the north and north-west of Tsiu Keng Village, of which the agricultural land in the area is generally under active cultivation. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would further reduce the agricultural land in the area.”; and

(b) approve Application No. A/NE-KTN/379, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.12.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

(b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and

(c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

“(a) to note the comments of the District Lands Officer/North, Lands Department (LandsD) to seek consent/approval from the concerned departments regarding the proposed road works and the future maintenance responsibilities taking into account that such road would

be on government land for public use;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of a septic tank;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (ii) the site is located within the flood pumping gathering ground;
- (d) to note the comments of the Director of Fire Services to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by the LandsD;
- (e) to note the comments of the Commissioner for Transport that the existing informal access from Tsiu Keng Road is not under his department'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;

- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the existing footpath and informal access from Tsiu Keng Road to the site are not maintained by his office. His office would not take up the maintenance responsibility of the proposed road works; and
- (g) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/388 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 507 S.B in D.D. 94, Hang Tau Village, Sheung
Shui
(RNTPC Paper No. A/NE-KTS/388)

Presentation and Question Sessions

97. With the aid of a PowerPoint presentation, Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. Major comments were summarised as below:
 - (i) the District Lands Officer/North, Lands Department (DLO/N, LandsD) commented that as the site fell outside the village ‘environs’ (‘VE’) of Hang Tau Village and Small House application in respect of the site would not be considered;
 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed potential for agricultural rehabilitation and agricultural activities in the vicinity were active;
 - (iii) the Commissioner for Transport (C for T) had reservation on the application. Such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent for similar application in the future. The resulting cumulative adverse traffic impact could be substantial; and
 - (iv) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the layout of the proposed Small House was in conflict with the existing mature *Celtis sinensis*. The applicant had not submitted landscape proposal though there was some open space for amenity planting;
- (d) during the first three weeks of the statutory publication period, a total of

eight public comments were received. A North District Council (NDC) member, one resident in Hang Tau Village, an indigenous inhabitant in Sheung Shui and a member of the general public supported the application. World Wide Fund for Nature Hong Kong (WWF), Kadoorie Farm & Botanic Garden Corporation (KFBG), Designing Hong Kong Limited and another resident in Hang Tau Village objected to the application mainly on grounds that there was active farmland in the vicinity of the site; there was no justification for the proposed development; the land in the “Agriculture” (“AGR”) zone in Hang Tau Village was still suitable for farming; the locality was not served by vehicular access, parking, drainage and sewerage facilities. The proposed development would result in water contamination and would worsen the flooding problem in the locality; no traffic or environmental impact assessments had been submitted; Hong Kong had lost about 60% of farmland area in the past 50 years and the remaining agricultural areas should be conserved to safeguard the capacity and potential for sustainable food production for the present time and in the future; the government should take all possible steps to protect and conserve the active, abandoned and illegally degraded agricultural land in Hong Kong; areas of agricultural land in Hong Kong should not be further reduced; and the Board should consider the potential cumulative impact of approving Small House applications in the “AGR” zone;

- (e) the District Officer (North), Home Affairs Department advised that two Indigenous Inhabitant Representatives (IIRs) of Hang Tau objected to the application mainly on grounds that the site was not suitable for construction of houses. A complaint accompanied by an objection letter from a villager was also received by the two IIRs, indicating objection to the application on drainage, sewerage and access related grounds; and
- (f) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. There was no strong planning justification in the submission for a departure from the planning intention. The application did not comply with the

Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories (Interim Criteria) in that the site and the footprint of the proposed Small House fell entirely outside the ‘VE’ and “V” zone of Hang Tau Village and there was still 4.85 ha of land (about 194 Small House sites) available within the “V” zone for Small House development. LandsD had advised that the Small House application in respect of the site would not be considered by his office as the site fell outside the ‘VE’ of the village. The 38 similar applications were approved mainly on the consideration that the applications generally complied with the Interim Criteria in that the footprints of the proposed Small Houses fell entirely/mainly within the ‘VE’ of Hang Tau Village. Approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would cause adverse traffic and landscape impacts on the area. There were local objections and public comments against the application mainly on grounds that there were active farmland in the vicinity of the site; there would be potential cumulative impact of approving Small House applications in the “AGR” zone; and on traffic, drainage and sewerage grounds.

98. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Kwu Tung South area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure

from the planning intention;

- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the site and the footprint of the proposed Small House fall entirely outside the village ‘environs’ and “Village Type Development” (“V”) zone of Hang Tau Village. Land is still available within the “V” zone of the village which is primarily intended for Small House development. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. There is no exceptional circumstances to justify approval of the application; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would cause adverse traffic and landscape impacts to the area.”

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/454 Proposed 15 Houses and Minor Relaxation of Building Height Restriction (from 3 storeys (8.23m) to 4 storeys (12.8m)) in “Residential (Group C) 1” and “Village Type Development” zones, Lot 465 RP in D.D. 109, Wing Lung Wai, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/454)

Presentation and Question Sessions

100. Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed 15 houses and minor relaxation of building height restriction;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department commented that the applicant did not provide photomontages of the proposed development in relation to its surrounding context from different vantage points for consideration from visual point of view. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as existing trees were found at the boundary of the site. However, there was no proposed treatment of the existing trees as no tree survey of landscape proposal had been provided;
- (d) during the first three weeks of the statutory publication period, two public comments were received. A Member of the Yuen Long District Council objected to the application on grounds that approval of the application would set an undesirable precedent leading to further relaxation of maximum building height in future. Designing Hong Kong Limited objected to the application as there was no public gain or justification for granting approval; the development would bring about adverse visual and traffic impacts and approval of the case would set an undesirable precedent for similar applications; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The proposed development of 15 houses were not in line with the planning intention of the “Village Type Development” zone and the applicant had not provided strong planning justification in the submission for a departure from such planning intention. The land available could not fully meet both the outstanding and 10-year demand of Small Houses in the concerned “V” zones. The approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative

effect of approving such applications would reduce the land available for Small House development within the “V” zone. The applicant had not demonstrated any justification or merit to justify for the proposed relaxation of the building height. There were two public comments objecting to the application on grounds of excessive relaxation of maximum building height; there was no public gain or justification for the approval of the application; visual and traffic impacts were envisaged; and approval of the application would set an undesirable precedent for similar applications.

101. In response to the Chairman’s enquiry, Ms Maggie M.Y. Chin, DPO/FSYLE, clarified that the proposed houses were not New Territories Exempted Houses.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Village Type Development” (“V”) zone which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such planning intention;
- (b) there is no strong justification or merit to justify for the relaxation of building height; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such applications would reduce the land available for Small

House development.”

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

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/639 Proposed 8 Houses with Minor Relaxation of Building Height
Restriction and Excavation of Land in “Other Specified Uses”
annotated “Rural Use” Zone, Lot 618 RP (Part) in D.D. 106, Kam
Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/639B)

Presentation and Question Sessions

103. Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed 8 houses, minor relaxation of building height restriction and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) commented that the Environmental Assessment (EA) submitted by the applicant had assumed the cessation of the coach storage-cum-assembly workshops to the immediate south of the site but it was noted that these two workshops were still in operation. There should be technical solutions to overcome the environmental impacts from the two workshops;
- (d) during the first three weeks of the statutory publication periods, a total of

four public comments were received from a member of the public, a Yuen Long (YL) District Councillor and the villagers of Ng Ka Tsuen. The member of the public queried whether the proposed development would contradict the government's proposed public housing development in Ng Ka Tsuen, and the reason of delay of the development since the last approval under Application No. A/YL-KTS/499. He was also concerned about the visual impact of the proposed development. The other three commenters objected to the application on grounds of adverse environmental, drainage, traffic and noise impacts, and the incompatibility of the proposed development with the planning intention of "Other Specified Uses" annotated "Rural Use" ("OU(RU)") zone;

- (e) the District Officer (Yuen Long), Home Affairs Department advised that his office had received one local comment from the same YL District Councillor who submitted the same comments during the statutory publication period;
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed development, comprising eight 3-storey houses (including basement carparks), was in line with the planning intention of the "OU(RU)" zone and the proposed plot ratio of 0.4 also complied with the plot ratio restriction of the zone. The proposed residential development was considered compatible with the surrounding areas mixed with residential dwellings/structures, agricultural land, orchards, kennel, a church, a restaurant and vacant/unused land. Most of the open storage yards, warehouses, workshops and the parking lot in the area were either suspected unauthorised developments subject to enforcement action taken by the Planning Authority or covered by valid planning permission on temporary basis. Approval of the proposed development would serve as a catalyst to phase out the non-conforming and undesirable rural industrial-related uses in the vicinity of the site and help achieve an early implementation of the planning intention of the "OU(RU)" zone. The current scheme was a revision to the previously approved scheme. The

proposed relaxation was not incompatible with the rural character of the area. Significant visual and landscape impacts was unlikely based on the photomontages submitted. The revised layout/building design and disposition with wider building separation and lower noise barriers were acceptable. The proposed amendments were minor and technical in nature and there was no major change in planning circumstances since the last approval in 2011. The proposed development was in line with the Town Planning Board Guidelines No. 38 on “Designation of “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) Zone and Application for Development within “OU(RU)” Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 38) in that the EA submitted by the applicant had demonstrated that the proposed development with the proposed environmental mitigation measures including architectural fins and noise barriers in the form of solid boundary wall of 3m to 4.3m high along the site boundary to shield the proposed houses from the traffic and industrial noise impacts arising from Kam Sheung Road and the nearby rural industrial uses, would be acceptable. The two rural industrial-related uses located to the immediate south of the site would cease operation at the time of occupation of the proposed housing development and were currently subject to active enforcement action for unauthorised storage and workshop uses. Since the applicant had no control over the cessation of these industrial-related uses in the vicinity of the site, it was necessary to ensure that the development was self-protected with regard to noise impact. It was recommended that a condition should be imposed on the submission of a detailed noise impact assessment taking into account the concerned workshops and implementation of the appropriate mitigation measures should the application be approved by the Committee. The previous condition imposed on Application No. A/YL-KTS/499 specifying that ‘construction of the proposed development should not commence prior to cessation of the industrial-related uses to the immediate south of the application site’ was considered not necessary. Regarding the public comments, concerned government departments had no objection to or no adverse comments on the application.

104. Members had no question on the application.

Deliberation Session

105. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.12.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscaping and tree preservation proposals covering the design and mitigation measures to alleviate the visual impact of the noise barriers/boundary walls to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission a noise impact assessment taking into account the two industrial-related uses to the immediate south of the site and the implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the submission and implementation of a detailed Drainage Impact Assessment to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the design and provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed

development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;

- (b) to note the comments of the District Lands Officer/Yuen Long, LandsD that the site falls within the private lot No. 618 R.P. in D.D. 106. The lot is an Old Schedule Lot demised for agricultural use. The Conditions of Exchange New Grant No. 21813 in respect of Lot No. 2311 in D.D. 106 has been executed on 28.5.2014. However, it is noted that the development parameters, e.g. site coverage, as set out in the subject application are different from those under the above land exchange. If planning permission is granted, the applicant has to apply to the LandsD for a land exchange or lease modification (if the abovementioned land exchange has eventually been completed) to effect the proposed development. Such application will be considered by LandsD acting in its capacity as a landlord at its sole discretion and there is no guarantee that the land exchange or lease modification for the latest development proposal will be granted. In the event that the land exchange or lease modification application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee, as may be imposed by the LandsD at its sole discretion. The subject development proposal involves excavation works. In this connection, the Conditions of Exchange contain, among others, a condition requiring the Grantee to submit an archaeological impact assessment report to the Antiquities and Monuments Office, Leisure and Cultural Services Department;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department, that the site shall be provided with means of obtaining access thereto from a street under the Building (Planning)

Regulations (B(P)R) 5 and emergency vehicular access shall be provided under the B(P)R 41D. The site does not seem to abut on a specified street having a width of not less than 4.5m, the development intensity shall be determined under the B(P)R 19(3) at building plan submission stage. The proposed open space provision should not be less than the requirements as stipulated in the Second Schedule of B(P)R. The new quality and sustainable built environment requirements are applicable to the site. In accordance with the government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be observed. Detailed checking of plans will be carried out upon formal submission of building plans;

- (d) to note the comments of the Director of Environmental Protection that the site is located within the Deep Bay catchment and public sewer is not available. The "no net increase in pollution load to Deep Bay" policy must be complied with. The proposed central septic tank and soakaway system should follow the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC) PN 5/93 in particular the design will be based on the actual on-site percolation test result during implementation and the applicant will make provisions for future connection to public sewer. Connection to public sewer upon availability should be made at the cost of the developer;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that two existing trees located outside the site on Government Land are proposed to be transplanted. The applicant should seek necessary permission from the LandsD;
- (f) to note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department that the vertical greening on the fence walls should be well designed and maintained in order to achieve the greening effect as shown in the photomontages (Drawings 7a to 7c in the Paper);

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the existing 675mm u-channel, to which the runoff of the proposed development is to be discharged, is not maintained by DSD. The applicant should seek comments and consent from the maintenance party concerned for the proposed drainage arrangement;

- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable within or in the vicinity of the site, prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (i) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. The Emergency Vehicular Access provision in the site shall comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under B(P)R 41D.”

[Mr Lincoln L.H. Huang left the meeting at this point.]

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/653 Temporary Open Storage of Construction Machinery, Construction Material, Vehicle and Vehicle Parts for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 447 RP (Part) and 448 (Part) in D.D. 106 and adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/653)

Presentation and Question Sessions

107. Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary open storage of construction machinery, construction material, vehicle and vehicle parts for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located to the immediate north (about 5m) and in the vicinity of the site and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Councillor who objected to the application on grounds that the last two previous applications were revoked which showed that the applicant lacked the determination to solve the problems of the site; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments set out in paragraph 12 of the Paper. The proposed development was considered not incompatible with the surrounding land uses which were predominantly a mixture of open storage/storage yards, warehouses, residential dwellings/structures, etc. The site was the subject of previous planning approvals and similar applications for temporary open storage of forklifts located to the northeast of the site which was approved by the Committee on 4.4.2014 for 3 years; and for temporary open storage of electricity generators and compressors with maintenance work located to the southeast of the site which was approved by the Committee on 27.6.2014 for 1 year. The current application generally complied with the Town Planning Board Guidelines No. 13E on 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' (TPB PG-No. 13E) in that the site was the subject of nine previous planning approvals for similar uses since 1998. There had been no major change in the planning circumstances since the last approval and most concerned departments had no objection to or no adverse comment on the current application. Although DEP did not support the application as there were sensitive receivers and environmental nuisance was expected, the traffic generated from the site would not pass through major village settlement and no workshop-related activity would be carried out at the site. No environmental complaint relating to the site had been received in the past three years. To minimise the potential environmental impact, approval conditions restricting the operation hours and workshop-related activities were recommended. The applicant would also be advised to adopt the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential impact. Although the two previous planning approvals were revoked due to non-compliance with approval conditions, the applicant had made efforts and complied with the approval condition related to provision of fire extinguisher(s) under the last application. For the current application, the applicant had submitted landscape and tree preservation proposal, drainage proposal and fire service installations proposal which were accepted by concerned government

departments. For the last approved application, a shorter approval period of 1 year was granted with a view to monitoring the situation on the application site given a workshop was proposed and to address the concerns of the DEP. The current application was submitted by a new applicant with a slightly different applied use and layout, and the applicant had confirmed that no workshop related activities would be carried out within the site. All technical proposals submitted by the applicant were accepted by the relevant departments. Since the last two approvals were revoked due to non-compliance with approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Regarding the public comments on non-compliance with approval conditions, the applicant would be advised that should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.12.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 8:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the

planning approval period;

- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.3.2015;
- (f) the implementation of the accepted landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.3.2015;
- (g) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.1.2015;
- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2015;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (j) 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;
- (k) if any of the above planning conditions (e), (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.”

110. 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) shorter compliance periods are granted so as to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to resolve any land issues relating to the development with the concerned owners of the site;
- (e) to note the comments of the District Lands Officer/Yuen Long that the private lots within the site are Old Schedule Agricultural Lots held under the Block Government Lease under which no structure is allowed to be erected without prior approval from his office. No permission has been given for the occupation of the government land (GL) within the site. The act of the occupation of GL without government’s prior approval should not be encouraged. The site is accessible to Kam Sheung Road via GL and some private lots. His office provides no maintenance work for the GL involved and does not guarantee right-of-way. Should planning approval be given to the application, the lot owners concerned will need to apply to this office to permit structures to be erected or regularise any irregularities on-site. Furthermore, the applicant has to exclude the GL portion from the site or apply for a formal approval prior to actual occupation of the GL portion. Such application will be considered by

Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (f) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any possible environmental nuisances;
- (g) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant landlords and maintenance authorities accordingly. Vehicles related to the proposed operation should not queue outside the lot boundary. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site abuts on a drainage channel where gabion linings were implemented for mitigating ecological impacts. This channel is being utilised by wetland-dependant birds. The applicant should be advised to implement necessary measures to prevent polluting the channel during operation;
- (i) to note the comments of the Director of Fire Services (D of FS) that installation/maintenance/modification/repair work of the fire service installation shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall issue a certificate (FS 251) to the person on whose instruction the work was undertaken after completion of

the installation/maintenance/modification/repair work and forward a copy of the certificate to the D of FS. Having considered the nature of the open storage, the good practice guidelines for open storage in Appendix V of the Paper should be adhered to. Moreover, approval condition on the provision of fire extinguisher(s) within 6 weeks from the date of planning approval is recommended for inclusion in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS 251) to his department for approval;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, 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 site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/707 Social Welfare Facility (Residential Home for the Mentally Disabled) in “Village Type Development” zone, Lot 603S.BRP(Part), 603S.Bss.7 (Part), 603S.Bss.8 (Part) in D.D. 111 and adjoining Government land, Shan Tsuen, Wang Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/707)

Presentation and Question Sessions

111. Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) social welfare facility (residential home for the mentally disabled);

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Highway Engineer/NT West, Highways Department (HyD) and the Chief Engineer 1/Major Works, HyD were concerned that the proposal might have interface problem with the highway project “Improvement to Fan Kam Road” under planning;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. While the development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone and there was insufficient land in the concerned “V” zone in Wang Toi Shan to meet the Small House demand, the applied use could nevertheless provide residential care home services to persons with mental disabilities. The residential nature of the private residential care home was not incompatible with the surrounding developments which were mainly village houses. To the immediate west was the existing residential care home for the elderly. The subject private residential home at the site had been in service since 1990. Since the Residential Care Homes (Persons with Disabilities) (RCHD) Ordinance (Cap. 613) had come into operation on 18.11.2011, the subject residential home was required to obtain a licence or Certificate of Exemption (CoE) and its operation must comply with the statutory requirements in respect of management, health care service, building and fire safety. The planning permission was part of the conditions of the CoE to allow the private residential home to continue to provide service to persons with disabilities who were in need of residential care. In view of the scale and nature of the development, it was not anticipated that the applied use would cause adverse traffic, environmental, landscape, drainage, sewerage and fire safety impacts on the surrounding areas. A previous application for similar use were approved in 1992. There was no material change in planning circumstance of the immediate surroundings since the previous

approval was granted.

112. Members had no question on the application.

Deliberation Session

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

- “(a) the submission and implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.9.2015;
- (b) the design and provision of water supply 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 12.9.2015;
- (c) the submission and implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.9.2015; and
- (d) if any of the above planning conditions (a), (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

114. 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 (LandsD) that the site comprises three Old Schedule “Agricultural” Lots held under Block Government Lease and a small

piece of unleased government land (GL) adjoining Lot 603S.BRP in D.D.111. Block A and Block B rest on Lot 603S.Bss.7 and Lot 603S.Bss.8 respectively. The locations of these two blocks do not tally with those as shown on the respective licence plan of Building Licence (BL) 1909 and BL 1906, which is a breach of the lease condition. The site is accessible to Fan Kam Road via GL. LandsD provides no maintenance works to the GL involved and does not guarantee right-of-way. The applicant should apply to LandsD for modification of the existing lease to regularise the breach of the lease and a short term tenancy for the unallocated GL within the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium and administrative fee, as may be imposed by LandsD;

- (c) to note the comments of the Commissioner for Transport that vehicles are not allowed to reverse into or out of the site. The site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should be responsible for his own access arrangement and adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (e) to note the comments of the Chief Engineer 1/Major Works, HyD that the frontage of the concerned premises along Fan Kam Road has been included in the project "Preliminary design and investigation for the Improvement to Fan Kam Road" ("the Project"). In order to reserve sufficient land for

proceeding with the road improvement works under the Project, unless currently existing, no structures, fences, walls etc. shall be built within an offset of 8m from the boundary of Fan Kam Road. The applicant should also remove any existing signboards, fence walls, features, etc. under their control as may be required by his office due to proceedings of the Project in the future. The applicant should agree with relevant authorities on the disposition and establishment of the vehicular access;

- (f) to note the comments of the Director of Environmental Protection that the site is about 20m away from Fan Kam Road and there are two workshops on the opposite side of the road. Road traffic and workshop activities may cause noise impact to the site. It is trusted that the applicant is familiar with the noise environment of the area and has experience in providing appropriate noise mitigation measures to meet the need of the users;
- (g) to note the comments of the Social Welfare Department that the Residential Care Homes (Persons with Disabilities) Ordinance (the Ordinance) (Cap. 613) has come into operation since 18.11.2011, providing for the control of residential care homes for persons with disabilities (RCHDs) through a licensing scheme administered by the Director of Social Welfare. Under the Ordinance, RCHDs must be operated with a licence or certificate of exemption (CoE) and its operation must comply with the statutory requirements in respect of management, health care services, building and fire safety. CoEs are issued to RCHDs that existed preceding the commencement of the Ordinance but are not yet able to fully comply with the licensing requirements, so as to allow time for them to carry out improvements in compliance with the licensing requirements and standards. A licence will be issued on satisfactory completion of the improvements required and compliance with the aforesaid conditions;
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained. Otherwise, they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, their permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans and overhead line alignment drawings, where applicable, to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary for application site within the preferred

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

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

Agenda Item 44

Section 16 Application

[Open Meeting]

A/YL-SK/203 Temporary Office with Ancillary Storage Area and Car Parking for a Period of 3 Years in “Village Type Development” zone, Lot 1289 S.F RP in D.D. 114, Kam Sheung Road, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/203)

115. The Committee noted that the applicant requested on 27.11.2014 for deferment of the consideration of the application for two months in order to allow time to prepare proposals on fire service installations. This was the first time that the applicant requested for deferment of the application.

116. 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 Peter K.T. Yuen returned to join the meeting temporarily at this point.]

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/204 Temporary Shop and Services (Car Audio Shop) with Ancillary Office for a Period of 3 Years in "Agriculture" and "Village Type Development" zones, Lots 1289 RP (Part) and 1323 (Part) in D.D. 114, and Adjoining Government Land, Kam Sheung Road, Yuen Long (RNTPC Paper No. A/YL-SK/204)

Presentation and Question Sessions

117. Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary shop and services (car audio shop) and ancillary office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the village representatives of Sheung Tsuen

objecting to the application mainly on grounds that the location of the proposed development would cause nuisance to the local residents and the proposed ingress/egress would pose danger to drivers and villagers; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not in line with the planning intentions of the “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones, it would provide car audio service to the car users in the area. Approval of the application on a temporary basis for a period of 3 years would not jeopardise the long-term planning intentions of the “AGR” and “V” zones. The proposed development was considered not incompatible with the surrounding land uses which were rural in character predominated by residential structures/dwellings, vacant/unused land, a workshop, a parking lot and an office. In view of its small scale and its location abutting Kam Sheung Road, the environmental nuisance generated by the development would unlikely be significant. Four similar applications for shop and services use had been approved by the Committee within the same “V” zone. Approval of the current application was in line with the Committee's previous decisions. The site was the subject of a previous application submitted by the same applicant for a similar shop and services use which was approved by the Committee on 18.11.2011. The applicant had complied with all the approval conditions. There was no major change in planning circumstances since the last approval. To minimise the possible nuisance generated by the proposed development, approval conditions restricting the operation hours and types of vehicles were recommended. The applicant would be advised to adopt the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses” in order to alleviate any potential environmental impact. Regarding the public comment objecting to the application, the Commissioner for Transport had no objection to the proposed vehicular access and parking arrangement and approval conditions were also recommended to minimise the potential traffic impacts.

118. Members had no question on the application.

Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.12.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (d) the existing drainage facilities on the application site shall be maintained at all times during the planning approval period;
- (e) the submission of a record of existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.3.2015;
- (f) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.6.2015;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.9.2015;

- (h) 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 12.6.2015;
- (i) in relation to (h) 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 12.9.2015;
- (j) 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;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Schedule Agricultural Lots held under the Block Government Lease under which no structure is allowed to be erected without the prior approval from his office.

No permission has been given for the occupation of the government land (GL) within the application site. The act of occupation of GL without government's prior approval should not be encouraged. The site is accessible to Kam Sheung Road via GL. His office provides no maintenance work for the GL involved and does not guarantee right-of-way. Should planning approval be given to the subject planning application, the lot owners concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on site. Furthermore, the applicant has to exclude the GL portion from the site or apply for a formal approval prior to actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (d) to note the comments of the Commissioner for Transport that vehicles are not allowed to reverse into or out of the application site and should not queue outside the lot boundary;
- (e) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (PlanD) that there are three existing trees on-site. However, only two trees are shown on the tree preservation proposal submitted by the applicant. The applicant should compensate the missing one tree on-site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should construct a run in/out at the access point at Kam Sheung Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. The applicant shall ascertain that utility services at the run-in location can sustain the construction traffic load. Adequate drainage measures should be provided to prevent surface water running

from the site to the nearby public roads and drains. HyD is and shall not be responsible for the maintenance of the existing vehicular access connecting the site and Kam Sheung Road. An Excavation Permit should be obtained from this Region of HyD prior to commencement of excavation works on public road/footpath which are maintained by HyD;

- (g) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should maintain the same drainage facilities as those implemented under the previous Application No. A/YL-SK/164. The applicant should inform the relevant department if the drainage arrangement has been changed;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, a waterworks reserve with 1.5m from the centerline of the water main shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise. The government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (j) to note the comments of the Director of Fire Services that the proposed

structure for shop and services use has an enclosed floor area of more than 230m². In this regard, sprinkler system, hose reel system, manual fire alarm system, emergency lighting and exit sign should be provided accordingly. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorised under the BO and should not be designated for any use under application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, 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 site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans and overhead line alignment drawings, where applicable to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working

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

Agenda Item 46

Section 16 Application

[Open Meeting]

A/YL-MP/229 Proposed Filling and Excavation of Land for House Development with Wetland Habitat in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lots 43 S.A RP, 50 S.A and 50 RP in D.D. 101, Wo Shang Wai, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/229B)

121. The Secretary reported that the application was submitted by Profit Point Enterprises Limited, which was a subsidiary of Henderson Land Development Company Limited (HLD), with Masterplan Limited (Masterplan), AECOM Asia Company Limited (AECOM), LWK & Partners (HK) Limited (LWK), with MVA Hong Kong Limited (MVA) being four of the consultants of the applicant. The following Members had declared interests in this item:

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

Mr Ivan C. S. Fu - having current business dealings with HLD, Maseterplan,

AECOM and MVA

- being the director and shareholder of LWK

- Professor K. C. Chau - being an employee of the Chinese University of Hong Kong which received a donation from a family member of the Chairman of HLD

- Dr W. K. Yau - being the Chief Executive Officer of Tai Po Environmental Association Limited which received a donation from HLD

- Mr H. F. Leung - being an employee of the University of Hong Kong (HKU) which received a donation from a family member of the Chairman of HLD

- Professor S. C. Wong - being an employee of HKU which received a donation from a family member of the Chairman of HLD
- having current business dealings with AECOM

- Dr Eugene K. K. Chan - his spouse being a senior manager in Miramar Hotel and Investment Company Limited which is a subsidiary company in the Henderson Land Group; and being the Convenor of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from HLD

- Ms Christina M. Lee - being a Director of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from HLD

122. Members noted that Mr H.F. Leung, Ms Janice W.M. Lai, Professor K.C. Chau and Dr Eugene K.K. Chan had tendered apologies for being unable to attend the meeting, and Ms Christina M. Lee had left the meeting. As the interests of Dr W.K. Yau and Professor S.C. Wong were indirect, they should be allowed to stay in the meeting. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Mr

Ivan C.S. Fu should also be allowed to stay in the meeting but should refrain from participating in the discussion.

123. The Committee noted that the applicant requested on 8.12.2014 for deferment of the consideration of the application for one month in order to allow time to arrange a meeting with the Planning Department to resolve the implantation issue of the proposed on-site interim sewage treatment plant. This was the third 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. Since it was the third deferment of the application, the applicant should be advised that the Committee had allowed a total of five months for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 47

Section 16 Application

[Open Meeting]

A/YL-MP/241 Temporary Open Storage of Construction Materials and Machinery Equipment for a Period of 3 Years in "Open Space" and "Village Type Development" zones, Lots 29, 30, 31, 32 S.A, 32 S.B, 32 S.C, 32 S.D, 32 RP and 38 in D.D. 101, Lot 1258 RP in D.D. 105, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/241)

125. The Committee noted that the applicant requested on 26.11.2014 for deferment of the consideration of the application for two months in order to allow time to prepare responses to address departmental comments. This was the first time that the applicant requested for deferment of the application.

126. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that 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 48

Section 16 Application

[Open Meeting]

A/YL-NSW/233 Proposed Residential Development, Filling and Excavation of Land in "Undetermined" zone, Lots 592 S.C ss.1 S.A, 592 S.C ss.4 and 1252 S.C in D.D. 115, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/233A)

127. The Secretary reported that the application was submitted by Richduty Development Limited, a subsidiary of Sun Hung Kai Properties Limited (SHK) and Environ Hong Kong Limited (Environ), AECOM Asia Company Limited (AECOM) and Urbis Limited (Urbis) being three of the consultants of the applicant. The following Members had declared interests in this item:

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

- Ms Janice W. M. Lai - having current business dealings with SHK, AECOM and Urbis
- Dr Eugene K. K. Chan - being the Convenor of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from SHK
- Ms Christina M. Lee - being a Director of the Hong Kong Metropolitan Sports Event Association that had obtained sponsorship from SHK
- Prof S. C. Wong - having current business dealings with AECOM

128. Members noted that Ms Janice W.M. Lai and Dr Eugene K.K. Chan had tendered apologies for being unable to attend the meeting, and Ms Christina M. Lee had left the meeting. As the interest of Professor S.C. Wong was indirect, he should be allowed to stay in the meeting. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Mr Ivan C.S. Fu should also be allowed to stay in the meeting but should refrain from participating in the discussion.

129. The Committee noted that the applicant requested on 28.11.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the second time that the applicant requested for deferment of the application.

130. 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 it was the second deferment of the application, the applicant should be advised that the Committee had allowed a total of four months for preparation of submission

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

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/455 Temporary Logistic Centre with Ancillary Container Vehicle Park, Vehicle Repair Workshop and Car Beauty Service for a Period of 3 Years in “Residential (Group D)” zone, Lots 764 RP (Part) and 768 RP (Part) in D.D. 99, Lots 199 S.C (Part), 200 S.B (Part), 204 RP (Part) and 215 RP (Part) in D.D. 105, and Adjoining Government Land, San Tin, Yuen Long

(RNTPC Paper No. A/YL-ST/455)

Presentation and Question Sessions

131. Mr Ernest C.M. Fung, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary logistics centre with ancillary container vehicle park, vehicle repair workshop and car beauty service for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there was a sensitive receiver, i.e. residential structure, located about 14m to the east of the site, and environmental nuisance is expected.
- (d) during the first three weeks of the statutory publication period, one public comment was received from the village representative of San Tin Heung

Yan Shau Wai Tsuen Village. The commenter objected to the application mainly on grounds of adverse traffic impact of the development; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(D)” zone as there was no immediate development proposal for the site. The applied use was not incompatible with the surrounding land uses, comprising mainly open storage yards and vehicle parks. The application was in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that the site fell within the Category 2 area where a number of open storage yards and vehicle parks (including container vehicles) were in the vicinity and there was no immediate permanent development proposal or program for the site; government departments concerned had no adverse comment on or no objection to the application; there had been no substantial environmental complaint related to the site in the past 3 years; and the site was the subject of 10 previously approved planning applications mainly for temporary open storage of containers/container trailer park since 1997. Although the site fell within the Wetland Buffer Area, according to the Town Planning Board Guidelines No. 12C on ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG- No.12C), planning applications for temporary uses were exempted from the requirement of an Ecological Impact Assessment. The Director of Agriculture, Fisheries and Conservation had no comment on the application. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected, there was no record on substantiated environmental complaint related to the site in the past 3 years. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours and stacking height of

containers stored on-site as well as requiring maintenance of paving and boundary fencing were recommended. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the possible environmental impacts. The last application for the same applied use at the site was approved by the Committee on 17.6.2011 for a period of 3 years. All approval conditions had been complied with. Regarding the public comment objecting to the application on traffic grounds, the Commissioner for Transport had no objection to the application.

132. Members had no question on the application.

Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.12.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the containers stacked within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 8 units at any time during the planning approval period;
- (e) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;

- (f) 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 12.6.2015;
- (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 12.9.2015;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.6.2015;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.9.2015;
- (j) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.6.2015;
- (k) in relation to (j) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.9.2015;
- (l) the submission of buffer area proposal 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 12.6.2015;
- (m) in relation to (l) 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 12.9.2015;
- (n) 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;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied development/use at the site;
- (b) to resolve any land issues relating to the temporary use with the concerned owner(s) of the site;
- (c) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the land under the site comprises Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without the prior approval of the Government. The site is accessible to Castle Peak Road – San Tin via private land. His Office does not guarantee any right-of-way. Lot 768 RP in D.D. 99 is covered by Short Term Waiver (STW) No. 3652, Lot 204

RP in D.D. 105 is covered by STW No. 3653, and the government land (GL) at the southern and western portions of the site is covered by Short Term Tenancy (STT) No. 2647 all for the purposes of “open storage of containers and cargo handling and forwarding facilities with ancillary container vehicle park and vehicle repair workshop”. No permission has been given for the proposed use and/or occupation of the GL at the northern portion of the site. The act of occupation of GL without government’s prior approval should not be encouraged. Should the application be approved, the STT and STWs holders will need to apply to his Office for modification of the STT and STWs conditions. Besides, the lot owner of the lots without STW will need to apply to his Office to permit the structures to be erected or regularise any irregularities on site. The applicant has to either exclude the GL at the northern 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 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;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The access from the site to Castle Peak Road – San Tin is not and shall not be maintained by HyD;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. 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 the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. The applicant is reminded

that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorised under the 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 Buildings Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that 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 (DEP) shall be obtained. The applicant is reminded that the drainage works as well as the site boundary should not cause encroachment

upon areas outside his jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the drainage works outside the site boundary in order to ensure the unobstructed discharge from the site in future. All the drainage facilities should be constructed and 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;

- (i) to note the comments of the Director of Environmental Protection that all wastewaters from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance; and
- (j) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department to minimise potential environmental impacts on the surrounding areas.”

[The Chairman thanked Ms Maggie M.Y. Chin, DPO/FSYLE, Mr Otto K.C. Chan, Mr Kevin C.P, Ng, and Mr Ernest C.M. Fung, STPs/FSYLE, for their attendance to answer Members’ enquires. Ms Chin, Mr Chan, Mr Ng, and Mr Fung left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 50

Section 12A Application

[Open Meeting]

Y/YL-TYST/4

Application for Amendment to the Approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/10, to rezone the application site from “Green Belt”, “Residential (Group B)1”, “Residential (Group C)”, and “Residential (Group D)” to “Government, Institution or Community”, Lot 1829 S.A RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. Y/YL-TYST/4A)

135. The Committee noted that the applicant requested on 21.11.2014 for deferment of the consideration of the application for two months in order to allow time to carry out follow-up work addressing the recently received comments from the Secretary for Education on the curriculum design and operator arrangement as well as the corresponding refinements to the development scheme and updating of the relevant technical assessments/studies. This was the second time that the applicant requested for deferment.

136. 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. Since it was the second deferment of the application, the applicant should be advised that the Committee had allowed a total of four months for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

[Mr Vincent T.K. Lai and Ms Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), and Ms Fiona H.N. Cheung, Mr Raymond W.M. Leung and Miss Lucille L.S. Leung, Town Planners/Tuen Mun and Yuen Long West (TPs/TMYLW) were invited to the meeting at this point.]

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/925 Temporary Warehouse for Storage of Provisions for a Period of 3
Years in “Comprehensive Development Area” zone, Lots 850 S.B RP
(Part) and 897 S.B RP in D.D.125 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/925)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary warehouse for storage of provisions for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site (the closest residential dwelling about 3m away) and along the access road (Ha Tsuen Road), and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. Although the temporary warehouse under application was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone, there was not yet any programme/known intention to implement the

zoned uses. The approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone. The applied use was not incompatible with the current uses within the same “CDA” zone which was predominantly occupied for open storage yards and logistics centre. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected, there had not been any pollution complaint pertaining to the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours were recommended. The applicant would also be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department in order to minimise the possible environmental impacts on the adjacent areas. The permission of the last application was revoked due to non compliance with planning approval conditions on the implementation of fire service installations, drainage and tree preservation and landscape proposals. In the current application, the applicant had submitted drainage and tree preservation and landscape proposals. Since granting the previous approval, there had been no material change in the planning circumstances. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved four applications in the vicinity of the site for various opens storage and logistics uses. As the site was in close proximity to these applications, approval of the subject application was in line with the Committee’s recent decisions. Since the last planning permission was revoked, shorter compliance periods are recommended to monitor the fulfilment of approval conditions. The applicant would be advised that should he fail to comply with the approval condition(s) resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

138. Members had no question on the application.

Deliberation Session

139. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.12.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, cleansing, melting, dismantling or any other workshop activity is allowed to be carried out on the site at any time during the planning approval period;
- (d) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (e) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the implementation of the accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.3.2015;
- (g) in relation to (f) above, the maintenance of the drainage facilities at all times during the planning approval period;
- (h) the submission of a run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 12.3.2015;
- (i) in relation to (h) above, the implementation of the run-in/out proposal within 6 months from the date of planning approval to the satisfaction of

the Director of Highways or of the TPB by 12.6.2015;

- (j) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2015;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (l) the submission of a tree preservation and landscape proposal, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.3.2015;
- (m) in relation to (l) above, the implementation of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.6.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (f), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (p) upon 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.”

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

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

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

- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the government. No permission is given for the occupation of government land (GL) (about 46m² subject to verification) included in the site. Attention is drawn to the fact that the act of occupation of GL without government’s prior approval should not be encouraged. The site is accessible directly to Ping Ha Road. Should the application be approved, the lot owner will need to apply to his Office to permit structures to be erected or regularise any irregularities on-site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (e) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisance;

- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site;
- (g) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that with reference to previous site visit, most of the existing trees along the southern and eastern boundaries were generally in good condition except the damaged trees and two dead trees. Replacement of these trees is required;
- (h) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The locations of where the proposed FSIs are 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 Chief Highway Engineer/New Territories West, Highways Department (HyD) that the access arrangement of the site from Ping Ha Road should be approved by the Transport Department (TD). If the proposed run-in is agreed by TD, the applicant should construct a run in/out at the access point at Ping Ha Road in accordance with the latest version of Highways Standard Drawing No H1113 and H1114, or H5133, H5134 and H5135, wherever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not

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

Agenda Items 52 and 53

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/91 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot 1392 S.A in D.D. 375, So Kwun Wat Tsuen,
Tuen Mun

A/TM-SKW/92 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot 1392 S.B in D.D. 375, So Kwun Wat Tsuen,
Tuen Mun
(RNTPC Paper No. A/TM-SKW/91 and 92)

141. The Committee noted that the two applications for Small Houses were similar in nature and presented in one paper, and the application sites (the sites) were located in close proximity to one another within the same “Green Belt” (“GB”) zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

142. Ms Fiona H.N. Cheung, TP/TMYLW, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix V of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications as approval of the proposed Small Houses would further nibble the woodland by extending the village area and encroach onto the “GB” zone;
- (d) during the first three weeks of the statutory publication period, a total of six public comments were received from three individual members, World Wide Fund for Nature Hong Kong (WWF), Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation. They objected to the applications mainly on grounds that as “GB” zones were becoming less in the New Territories, the government should ensure the proper uses within the “GB” zone and avoid destruction to the “GB” zone; the land within the

“GB” zone should not be for New Territories Exempted House development; the proposed Small Houses were not in line with the planning intention of the “GB” zone; the approval of the applications would set an undesirable precedent for similar applications within “GB” zone; and it was suspected that site formation was conducted to the northwest of the subject sites and ‘destroy first, develop later’ approach had been undertaken; and

- (e) PlanD’s views – PlanD did not support the applications based on the assessments made in paragraph 13 of the Paper. On 8.8.2014, the Committee rejected the previous applications No. A/TM-SKW/87 and A/TM-SKW/88 for Small House developments submitted by the same applicants. There was no change in planning circumstances since the rejection of the previous applications. The proposed developments were not in line with the planning intention of the “GB” zone which was 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. The applications did not meet the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House Development in the New Territories (Interim Criteria) in that land was still available in the “Village Type Development” zones to meet the total Small House demand. The approval of the proposed Small Houses would further nibble the woodland by extending the village area and encroach onto the “GB” zone. On 16.5.2003, 30.1.2004 and 29.9.2006, the Committee approved with conditions respectively three applications for Small House developments within the same “GB” zone on considerations that two of the applications were at the fringe of the “V” zone and one straddled the “V” and the subject “GB” zone; and there was insufficient land available in the “V” zone to meet the 10 years’ Small House demand. The current application sites fell entirely within the “GB” zone and there was no shortage of land to meet the Small House demand. There were six public comments objecting to the applications on the grounds that the applications were not in line with the planning intention of the “GB” zone, the application sites were involved in suspected site formation, and ‘destroy first, develop later’ approach had been undertaken.

143. Members had no question on the application.

Deliberation Session

144. After deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection as stated in paragraph 14.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) 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 justification in the current submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 on “Application for Development within “Green Belt” zone” (TPB PG-No. 10) in that there are no exceptional circumstances to justify the applications;
- (c) 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 as land is still available within the “Village Type Development” (“V”) zone of So Kwun Wat Tsuen. It is more appropriate to concentrate the proposed Small House development within the “V” zone for an orderly development pattern and efficient use of land and infrastructure; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

[The Vice-chairman left the meeting temporarily at this point.]

Agenda Item 54

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/338 Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years in “Agriculture” zone, Lots 2269 S.B ss.1 (Part), 2270 S.A (Part), 2270 S.B (Part), 2271 (Part), 2272 and 2273 (Part) in D.D. 118 and Adjoining Government Land, Sung Shan New Village, Yuen Long
(RNTPC Paper No. A/YL-TT/338)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary forklift training centre with ancillary facilities for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the public. The commenter objected to the application on grounds that part of the site had been partitioned for other uses and workshop activities, including paint-spraying and hammering, and use of heavy goods and long vehicles was observed on

the site;

- (e) the District Officer (Yuen Long), Home Affairs Department, advised that the Sung Shan New Village Residents Association objected to the application on traffic grounds; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The site was the subject of five previous planning approvals since 2000. There was no major change in planning circumstances since the granting of the last approval and the operation of the training centre was the same as that under the last application. It was considered that the development at the site could be tolerated and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Agriculture” zone and approval of the current application was in line with the Committee's previous decisions. It was also not expected that the development would generate significant environmental impact on the surrounding areas. To address concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours, prohibiting the driving of forklift trucks outside the site and prohibiting workshop activities and the use of medium or heavy goods vehicles were recommended. Relevant approval conditions prohibiting the queuing and reverse movement of vehicle on public road, and requiring the maintenance of existing trees/landscape planting and drainage facilities, submission of a record of the existing drainage facilities on site and submission and implementation of fire service installations proposal were also recommended. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact. Regarding the public comment objecting to the application on traffic grounds, the Commissioner for Transport and the Commissioner of Police had no adverse comment on the application. Regarding the other comment raising concerns on the use of heavy/long vehicles and the carrying out of workshop activities at the site, the site inspection carried out

by PlanD revealed that there was parking of vehicles exceeding 5.5 tonnes on the site and a warning letter had been issued to the applicant of the previous application (No. A/YL-TT/293). Should the subject application be approved, relevant approval conditions prohibiting the use of medium and heavy goods vehicles and carrying out workshop activities within the site were suggested and close monitoring of the site would be undertaken.

146. In response to the Chairman's question regarding the public comments, Ms Bonita K.K. Ho, STP/TMYLW, said that in the recent site inspection carried out by PlanD, paint-spraying and hammering were not observed. However, to address the public concerns, a condition not allowing the applicant to carry out workshop activities including dismantling, maintenance, repairing, cleansing, paint-spraying was recommended should the application be approved.

Deliberation Session

147. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.12.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 8:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no forklift truck is allowed to be driven into/out from the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint-spraying and other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicle exceeding 5.5 tonnes, including

container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;

- (f) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (g) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the submission of a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.3.2015;
- (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 12.6.2015;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.9.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. Short Term Waiver No. 2422 has been issued to the lot owner of Lot 2270 S.A (Portion) in D.D. 118 allowing structures erected on the lot for the purpose of forklift training centre with ancillary facilities. Meanwhile, the government land (GL) within the site is covered by Short Term Tenancy No. 2443 for the purpose of forklift training centre with ancillary facilities. Should the application be approved, the lot owners concerned will still need to apply to his office to permit any additional structures to be erected or regularise any irregularities on site. Such applications will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such applications are approved, they will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. The site is accessible through an informal village track on GL and other private land extended from Tai Shu Ha Road East. His office does not provide maintenance works on this track nor guarantee right-of-way;
- (d) to note the comments of the Commissioner for Transport that the land

status of the access road/path/track leading to the site from Tai Shu Ha Road East 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. Sufficient space should also be provided within the site for manoeuvring of vehicles;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement. His department is not and shall not be responsible for the maintenance of the existing vehicular access connecting the site and the public roads. Also, adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should inform the relevant department and Planning Department (PlanD) for comment if the drainage arrangement has been changed;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. 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 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 his Department is not in position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO. If the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans and overhead line alignment drawings, where applicable, to

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

[The Vice-chairman returned to join the meeting at this point.]

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/339 Temporary Open Storage of Construction Materials with Ancillary Office for a Period of 3 Years in “Agriculture” zone, Lot 1427 (Part) in D.D. 118, Tai Shu Ha Road West, Tai Tong
(RNTPC Paper No. A/YL-TT/339)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) temporary open storage of construction materials with ancillary office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site (with the nearest ones located about 100m away), and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the site had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the applied use was considered not compatible with the surrounding rural character. Approval of the development might set an undesirable precedent of spreading open storages and workshops outside the “Open Storage” zone and thus erode the rural landscape character. The landscape proposal in this application does not provide adequate green buffer to the surrounding area;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. DAFC did not favour the application from agricultural point of view as the site had high potential for agricultural rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The development was incompatible with the surrounding land uses which were predominantly rural in character mixed with fallow and cultivated agricultural land, orchards, residential structure and vacant/unused land and structures. The application did not comply

with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there was no previous approval granted at the site for open storage use and there were adverse comments from the relevant departments against the application. The submitted landscape proposal did not provide adequate green buffer to the surrounding area. The submitted drainage proposal was not yet accepted by the Drainage Services Department and the applicant had yet to demonstrate that the development would not generate adverse drainage impact on the adjacent areas. The applicant failed to demonstrate that the development would not cause adverse environmental, landscape and drainage impacts on the surrounding areas.

150. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application does not comply with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there is no previous planning approval granted to the site and there are adverse departmental comments against the

application;

- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

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

Agenda Item 56

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/701 Proposed Temporary Warehouse for Storage of Construction Material for a Period of 3 Years in “Residential (Group B) 1” and “Residential (Group D)” zones, Lot 2611 S.A (Part) in D.D. 124 and Adjoining Government Land, Tan Kwai Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/701)

Presentation and Question Sessions

152. 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) proposed temporary warehouse for storage of construction material for a period of 3 years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site (with the nearest ones being about 10m to its south) and environmental nuisance was expected;

- (d) during the first three weeks of the statutory publication period, two public comments were received from the Rosary Chapel and Designing Hong Kong Limited (DHK). The Rosary Chapel had no objection to the application but considered that a clean environment should be maintained with proper disposal of waste/trash, noise/air pollution should be confined and that all vehicular trips generated by the development would use Shui Fu Road. DHK objected to the application mainly on the grounds that the proposed use was not in line with the planning intention of the concerned zonings; approval of the application would set an undesirable precedent and it would be difficult to develop the site for other uses; and that traffic and safety impact assessments should be conducted in view of the school use in the vicinity of the site; 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 warehouse use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. The development was incompatible with the surrounding land uses which were predominantly rural in character mixed with residential developments and community uses. A church and kindergarten were located in close proximity to the site in the adjoining “Government, Institution or Community” zone to the immediate west and there were some existing and planned residential developments located further northwest and north in the subject “Residential (Group B)1” zone. Although there were storage uses found in the vicinity of the site, they were mostly suspected unauthorised developments subject to enforcement action taken by the Planning Authority. DEP did not support the application as there were sensitive receivers of residential uses in the

vicinity of the site and environmental nuisance was expected. The applicant failed to demonstrate that the proposed development would not cause adverse environmental impact on the surrounding areas. There was no previous approval granted for warehouse use at the site and no approved similar applications in the vicinity of the site. The approval of the subject application would set an undesirable precedent and encourage other similar applications for warehouse use within the “R(D)” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. Regarding the public comment objecting to the application, the above assessments were relevant.

153. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, which is primarily the improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and for low-rise, low-density residential developments subject to planning permission from the Board. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative impact of approving such applications would result in a general degradation of the

environment of the area.”

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

Agenda Item 57

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/702 Proposed Temporary Warehouse for Storage of Machinery and Spare Parts for a Period of 3 Years in “Undetermined” zone, Lots 1483 S.A RP and 1483 S.B RP in D.D. 119 and Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/702)

Presentation and Question Sessions

155. 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) proposed temporary warehouse for storage of machinery and spare parts for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, located to its immediate south and environmental nuisance was expected.
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments set out in paragraph 11 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” zone which was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Study would be completed in 2015. It was considered that approval of the application on a temporary basis of 3 years would not frustrate the long-term use of the area. The development was not incompatible with the surrounding uses which comprised warehouse, storage, open storage and workshop uses and three open storage yards located to the northwest and south of the site were operating with planning permissions. Although DEP did not support the application as there were sensitive receivers of residential uses in the vicinity of the site and environmental nuisance was expected, there was no substantiated complaint concerning the site in the past 3 years. The development was mainly for storage purpose in an enclosed warehouse structure and the applicant undertook not to use medium or heavy goods vehicles, including container trailer/tractor, and not to carry out workshop activities within the site. It was not expected that the development would generate significant environmental impact on the surrounding areas. To address DEP’s concerns on the possible nuisance, approval conditions restricting the operations hours, the type of vehicles used and prohibiting the carrying out of workshop activities within the site were recommended. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise any potential environmental impact.

156. Members had no question on the application.

Deliberation Session

157. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.12.2017, on the terms of the application as

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

- “(a) no night-time operation between 7:00 p.m. and 9:00 a.m. 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, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (d) no repairing, dismantling, cleansing or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (f) the submission of revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.6.2015;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.9.2015;
- (h) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 12.6.2015;
- (i) in relation to (h) above, the provision of run-in/out within 9 months from

the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 12.9.2015;

- (j) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.6.2015;
- (k) in relation to (j) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.9.2015;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.9.2015;
- (n) 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;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with other 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 private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval of his office. Short Term Waiver No. 2482 has been issued to the lot owner of Lot 1483 S.A RP in D.D. 119 for the purpose of warehouse for storage of construction materials. No permission has been given for the occupation of government land (GL) within the site and the act of occupation of GL without government’s prior approval should not be encouraged. Should the application be approved, the lot owner(s) concerned will need to apply to his office to permit any additional structures to be erected or regularise any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible via GL abutting Kung Um Road. His office does not provide maintenance works on such track nor guarantee right-of-way;
- (c) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out should be constructed at the access point at Kung Um Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent

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

- (e) to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (f) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (PlanD) that the planting area of the existing large *Bombax ceiba* is confined and sunken, and thus will have adverse impact on the long-term healthy growth of the tree;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Drawing A-3 of the Paper). The gradient and the dimension of the proposed u-channels should be shown on the drainage plan. The applicant shall advise why u-channel is not provided at the northern side of the site and how the overland flow at the northern area of the site could be properly intercepted and discharged. The invert levels of the proposed catchpits should be shown on the drainage plan for reference. It is noted that only one catchpit is provided and consideration should be given to provide catchpits at regular interval. The dimension of the existing open drain to which the stormwater of the development from the subject site would discharge should be indicated on plan. Furthermore, the relevant connection details should be provided for comment. In the case that it is a local village drain, the District Officer (Yuen Long) should be consulted. Cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas,

etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his 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 proposed structures, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs to be installed should also be clearly marked on the layout plans. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. However, 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 Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3)

of the B(P)R at the building plan submission stage; and

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

Agenda Item 58

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/703 Temporary Open Storage of Building Materials, Construction Machinery, Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years in “Undetermined” zone, Lots 424 RP (Part), 425 RP (Part), 426 RP (Part), 427, 428, 429, 432 RP (Part), 438 RP, 439 RP (Part), 440 (Part), 441, 442, 443, 475 S.A (Part), 475 S.B (Part), 476, 477, 478, 479, 480, 481, 482, 483, 484 (Part), 492 and 2157 in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/703)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of building materials, construction machinery, recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary workshop activities for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structure to the south (about 46m away) and environmental nuisance was expected.
- (d) no public comment was received during the first three weeks of the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” zone which was generally intended for open storage use but is designated with this zoning mainly due to concerns of the capacity of Kung Um Road. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Study would be completed in 2015. It was considered that approval of the application on a temporary basis of 3 years would not frustrate the long-term use of the area. The development was not incompatible with the surrounding uses which comprised open storage/storage yards and warehouses and two open storage yards located to the northeast and south of the site that were operating with planning permissions. The application was generally in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses, and the concerns of relevant Government departments were technical in nature which can be addressed through the implementation of approval conditions. Although DEP did not support the application as there was residential use in the vicinity of the site and environmental nuisance was expected, there had been no environmental complaint relating to the site in the past 3 years. The applicant also undertook not to carry out noise/air polluting activities and to restrict the operation hours, and peripheral fencing had been erected along the site boundary to minimise possible noise impact. As regards the storage of used electrical/electronic appliances and parts, the applicant stated that they would be processed and stored within covered structures and on paved areas. DEP considered that these measures could avoid soil and ground water contamination. To address DEP's concerns on the possible nuisance, approval conditions restricting the operations hours, restricting the storage and handling of electrical appliances within the concrete-paved covered structures only; prohibiting dismantling, repairing,

cleansing or other workshop activities, and requiring the maintenance of the boundary fence were recommended. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise any potential environmental impact and to keep the site clean and tidy at all times. The site was the subject of a previously approved application. All the approval conditions under the last application had been complied with. There was no major change in planning circumstances of the area, the approval of the subject application was in line with the Committee’s previous decision.

160. Members had no question on the application.

Deliberation Session

161. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.12.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the application site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste is allowed outside the concrete-paved covered structures on the site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, except ancillary packaging and cutting activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval

period;

- (e) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (f) the existing boundary fence on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.3.2015;
- (i) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.6.2015;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.9.2015;
- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.1.2015;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.9.2015;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval of his office. Should the application be approved, the lot owners will still need to apply to his office to permit additional structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is

approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through a long haul of informal track on Government land and other private land extended from Kung Um Road. His office provides no maintenance works for this track nor guarantee right-of-way;

- (e) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Moreover, sufficient space should be provided within the site for manoeuvring of vehicles;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (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 minimise any potential environmental nuisances;
- (h) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (PlanD) that the locations and number of trees as shown on the Layout and Landscape Plan (Drawing A-2 of the Paper) is different from the record of her site inspection dated 23.3.2013. Moreover, the proposed layout and the existing site conditions are totally different from the previously approved application (No. A/YL-TYST/556). Some of the trees at the western boundary may be affected;

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

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

Regulation 19(3) of B(P)R at the building plan submission stage; and

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

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

Agenda Item 59

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/704 Temporary Open Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone, Lot 334 (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/704)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, to the northwest (about 60m away) of the site and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Study would be completed in 2015. It was considered that approval of the application on a temporary basis of 3 years would not frustrate the long-term use of the area. The development was not incompatible with the surrounding uses in the subject “U” zone which comprised open storage yards, warehouse and workshop. The application was generally in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that the site fell within Category 1 areas which were considered suitable for open storage

and port back-up uses, and the concerns of relevant Government departments are technical in nature which could be addressed through the implementation of approval conditions. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected, there had been no environmental complaint in the past three years. The applicant also undertook that no workshop activities would be carried out on the site and no heavy goods vehicles exceeding 24 tonnes would be used. It was therefore not expected that the development on the site would generate significant environmental impact on the surrounding areas. To address DEP's concerns, approval conditions restricting the operation hours and the types of vehicles used and prohibiting the carrying out of workshop activities, as proposed by the applicant, were recommended. The applicant would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise any potential environmental impact and to keep the site clean and tidy at all times. The site was the subject of five previously approved applications for the same use. The last application submitted by the same applicant was revoked due to non-compliance with the approval conditions. In the current application, the applicant had submitted tree preservation and landscape, drainage and fire service installations proposals. The Chief Town Planner/Urban Design & Landscape, PlanD considered the submitted tree preservation and landscape proposals acceptable. The subject application might be tolerated subject to shorter compliance periods to closely monitor the progress on compliance with the approval conditions should the Committee decide to approve the current application. The applicant would also be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration might not be given to any further application.

164. Members had no question on the application.

165. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.12.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 8:00 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 heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing, paint-spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (f) the implementation of the accepted tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 12.3.2015;
- (g) the submission of revised drainage proposal 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 12.3.2015;
- (h) in relation to (g) above, the implementation of drainage proposal on the site within 6 months from the date of planning approval to the satisfaction of

the Director of Drainage Services or of the TPB by 12.6.2015;

- (i) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.1.2015;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2015;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (l) 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;
- (m) if any of the above planning conditions (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 the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

166. 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) shorter compliance periods are imposed in order to monitor the progress of

compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;

- (c) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lot within the site is an Old Schedule Agricultural Lot held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. Should the application be approved, the lot owner(s) concerned will still need to apply to his office to permit structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. The site is accessible through an informal village track on Government land and other private land extended from Shan Ha Road. His office does not provide maintenance works for such track nor guarantee right-of-way;
- (f) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West,

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

- (h) to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. 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 where the proposed FSIs to be installed should also be clearly marked on the layout plans. The good practice guidelines for open storage attached in Appendix V of the Paper should be adhered to. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed, the applicant is required to provide justifications to his Department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are

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

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

Agenda Item 60

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/461 Renewal of Planning Approval for Temporary Open Storage of Building Materials and Machinery for a Period of 3 Years in “Recreation” zone, Lots 114 (Part), 115 RP (Part) and 203 (Part) in D.D. 126, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/461)

Presentation and Question Sessions

167. Mr Raymond W.M. Leung, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of building materials and machinery for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the Yuen Long District Council who objected to the application on the grounds that the development was not in line with planning intention of the “Recreation” (“REC”) zone; the development had been approved for many years, it was contrary to the intention of temporary permission for the use; there was a community recycling station at the junction of Tin Wah Road and Tin Tsz Road, and the traffic induced by this development would hinder the safety of the

visitors of the community recycling station; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. There was currently no known recreational proposal at the site and the development was only temporary in nature and would not frustrate the long-term planning intention of the “REC” zone. The application was generally in line with the Town Planning Board Guidelines No. 13E on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E) in that there were previous approvals for open storage uses, the same applicant had complied with all the approval conditions of the last application and there was no adverse departmental comments. The application was also generally in line with the Town Planning Board Guidelines No. 34B on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) in that there was no material change in planning circumstances since the previous temporary approval was granted; adverse planning implications arising from the renewal of the planning approval were not envisaged; all conditions under the previous approval had been complied with; and the approval period sought was the same as that of the previous approval. To reduce the potential impacts on the surrounding area, approval conditions on operation hours, type of vehicles to be parked and no workshop activity, were recommended. The applicant would also be advised to follow the latest Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department to minimise the potential environmental impacts on the surrounding area. Regarding the public comment objecting to the application, the above assessments were relevant.

168. Members had no question on the application.

Deliberation Session

169. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 17.12.2014 to until 16.12.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the site during the planning approval period;
- (c) only light and medium goods vehicles as defined under the Road Traffic Ordinance are allowed to enter/be parked at the site at all times during the planning approval period;
- (d) no dismantling, repairing or other workshop activity is allowed on the site at any time during the planning approval period;
- (e) no storage of electrical appliances including computer parts and television sets is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the maintenance of existing drainage facilities at all times during the planning approval period;
- (h) the maintenance of existing trees on the site at all times during the planning approval period;
- (i) the submission of condition record 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 16.3.2015;

- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.1.2015;
- (k) the submission of a 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 16.6.2015;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.9.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands

Department (LandsD) that site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the government. The site is accessible to Tin Wah Road via a local track on government land (GL) and other private lots. His Office provides no maintenance work for the GL involved and does not guarantee right-of-way. Should planning approval be given to the planning application, the lot owner(s) will need to apply to his Office to permit the structures to be erected or regularise any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in 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 unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with

Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulations 19(3) of the B(P)R 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 minimise potential environmental nuisance to the surrounding area;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under the purview of the Transport Department. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The HyD shall not be responsible for the maintenance of any access connecting the site and Tin Wah Road;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage should be adhered to Appendix VI of the Paper. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123),

detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

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

Agenda Item 61

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/462 Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in "Residential (Group B) 1" zone, Lot 107 RP in D.D. 121, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/462)

Presentation and Question Sessions

171. Mr Raymond W.M. Leung, TP/TMYLW, presented the application and covered

the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed temporary public vehicle park (private cars and light goods vehicles) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. There was currently no permanent development proposal at the site, the approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Residential (Group B)1” zone. The proposed development might also meet some of the parking demand of the local residents. The proposed vehicle park for private cars and light goods vehicles was not incompatible with the surrounding land uses which were predominately vehicle parks and open storage yards. Concerned government departments had no objection to or no adverse comment on the application. To further reduce the potential impact on the surrounding area, should the application be approved, it was recommended to impose approval conditions on limiting the operation hours, restricting type of vehicles to be parked, prohibiting workshop activity on site and provision of peripheral fencing. The applicant would also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the potential environmental impacts on the surrounding area. There was a previous application for temporary public vehicle park for private cars and light goods vehicles from a different applicant approved by the Committee in

2012. Approval of the application was in line with the previous decision of Committee.

172. Members had no question on the application.

Deliberation Session

173. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.12.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site, as proposed by the applicant, at all times during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) no vehicle queuing back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;

- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.6.2015;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.9.2015;
- (i) in relation to (h) above, the maintenance of the implemented drainage facilities at all times the during the planning approval period;
- (j) 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 12.6.2015;
- (k) in relation to (j) 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 12.9.2015;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.9.2015;
- (n) 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 12.3.2015;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice;

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

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (c) the planning permission is given to the development/use under application. It does not condone any other development/use which currently occurs on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use not covered by the permission;
- (d) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that no structures are allowed to be erected without prior approval from his Office. No approval has been given for the specified structures for site office, guard room and rain shelter

use. The site is accessible through an informal track on government land (GL). His Office does not provide maintenance works for the track nor guarantee any right-of-way. The lot owner concerned will still need to apply to his Office to permit structures to be erected or regularise any irregularities on site. Such application will be considered by the LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium of fee, as may be imposed by the LandsD;

- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise potential environmental impacts on the surrounding area;
- (f) to note the comments of the Commissioner for Transport that sufficient maneuvering spaces shall be provided within the site. The local track leading to the site is not under his purview. Its land status should be checked with the land authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Ping Kwai Road should be commented and approved by the Transport Department. 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 Ping Kwai Road;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that regarding the proposed 300mm surface U-channel outside the site, the applicant should clearly indicate its alignment and connection point to downstream on the drainage plan for

reference. For drainage works outside the site, consent of DLO/TM, LandsD or relevant private lot owners on the proposed drainage works shall be obtained prior to the commencement of the drainage works;

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with the BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (k) to note the comments of the Director of Electrical and Mechanical Services

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

Agenda Item 62

Section 16 Application

[Open Meeting]

A/YL-PS/463 Proposed Temporary Public Vehicle Park for Private Cars for a Period of 3 Years in "Village Type Development" zone, Lots 44, 72, 73 (Part) in D.D. 122 and adjoining Government land, Ha Mei San Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/463)

175. The Committee noted that the applicant requested on 3.12.2014 for deferment of the consideration of the application for one month in order to allow time for preparation of further information to address the comments of the Drainage Services Department. This was the first time that the applicant requested for deferment of the application.

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

as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that 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 63

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/464 Proposed Filling of Land for building 7 New Territories Exempted Houses (Small House) in "Village Type Development" zone, Lots 167 S.A (Part), 167 S.B (Part), 167 S.C, 167 S.D, 167 S.E, 167 S.F, 167 S.G and 167 RP in D.D.123, Shing Uk Tsuen, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/464)

Presentation and Question Sessions

177. Mr Raymond W.M. Leung, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed filling of land for building 7 permitted New Territories Exempted Houses (NTEHs) (Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a total of seven public comments were received. Five of the public comments, which were received from the Village Representative (VR) of Ng Uk Tsuen, two from the villagers of Shing Uk Tsuen and two from individual members of the public, supported the application. World Wide Fund for Nature Hong Kong (WWFHK) and the Kadoorie Farm & Botanic Garden Corporation objected to the application mainly on the grounds that the proposed developments were incompatible with the surrounding ecologically sensitive area; the proposed filling of land would negatively affect aquatic organisms, wildlife and the nearby wetland/fish ponds; the approval of the application would set an undesirable precedent for future similar applications; and no information regarding the sewerage treatment of the proposed developments was provided by applicants to tackle potential water pollution to nearby water bodies; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed filling of land was to facilitate the construction of seven NTEHs, which had been approved by the Lands Department subject to conditions including obtaining planning permission if land/pond filling was required. The proposal was considered in line with the planning intention of the “Village Type Development” (V”) zone. The site also fell within Wetland Buffer Area (WBA) of Deep Bay. According to the Town Planning Board Guidelines No. 12C on ‘Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No.12C), an Ecological Impact Assessment would need to be submitted for planning applications in the WBA. However, Small House development was exempted from such requirement. The Director of Agriculture, Fisheries and Conservation (DAFC) had no objection to the application noting that the site was an existing vacant ground with no pond/wetland. The application did not contravene TPB PG-No. 12C. The applicants also confirmed to follow DAFC’s advice on minimising/preventing disturbance to the nearby fish ponds/wetland as well

as migratory and overwinter waterbirds. Regarding the two public comments objecting to the application, the above assessments were relevant. On sewerage impact issue, the septic tanks/soak away pits for the Small Houses were subject to the requirements as stipulated in Professional Persons Environmental Consultative Committee Practice Notes (ProPECC) PN 5/93.

178. In response to the Chairman's question regarding the Director of Agriculture, Fisheries and Conservation's concern on any disturbance to migratory and overwintering waterbirds, Mr Raymond W.M. Leung, TP/TMYLW, said that an advisory clause was recommended to advise the applicant to avoid using heavy machinery which might generate high level of noise or vibration during the winter season from November to March to minimise disturbance to migratory and overwintering birds.

Deliberation Session

179. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 12.12.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is Old Schedule Agricultural Lot held under Block Government Lease. Should planning approval be given to the planning application, the registered land owners should inform LandsD that planning application was obtained as one of the approval conditions to be complied with. The Small House applications would be further processed by LandsD acting in the capacity of a landlord at its sole discretion;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that site formation works and drainage works for New Territories Exempted Houses (NTEHs) are building works under the control of the Buildings Ordinance (BO). Before any new site formation and/or drainage works are to be carried out on the site, the prior approval and consent of the Buildings Authority should be obtained, otherwise they are Unauthorised Building Works. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed site formation and/or drainage works in accordance with the BO. The Director of Lands may issue a certificate of exemption from prior approval and consent of the BA in respect of site formation works and/or drainage works in the New Territories under the BO (applicable to the New Territories Ordinance). The applicants may approach DLO/YL, LandsD or seek AP’s advice for details;

- (c) to note the comments of the Head of Geotechnical Engineering Office (GEO), Civil Engineering and Development Department that those levels of land filling are proposed by the applicants’ Registered Professional Engineer instead of GEO;

- (d) to note the comments of the Director of Environmental Protection that the applicants are reminded that the design, construction and maintenance of septic tanks/soak away pits for the proposed NTEHs shall follow the

Professional Persons Environmental Consultative Committee Practice Notes (ProPECC) PN 5/93;

- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site is immediately adjacent to some existing fishponds/wetlands to the northwest, west and southeast and a wooded area on Government land to the southeast. Should the application be approved, the applicants are advised to adopt good site practices and implement necessary water pollution control measures to ensure that the proposed land filling will be restricted within the site and not affect nearby fishponds/wetlands and trees on Government land during the works (including but not limited to opening or widening of access, drainage improvement and/or slope stabilization works, if any). The applicants are also advised to avoid using heavy machinery which may generate high level of noise or vibration during the winter season from November to March next year to minimise disturbance to migratory and overwintering waterbirds;
- (f) to note the comments of the Director of Fire Services that the applicants are advised to refer to 'NTEH – A Guide to Fire Safety Requirements' issued by the LandsD;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicants may need to extend the inside services to the nearest suitable Government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standards; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicants 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicants and/or the applicants' contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicants and the applicants' contractors when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 64

Section 16 Application

[Open Meeting]

A/YL-PS/465 Proposed Religious Institution and Social Welfare Facility in "Village Type Development" zone, Lots 1969 S.B and 1970 S.B in D.D. 124, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/465)

181. The Committee noted that the applicant requested on 4.12.2014 for deferment of the consideration of the application for two months in order to allow time to discuss with the Social Welfare Department for agreement on the uses within the proposed development. This was the first time that the applicant requested for deferment of the application.

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

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

Agenda Items 65 to 67

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/283 Further Consideration of Proposed House (New Territories Exempted House - Small House) in "Residential (Group E)" zone, Lot 223 RP in D.D. 130, San Hing Tsuen, Lam Tei, Tuen Mun

A/TM-LTY Y/284 Further Consideration of Proposed House (New Territories Exempted House - Small House) in "Residential (Group E)" zone, Lot 223 S.C in D.D. 130, San Hing Tsuen, Lam Tei, Tuen Mun

A/TM-LTY Y/285 Further Consideration of Proposed House (New Territories Exempted House - Small House) in "Residential (Group E)" zone, Lot 223 S.B in D.D. 130, San Hing Tsuen, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/283A to 285A)

183. The Committee noted that the three applications for Small House developments were similar in nature and presented in one paper, and the application sites (the sites) were located in close proximity to one another within the same "Residential (Group E)" ("R(E)") zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

184. Miss Lucille L.S. Leung, TP/TMYLW, presented the applications and covered the following aspects as detailed in the Paper :

Background

- (a) on 25.7.2014, the applicants sought planning permissions to build one Small House on each of the application sites (the sites). The sites fell within an area zoned “R(E)” on the approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY/6.
- (b) on 12.9.2014, the Rural and New Town Planning Committee (the Committee) considered the applications. Except the Director of Environmental Protection (DEP), relevant government departments had no objection to or no adverse comments on the applications. DEP required the applicants to provide information to confirm whether the nearby industrial chimney(s) was/were in operation, and if affirmative, to prove the adequacy of the separation distance between the sites and the chimney(s). As the sites were located adjacent to San Hing Road subject to potential vehicular emissions, DEP also required the applicants to prove the adequacy of the separation distance between the proposed Small Houses and San Hing Road. The applicants however had not submitted the required information;
- (c) Members generally agreed that DEP’s concerns on industrial/residential interface were yet to be resolved and further information from the applicants on the compliance with the air quality standards was required. After deliberation, the Committee decided to defer making a decision on the applications pending the provision of further information from the applicants;

Further Information

- (d) on 13.10.2014, the applicants submitted further information to address DEP’s concerns. The applicants clarified that there were two nearby chimneys with separation distances of about 128.65m to the east and about 216.37m to the south measuring from the boundary of the 3 sites. One chimney was abandoned and the other was not in operation. The

applicants also illustrated with scaled plans that the shortest horizontal separation distances between each building site of the proposed Small Houses and the nearby San Hing Road were about 8.49m, 7.48m and 6.93m for Applications No. A/TM-LTYT/283, 284 and 285 respectively;

- (e) in view of the above information, DEP considered that there would unlikely be adverse potential air quality and noise impacts, and had no objection to the applications; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the applications in view that the applicants had demonstrated that the proposed developments would not be susceptible to adverse air pollution impacts and DEP had no objection to the applications.

185. Members had no question on the applications.

Deliberation Session

186. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 12.12.2018, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were subject to the following conditions :

- “(a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Tuen Mun, Lands

Department (DLO/TM, LandsD) that the lots are Old Schedule Agricultural Lots held under the Block Government Lease and have no building status under the lease. The eligibility of Small House grant of the applicants has yet to be verified and the applicants would be required to attend a vetting interview for verification of their eligibility upon satisfactory resolution of technical problems of their lots. There is no guarantee that the concerned Small House applications will finally be approved. In the event that Small House applications are approved, his office will impose any terms and conditions as government shall deem fit;

- (b) to note the comments of the Commissioner for Transport that there is neither car parking provision nor vehicular run-in proposed for the Small Houses;
- (c) to note the comment of the Director of Fire Services that the applicants should follow “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department;
- (d) to note the comment of the Director of Environmental Protection that there is public sewer available for the sites along San Hing Road. All sewage from the sites should be discharged to the public sewer instead of using septic tanks for sewerage disposal and all wastewaters from the proposed uses should be collected, treated and disposed of in accordance with the Water Pollution Control Ordinance;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the proposed Small House sites should not affect DSD’s drainage facilities located in the vicinity of the proposed Small House sites. The proposed developments should have their own stormwater collection and discharge system to cater for the runoff generated within the Small House sites as well as overland flow from areas in the vicinity. Surface channel should be provided along the perimeter of the lot to collect all the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point.

Surface channels should be built with adequate size on both sides of the solid boundary wall if solid boundary wall along the lot boundary is to be built. Also, openings may have to be provided at the solid boundary walls to avoid blockage of stormwater flow. There are DSD's drainage facilities in the vicinity of the proposed Small House sites. If the applicants would like to make use of the existing DSD's drainage facilities in the vicinity of the Small House sites for drainage connection, the applicants should follow the established procedures and requirements for making the drainage connection. A drainage connection proposal should be submitted to DSD for comment and approval. The connection work will be subject to his technical audit, for which an audit fee will be charged. Detailed guidelines and application form are available at DSD's website at <http://www.dsd.gov.hk/>. All the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicants at the applicants' own expense. For works to be undertaken outside the lot boundary, the applicants should consult and obtain prior consent from DLO/TM, LandsD and relevant lot owners;

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

applicants' contractors when carrying out works in the vicinity of the electricity supply lines;

- (g) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department, that the applicants should submit the site formation plans to the Buildings Department for approval as required under the provisions of the Buildings Ordinance, unless the applicants wish to apply for a certificate of exemption for site formation works from the Director of Lands;
- (h) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department that for Application No. A/TM-LTY Y/284, the applicant should notify his Office immediately in case of discovery of antiquities or supposed antiquities during the course of excavation. For Application No. A/TM-LTY Y/283 and Application No. A/TM-LTY Y /285, the applicants should notify his Office two weeks prior to the commencement of construction work so as to facilitate his staff to conduct site inspection; and
- (i) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that the existing tree(s) on the sites should be preserved as far as possible and landscape planting should be proposed along the perimeter to enhance the screening and greening effect.”

Agenda Item 68

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/287 Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles only) for a Period of 2 Year in “Village Type Development” zone, Lots 647 s.A, 647 s.B, 647 s.C, 647 s.D, 647 s.E, 647 s.F, 647 s.G, 647 s.H and 647 RP (Part) in D.D. 130, Tuen Mun San Tsuen, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/287)

Presentation and Question Sessions

188. Miss Lucille L.S. Leung, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary public vehicle park (private cars and light goods vehicles only) for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) did not support the application on grounds that the access road was not a standard single track access road and there were potential safety problems to the vehicles and pedestrians. The Director of Environmental Protection (DEP) commented that the applicant should liaise with the commenters on measures to address their environmental concerns on traffic noise and emissions and to implement appropriate pollution control measures;
- (d) during the first three weeks of the statutory publication period, a total of 68 public comments from two members of the Tuen Mun District Council, the Incorporated Owners of Chik Yuen, the Village Representative of Tuen Mun San Tsuen and local villagers/residents, all objecting to the

application were received. The main grounds of the objections were that the access road leading to the site was a narrow one-way road frequented by pedestrians especially elderly and children; the increase in vehicular traffic induced by the development would give rise to pedestrian-vehicular conflict, thereby endangering the pedestrian safety; and the increase in vehicular traffic would have adverse noise and air quality impacts; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Although the District Lands Officer/Tuen Mun, Lands Department commented that there was no Small House application at the site, the applicant still needed to demonstrate that the development would not have adverse impacts on the surrounding area. The site was located within a dense village cluster and vehicles accessing the site would have to weave through the village houses/residential dwellings along two sides of the 150m access road. As the vehicle park would operate 24 hours and given the proximity of the access to the village houses/residential dwellings, adverse environmental impacts would be expected. The applicant failed to demonstrate that the development would not generate adverse environmental impacts on the surrounding areas, even on a temporary basis. The access road was not a standard single track access road, there were potential safety problems to the vehicles and pedestrians. C for T did not support the application from traffic engineering point of view as the applicant had not proposed any measures to address the traffic safety concerns. DEP considered that measures were required to mitigate the potential traffic noise and emissions whenever possible. There were two previous applications for temporary private vehicle park (private cars only) for a period of one year which were rejected by the Committee in 2011 and 2012 respectively, on grounds that the applicants had failed to demonstrate that there would be no adverse environmental impact on the adjacent residential dwellings; and there was no information to address the traffic flow/manoeuvring and road safety concerns. Although the number of parking spaces had been reduced in the current application, there was no change in the planning circumstance since the rejection of the two previous

applications. The rejection of the current application was in line with the previous decisions of the Committee. There were 68 public comments received objecting to the application mainly on grounds on traffic safety and environmental nuisance.

189. Members had no question on the application.

Deliberation Session

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

- “(a) the applicant fails to demonstrate that the development would not have adverse environmental impacts on the adjacent residential dwellings; and
- (b) the access road leading to the site is narrow. The applicant fails to address the road safety concerns.”

Agenda Item 69

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/288 Temporary Shop and Services (Convenience Store) for a Period of 3 Years in “Village Type Development” zone, Lots 2076 (Part) and 2211 (Part) in D.D. 130, Sun Fung Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/288)

Presentation and Question Sessions

191. Miss Lucille L.S. Leung, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) 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. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two identical comments from a member of the Tuen Mun District Council were received. The commenter supported the application without giving any reason; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. According to the District Lands Officer/Tuen Mun, Lands Department, there was no Small House application at the site which was zoned “Village Type Development” (“V”). Approval of the application on a temporary basis for 3 years would not jeopardise the long-term planning intention of the “V” zone. The development could also meet some of the demand for retail service of the local villagers. The site was surrounded mainly by village-type houses/low-rise residential dwellings. Given the scale and form of the development, it was considered that the development was not incompatible with the surrounding land uses. There were currently other shop and services located on the ground floor of the neighbouring lots. Concerned Government departments had no objection to or no adverse comment on the application. Their technical concerns/requirements on drainage and fire safety could be addressed by imposing approval conditions. There was a similar application approved in the nearby “V” zone. Approval of the application was in line with the previous decision of the Committee.

192. Members had no question on the application.

Deliberation Session

193. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 12.12.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.6.2015;
- (c) in relation to (b) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 12.9.2015;
- (d) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.6.2015;
- (e) in relation to (d) above, the implementation of fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.9.2015;
- (f) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning conditions (b), (c), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the site to

an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) prior planning permission should have been obtained before commencing the development/use at the site;
- (c) the planning permission is given to the development/use and structure under application. It does not condone any other development/use and structure which currently occur on the site/premises but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/use and remove such structure not covered by the permission;
- (d) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the vehicular track mentioned in the application falls on government land (GL) and private land. His office does not provide maintenance works for the GL nor guarantee any right-of-way. The applicant is also required to obtain the necessary consent from the relevant lot owner(s) for using the vehicular track on private land. If planning approval is given, the owner(s) of the concerned lots are required to apply to his office for Short Term Waivers (STW) for erection of the structures on their lots. Otherwise, appropriate lease enforcement action against the unauthorised structure will be initiated. He advises that the STW proposals will only be considered by his office upon receipt of formal application from the owner(s) of the lots. He also advises that there is no guarantee that application will be approved and he reserves his comment on such. The applications will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the applications are approved, they would be subject to such terms and

conditions as the government shall deem fit to do so, including charging of waiver fees, deposits and administrative fees, etc.;

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

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for the applicant's own access arrangement. No drainage from the lots shall be connected to his exclusive road drains;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant, in submitting the drainage proposal to fulfill the relevant planning condition, is requested to show the boundary of the site on a drawing or sketch and demonstrate clearly how rain water falling on or flowing to the site/roof of the structure can be collected, conveyed and discharged to a proper discharge point in the area. Proposed and/or existing drainage system (e.g. downpipe, surface channels with gratings and catchpits etc.) including their sizes and gradients within the site should be shown clearly on the drawing or the sketch. The applicant should indicate how the proposed and/or existing drainage system within the site be connected properly to the existing public drainage channel. For sewerage issue, the planning application needs to meet the full satisfaction of the Environmental Protection Department, the planning authority of sewerage infrastructure;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout 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. 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; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans and overhead line alignment drawings, where applicable to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and

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

Agenda Items 70 to 73

Section 16 Applications

[Open Meeting]

- A/TM/458 Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Road" Zones, Lots 538 S.E. ss.1 & 538 S.E. RP in D.D.130, To Yuen Wai, Tuen Mun
- A/TM/459 Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Road" Zones, Lots 538 S.H ss.1 & 538 S.H RP in D.D. 130, To Yuen Wai, Tuen Mun
- A/TM/460 Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Road" Zones, Lots 538 S.I ss.1 & 538 S.I RP in D.D. 130, To Yuen Wai, Tuen Mun
- A/TM/461 Proposed House (New Territories Exempted House - Small House) in "Village Type Development" and "Road" Zones, Lots 538 S.J ss.1 & 538 S.J RP in D.D. 130, To Yuen Wai, Tuen Mun
(RNTPC Papers No. A/TM/458B to 461B)
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195. The Committee noted that the four applications for Small Houses were similar in nature and presented in one paper, and the application sites were located in close proximity

to one another and partly within the same “Village Type Development” zone and partly in an area shown as ‘Road’, and agreed that the applications should be considered together.

196. The Committee also noted that the applicants requested on 4.12.2014 for deferment of the consideration of the applications for two months in order to allow more time to complete the Environmental Assessment to address the concerns raised by the Environmental Protection Department. The applicants also indicated that the consultant of the Environmental Assessment had already carried out the on-site air quality and traffic noise measurement and the result and report would be available in mid-January 2015.

197. 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 the further information. Since it was the third deferment of the applications, the applicants should be advised that the Committee had allowed a total of six months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr T.K. Vincent Lai and Ms Bonita K.K. Ho, STPs/TMYLW, and Ms Fiona H.N. Cheung, Mr Raymond W.M. Leung and Miss Lucille L.S. Leung, TPs/TMYLW, for their attendance to answer Members’ enquires. Mr Lai, Ms Ho, Ms Cheung, Mr Leung and Miss Leung left the meeting at this point.]

Agenda Item 74

Any Other Business

198. There being no other business, the meeting closed at 6:15 p.m..