

## **TOWN PLANNING BOARD**

### **Minutes of 536<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 3.7.2015**

#### **Present**

Director of Planning  
Mr Raymond K.W. Lee

Chairperson

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Ms Anita W.T. Ma

Dr W.K. Yau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Mr F.C. Chan

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

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

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

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

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

Deputy Director of Planning/District  
Ms Jacinta K.C. Woo

Secretary

**Absent with Apologies**

Dr C.P. Lau

Professor K.C. Chau

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr David Y.T. Lui

**In Attendance**

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

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

Town Planner/Town Planning Board  
Ms Sincere C.S. Kan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 535<sup>th</sup> RNTPC Meeting held on 19.6.2015

[Open Meeting]

1. The draft minutes of the 535<sup>th</sup> RNTPC meeting held on 19.6.2015 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Sai Kung and Islands District**

[Mrs Alice K.F. Mak and Mr Kelvin K.H. Chan, 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]

A/SK-CWBN/37      Proposed Public Utility Installation (Pole with Transformer, Piller Box and Underground Cables), Excavation of Land in “Conservation Area”, “Green Belt” and “Village Type Development” zones, Government Land in D.D. 238, Ng Fai Tin, Sai Kung  
(RNTPC Paper No. A/SK-CWBN/37)

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3.            The Secretary reported that the application was submitted by CLP Power Hong Kong Limited (CLP).    The following Members had declared interests in the item.

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

Dr W.K. Yau                      -    being a Member of the Education Committee and the Energy Resources Education Committee of CLP; and

Dr David Y.T. Lui                -    owning 2 houses in the Clearwater Bay Area.

4.            Members noted that Ms Christina M. Lee and Dr David Y.T. Lui had tendered apologies for being unable to attend the meeting.    Members also noted that the applicant had requested for deferment of consideration of the application and agreed that Dr W.K. Yau could stay in the meeting.

5.            The Secretary reported that on 18.6.2015, the applicant had requested for

deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the comments of relevant government departments, including the preparation of the Geotechnical Planning Review Report. This was the applicant's first request for deferment.

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

[Ms Anita W.T. Ma, Professor Eddie C.M. Hui and Mr K.F. Tang arrived to join the meeting at this point.]

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/244            Proposed Government Use (Site Office) for a Period of 5 Years in  
                                 "Green Belt" zone and an area shown as 'Road', Government Land at  
                                 the junction of Wo Mei Hung Min Road and Hiram's Highway in D.D.  
                                 214 and 244, Ho Chung, Sai Kung  
                                 (RNTPC Paper No. A/SK-HC/244)

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

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

- (a) background to the application;
- (b) the proposed government use (site office) for a period of 5 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 objecting to the application were received from Designing Hong Kong Limited, the Hong Kong and China Gas Company Limited and two individuals. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone; no traffic and environmental impact assessment had been submitted; there was no confirmation on the provision of an appropriate access; approval of the application may increase the traffic and parking burden and would set an undesirable precedent; the proposed development would affect a high pressure gas pipeline laid under the site; the site office should be replaced by a container; the site should be developed into recreational facilities; and the vacant ex-school could be used for the site office;
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary site office could be tolerated for a period of 5 years based on the assessments set out in paragraph 11 of the Paper. The proposed site office was considered an essential facility to facilitate the implementation of the Hiram’s Highway improvement project and was generally in line with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone under Section 16 of the Town Planning Ordinance. Regarding the adverse public comments received, as the proposed site office was on a temporary basis, it would not jeopardise the long-term planning intention of the “GB” zone and the area designated as ‘Road’. The site office was also small in scale. Moreover, vertical and roof-top greening as well as landscape planting would be

provided at the site. The proposed site office would unlikely cause adverse environmental, visual and traffic impacts on the area. Regarding the ex-school site, the Social Welfare Department was applying for a permanent land allocation of the ex-school site for development of an integrated rehabilitation centre and conversion works were scheduled for commencement in the first quarter of 2017. Relevant government departments had no objection to or no adverse comment on the application.

8. Members had no question on the application.

#### Deliberation Session

9. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 3.7.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.1.2016;
- (b) in relation to (a) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.4.2016;
- (c) the submission of proposals for fire service installations and water supplies for fire fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.1.2016;
- (d) in relation to (c) above, the implementation of fire service installations and provision of water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.4.2016;
- (e) if any of the above planning conditions (a), (b), (c) or (d) is not complied

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

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

10. 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 Committee, the applicant will need to obtain a temporary land allocation of the site for implementation of the proposed development;
- (b) 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; and
- (c) to note the following comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
  - (i) for provision of fresh 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. Additionally, if any uncharted water mains are affected, the applicant shall bear the cost of the necessary diversion works;
  - (ii) the existing water mains will be affected by the proposed development, the project proponent shall bear the cost of any

necessary diversion works affected by the proposed development;

- (iii) if diversion of water main is not feasible, a waterworks reserve within 1.5 metres from the centerline of the section of the existing water main located within the site shall be provided to WSD;
  - (iv) 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; and
  - (v) a short section of the existing water main located within the site will be replaced/rehabilitated under CN 10/WSD/10 of Replacement & Rehabilitation Works Stage 4, Phase I;
- (d) 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. The arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department; and
- (e) to note the comments of the Director of Electrical and Mechanical Services that there is a high pressure town gas transmission pipeline within the site. No structure should be built over the gas pipeline and no building should be situated within 3m from the high pressure gas pipeline in accordance with recognised international standards. The applicant is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes". The applicant shall 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 development site and any required minimum set back distance away from the pipeline during the

design and construction stages of development, having considered the accessibility for inspection, operation and maintenance of the gas installations.”

**Agenda Item 5**

**Section 16 Application**

[Open Meeting]

A/SK-PK/219                      Proposed Residential Institution (Hostel) ancillary to an Indoor Recreation Hobby Farm in “Recreation” zone, Remaining Portion of Section B of Lot No. 333 in D.D. 221, Sha Kok Mei, Sai Kung  
(RNTPC Paper No. A/SK-PK/219)

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11.            The Secretary reported that on 15.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the comments of relevant government departments. This was the applicant’s first request for deferment.

12.            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 6**

**Section 16 Application**

[Open Meeting]

A/SK-TLS/45

Temporary Soil Track (Temporary Access Road for House Development) for a Period of 11 Months in “Green Belt” and “Village Type Development” zones, Lots 1066 (Part), 1067 (Part), 1071 S.A (Part) and 1071 S.B (Part) in D.D. 253 and adjoining Government Land, Au Tau Village, Sai Kung  
(RNTPC Paper No. A/SK-TLS/45)

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13. The Secretary reported that on 22.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the further comments of relevant government departments. This was the applicant’s second request for deferment.

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

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/141                      Proposed Public Utility Installation (Irrigation Pipeline) with  
Excavation of Land in “Coastal Protection Area” and “Green Belt”  
zones, Government Land in D.D. 316 and D.D. 335, Pui O, Lantau  
Island  
(RNTPC Paper No. A/SLC/141)

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**Presentation and Question Sessions**

15.                      With the aid of a PowerPoint presentation, Mr Kelvin K.H. Chan, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed public utility installation (irrigation pipeline) with excavation of land;
- (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, three public comments were received from Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited. They expressed concerns on the application on the grounds that the proposed irrigation pipeline would cause adverse impacts on the Ecologically Important Stream (Pui O Stream) but no ecological impact assessment had been carried out; there was another similar facility to provide irrigation for the area; and the application should explain why the existing facility could not be enhanced to serve the purpose of the current application; 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 facility could support the agricultural related activities in the area and were considered not incompatible with the planning intention of the “Coastal Protection Area” and “Green Belt” zones. Regarding the commenters’ concerns about the need of the proposed facility, the applicant had confirmed that the existing irrigation pipeline could not be enhanced due to the level difference and water pressure problem. For the ecological impacts of the proposed facility, the Director of Environmental Protection and other concerned government departments had no objection to or no adverse comment on the application.

16. Members had no question on the application.

#### Deliberation Session

17. 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 3.7.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition:

“- the submission and implementation of a tree preservation and reinstatement landscape proposal and site formation plan to the satisfaction of the Director of Planning or of the TPB.”

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

“(a) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that the applicant shall apply for the grant of simplified temporary land allocation (STLA) for the proposed installation of irrigation pipelines and intake chamber. The application for STLA, if approved by LandsD, will be subject to such terms and conditions as imposed by LandsD. Besides, if the proposal involves land clearance

(including crops clearance), the applicant shall also submit a Clearance Application Form to LandsD at least 9 months before site handover;

- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the location of the proposed intake chamber and concrete supports should be included in the tree preservation and reinstatement landscape proposal;
- (c) to note the comments of the Commissioner for Transport that the pipeline and the concrete support should keep at least 500mm horizontal clearance from the carriageway and should not encroach upon the existing footpath;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that WSD access road (Item No. OI 12) shall be maintained at all time during the course of works for the irrigation pipeline. The access road shall be reinstated back to the original condition after the works; and
- (e) to note the comments of the Chief Highway Engineer, Highways Department that the owner/maintenance party is reminded to fully comply with the Code of Practice on Monitoring and Maintenance of Water-Carrying Services affecting slopes published by the then Environment, Transport and Works Bureau in 2006. Apart from the proposed leakage collection system, the proposed water carrying service should be regularly monitored with records ready for checking.”

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/142                      Utility Installation for Private Project (Water Pumping System and Connecting Pipes) in “Green Belt” zone, Government Land near No. 148 South Lantau Road in D.D. 329, Lantau Island  
(RNTPC Paper No. A/SLC/142)

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19.            The Secretary reported that Masterplan Limited (Masterplan) was the consultant of the applicant. Mr Ivan C.S. Fu, who had current business dealings with Masterplan, had declared an interest in the item.

20.            Members noted that Mr Ivan C.S. Fu had no involvement in the application and agreed that he could stay in the meeting.

**Presentation and Question Sessions**

21.            With the aid of a PowerPoint presentation, Mr Kelvin K.H. Chan, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the utility installation for private project (water pumping system and connecting pipes);
- (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, no public comment was received; 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.

22. Members had no question on the application.

#### Deliberation Session

23. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board.

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

“- prior planning permission should have been obtained before commencing the applied use at the site.”

[The Chairman thanked Mrs Alice K.F. Mak and Mr Kelvin K.H. Chan, STPs/SKIs, for their attendance to answer Members' enquires. They left the meeting at this point.]

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

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

**Agenda Item 9**

**Section 12A Application**

[Open Meeting]

Y/ST/28                      Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/30, To rezone the application site from “Green Belt” to “Government, Institution or Community (1)”, Lots 374, 375 S.A (part) and 375 S.B in D.D. 186, To Fung Shan, Sha Tin  
(RNTPC Paper No. Y/ST/28)

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25.            The Secretary reported that on 16.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare further traffic impact assessment in response to the departmental comments. This was the applicant’s second request for deferment.

26.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 this was the second deferment and a total of four months had been allowed for the preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

**Agenda Item 10**

**Section 16 Application**

[Open Meeting]

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

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27.            The Secretary reported that RHL Surveyors Limited (RHL) was the consultant of the applicant. Mr H.F. Leung, who was an employee of the Department of Real Estate and Construction of the University of Hong Kong which had obtained a donation from RHL, had declared an interest in the item.

28.            Members noted that Mr H.F. Leung had tendered apologies for being unable to attend the meeting.

29.            The Secretary reported that on 17.6.2015, the applicant had requested for deferment of the consideration of the application for a period of one month in order to allow time to prepare a traffic impact assessment in response to the departmental comments. This was the applicant’s second request for deferment.

30.            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 this was the second deferment of the application and a total of three months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Items 11 to 14**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/874 Office (Headquarters or Back-Office Operations) in “Industrial” zone, Industrial Workshops Nos. 18 & 19, with Lavatories on 4/F, Block C, Goldfield Industrial Centre, 1 Sui Wo Road, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/874)

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A/ST/875 Office (Headquarters or Back-Office Operations) in “Industrial” zone, Industrial Workshop No. 4A, with Lavatories on 4/F, Block A, Goldfield Industrial Centre, 1 Sui Wo Road, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/875 to 877)

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A/ST/876 Office (Headquarters or Back-Office Operations) in “Industrial” zone, Industrial Workshop No. 4B, with Lavatories on 4/F, Block A, Goldfield Industrial Centre, 1 Sui Wo Road, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/875 to 877)

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A/ST/877 Office (Headquarters or Back-Office Operations) in “Industrial” zone, Industrial Workshop No. 15, with Lavatories on 4/F, Block B, Goldfield Industrial Centre, 1 Sui Wo Road, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/875 to 877)

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31. The Committee noted that the four section 16 applications were similar in nature and the application premises were located in the same industrial building and within the same “Industrial” zone. The Committee agreed that the applications could be considered together.

**Presentation and Question Sessions**

32. Mr C.K. Tsang, STP/STN, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;

- (b) the office (for the purpose of headquarters or back-office operations) at each of the premises;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. Concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed offices could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The proposed offices generally complied with the Town Planning Board Guidelines No. 25D for Use/Development within “Industrial” Zone. A temporary approval of 3 years was recommended in order not to jeopardise the long term planning intention of industrial use for the four premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

33. Members had no question on the applications.

#### Deliberation Session

34. After deliberation, the Committee decided to approve the four applications on a temporary basis for a period of 3 years until 3.7.2018, each on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of a 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 3.1.2016;
- (b) the implementation of the fire safety 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 3.4.2016; and

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

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

- “(a) prior planning permissions should have been obtained before commencing the applied use at the premises;
- (b) a temporary approval of 3 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 premises will not be jeopardised;
- (c) apply to the District Lands Officer/Shu Tin, Lands Department (LandsD) for temporary waivers to permit the applied use. Such application, if received, will be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval given will be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as may be imposed by LandsD;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance (BO). For instance, the office shall be separated from adjoining workshops by fire barriers with a fire resisting rating of 120 minutes, and adequate natural lighting and ventilation shall be provided to the office area. The layout of the unit/premises should comply with the provisions of the BO/Building (Minor Works) Regulations. The applicant should engage a registered building professional under the BO to co-ordinate the building works. Adequate access and facilities for persons with a disability should be provided. Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008 refer; and

- (e) to note the comments of the Commissioner for Transport that the applicant should ensure that the provision of car parking space and loading/unloading facilities are adequate for the operational need.”

**Agenda Items 15 – 17**

**Section 16 Applications**

[Open Meeting]

A/DPA/NE-TT/61 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” area, Lot 483 S.A ss.1 in D.D. 289, Ko Tong, Tai Po  
(RNTPC Paper No. A/DPA/NE-TT/61 and 62)

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A/DPA/NE-TT/62 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” area, Lot 483 RP in D.D. 289, Ko Tong, Tai Po  
(RNTPC Paper No. A/DPA/NE-TT/61 and 62)

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

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36. The Committee noted that the three section 16 applications were similar in nature and the application sites were located in close proximity to one another and within the same “Unspecified Use” area. The Committee agreed that the applications could be considered together.

37. The Secretary reported that on 11.6.2015 and 23.6.2015, the applicants had respectively requested for deferment of the consideration of applications No. A/DPA/NE-TT/61 and 62 and application No. A/DPA/NE-TT/63 for a period of two months in order to allow time to prepare further information in support of the applications and to address the comments of relevant government departments. This was the applicants’ first request for deferment.

38. 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.

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/549            Proposed Temporary Shop and Services (Real Estate Agency and Convenience Store) for a Period of 3 Years in "Recreation" zone, Lot 1615 RP in D.D. 17, Ting Kok Road, Tai Po  
(RNTPC Paper No. A/NE-TK/549)

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

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency and 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, no public comment was received ; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper.

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 3.7.2018, 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 existing trees and landscape planting on the site should be properly maintained at all times during the planning approval period;
- (c) the existing drainage facilities on the site should be properly maintained at all times during the planning approval period;
- (d) the provision of parking facilities and loading/unloading spaces for the applied use within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 3.1.2016;
- (e) the submission of the proposals for fire service installations and water supplies for fire fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.1.2016;
- (f) in relation to (e) above, the provision of fire service installations and water

supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.4.2016;

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

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

- “(a) to note the comments of the District Lands Office/Tai Po, Lands Department (LandsD) that the applicant should apply for a Short Term Waiver for a Real Estate Agency and Convenience Store to LandsD for examination. However, there is no guarantee that such approval will eventually be given. If approved by LandsD acting in the capacity as landlord at its discretion, such approval might be subject to such terms and conditions, including payment of fee, as imposed by LandsD;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) on the stormwater drainage works in Appendix IV of the Paper and the following that:
  - (i) there is an existing public drain in the vicinity of the site. For works to be undertaken outside the site, prior consent and agreement from LandsD and/or relevant private lot owners should be sought; and

- (ii) there is an existing public sewerage in the vicinity of the site. The Environmental Protection Department (EPD) should be consulted regarding the sewerage treatment/disposal aspects of the proposed development. The applicant is also reminded to follow the established procedures and requirements for the connecting sewers from the site to the public sewerage system. A connection proposal should be submitted to DSD via LandsD for approval before hand. Moreover, the sewerage connection will be subject to DSD's technical audit, for which an audit fee will be charged;
  
- (c) to note the comments of the Director of Environmental Protection that the applicant should follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Use' issued by EPD;
  
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
  - (i) if the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the current application;
  
  - (ii) before any new building works (including any 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 BO;
  
  - (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any

existing building works or UBW on the site under the BO;

- (iv) the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
- (v) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (e) 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. The applicant is advised to observe the requirements of emergency vehicle access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
- (f) 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 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 standard."

**Agenda Item 19**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/152      Proposed Temporary Frontier Shopping Centre for a Period of 3 Years in “Agriculture” zone, Lots 63, 64B, 65B, 66, 67, 68B, 69B, 70, 71B, 72B, 76, 77, 91, 92, 93, 94B, 117B, 174B, 175B, 180, 452, 453, 454 in D.D. 89 and adjoining Government Land, Lo Wu Station Road  
(RNTPC Paper No. A/NE-FTA/152)

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**Presentation and Question Sessions**

43.            Ms Cindy K.F. Wong, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary frontier shopping centre for a period of 3 years;
- (a) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Major departmental comments were summarised below:
  - (i) the Director of Agriculture, Fisheries and Conservation did not support the application as the site possessed good potential for agricultural rehabilitation and agricultural activities at the site and in its vicinity were very active. Moreover, the potential ecological impact arising from the proposed development has not been properly addressed;
  - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) raised objection to the application and considered that the proposed temporary development would alter the rural landscape character significantly and threaten the surrounding

active farmland. Moreover, the proposal would likely require land/pond filling and site formation but no landscape assessment, tree survey or landscape proposal had been provided;

- (iii) the Director of Environmental Protection did not support the application as the applicants failed to demonstrate that the treatment and disposal of waste water would be acceptable and there would not be unacceptable water quality impacts on the nearby Ng Tung River arising from the proposed development;
  - (iv) the Chief Engineer/Mainland North, Drainage Services Department did not support the application given that the changes in surface drainage characteristics might increase the risk of flooding and no drainage impact assessment report had been provided;
  - (v) the Commissioner for Transport did not support the application as the applicants had failed to demonstrate that the proposed development would not cause adverse traffic impacts;
  - (vi) the Commissioner of Police raised concern that the site was situated near Man Kam To Road where there were heavy traffic movements. Any vehicle slowdown would easily cause traffic congestion and safety issues;
  - (vii) S for S advised that under the Public Order Ordinance (Cap. 245), the Lo Wu MTR Station was a control point and public was not allowed to enter/leave the station via Lo Wu Station Road without a Closed Area Permit; and
  - (viii) other concerned government departments had no objection to or no adverse comment on the application;
- (b) during the first three weeks of the statutory publication period, a total of 56 public comments were received. Major public comments were

summarised below:

- (i) one public comment from a North District Council (NDC) member had no comment on the application;
- (ii) one public comment from an individual supported the application as it could help reduce the traffic/pedestrian flow in the Yuen Long District due to the Mainland shoppers;
- (iii) a public comment submitted by 打鼓嶺沙嶺村居民福利會 enclosing 192 signatures of Sha Ling villagers raised objection to the application;
- (iv) three public comments submitted by the descendants of “Tso Tong”/villagers of Sha Ling objected to the application mainly on the grounds that the applicants had not obtained consent from the landowner(s) before making the planning application;
- (v) 45 public comments from individuals and five comments from the green/concern groups including Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation, The Conservancy Association and Hong Kong Bird Watching Society were received. They objected/raised concerns on the application mainly on the grounds that parallel trade activities should be prohibited rather than encouraged; the setting up of the frontier shopping centre would worsen confrontation between Hong Kong and Mainland visitors; the proposed use was not in line with the planning intention of the “Agriculture” zone and would result in the loss of agricultural land; the proposed use was incompatible with the surrounding area; the proposed development would cause adverse traffic, drainage, landscape, ecological and environmental impacts; and the setting of an undesirable precedent for similar applications in the area; and

- (vi) the District Officer (North), Home Affairs Department conveyed that a NDC member and the Resident Representative (RR) of Tak Yuet Lau supported the application. 打鼓嶺沙嶺村居民福利會, and the RR of San Uk Ling objected to the application. The Vice-Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representatives of Lo Wu and San Uk Ling had no comment on the application; and
- (c) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, and the site possessed good potential for agricultural rehabilitation. There was no strong justification in the submission for a departure from the planning intention, even on a temporary basis. To proceed with the development, pond/land filling would be required. However, the applicants had not applied for planning permission for pond/land filling activities within the site in their submission. The proposed development was not compatible with the surrounding environment, and would cause adverse ecological, environmental, landscape, water quality and drainage impacts on the surrounding area, but no relevant impact assessments were submitted to address the potential impacts. The applicant also failed to demonstrate that the proposed development would not cause adverse traffic impact on the surrounding road network. Moreover, the proposed development was not feasible due to the closed area permit requirement under the Public Order Ordinance (Cap. 245). Approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

44. Members had no question on the application.

Deliberation Session

45. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the application is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which is primarily intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development is not compatible with the surrounding land uses which are predominantly rural in character with streamcourses, ponds and inactive wet agricultural land. The applicants fail to demonstrate that the development would have no adverse environmental, ecological and landscape impacts on the surrounding area;
- (c) the site is located within the Frontier Closed Area which is only served by Lo Wu Station Road via Man Kam To Road where there are heavy traffic movements on the road. The applicants fail to demonstrate that the development would not result in adverse traffic impact on the surrounding road network;
- (d) the proposed direct pedestrian access from the Lo Wu MTR Station, which is a boundary control point within the Closed Area, via Lo Wu Station Road to the proposed development is not feasible due to closed area permit requirement under the Public Order Ordinance; and
- (e) approval of the application would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation

of the environment of the area.”

**Agenda Item 20**

**Section 16 Application**

[Open Meeting]

A/NE-FTA/153      Proposed Temporary Parking of Container Tractors/Trailers for Sale with Ancillary Maintenance Workshop and Site Office for a Period of 3 Years in “Agriculture” zone, Lots 558RP(Part), 559RP(Part), 561RP(Part), 562RP(Part), 563(Part), 564RP(Part), 565(Part), 567(Part), and 568(Part) in D.D.89, Sha Ling  
(RNTPC Paper No. A/NE-FTA/153)

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46.            The Secretary reported that on 18.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the departmental comments in relation to urban design, landscape and traffic issues. This was the applicant’s first request for deferment.

47.            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 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/98                      Renewal of Planning Approval for Temporary Public Utility  
Installation (Telephone Exchange) for a Period of 5 Years in  
“Agriculture” zone, Government Land in D.D 39, Shek Chung Au, Sha  
Tau Kok  
(RNTPC Paper No. A/NE-LK/98)

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48.            The Secretary reported that the application was submitted by PCCW-HKT Telephone Limited (PCCW). Mr Ivan C.S. Fu, who had current business dealings with PCCW, had declared an interest in the item.

49.            Members noted that Mr Ivan C.S. Fu had no involvement in the application and agreed that he could stay in the meeting.

**Presentation and Question Sessions**

50.            Ms Cindy K.F. Wong, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the renewal of planning approval for temporary public utility installation (telephone exchange) for a period of 5 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 North District Council member who supported the application as it would bring convenience to the villagers;

and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 5 years based on the assessments set out in paragraph 12 of the Paper.

51. Members had no question on the application.

#### Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 5 years from 31.7.2015 to 30.7.2020, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the existing trees and landscape plantings implemented under application No. A/NE-LK/60 on the site shall be maintained at all times during the planning approval period;
- (b) the existing drainage facilities implemented under application No. A/NE-LK/60 on the site shall be maintained at all times during the planning approval period;
- (c) the submission of a record of existing drainage facilities on the site within 6 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 30.1.2016;
- (d) the submission of proposals on fire fighting access, water supplies for fire fighting and fire service installations 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 30.1.2016;
- (e) in relation to (d) above, the provision of fire fighting access, water supplies

for fire fighting and fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.4.2016;

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

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

- “(a) to note the comments of the District Lands Officer/North, Lands D (LandsD) that if the planning application is approved, the applicant shall apply to his office for modification of Short Term Tenancy (STT) No. 858 to regularise the irregularities and cover any structures to be erected on STT No. 858, which will be considered by the Government in its landlord’s capacity. There is no guarantee that the application will be approved. If the application is approved, it will be subject to such terms and conditions to be imposed including payment of rent and administrative fee as considered appropriate by his office;
- (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 Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the applied use, 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;

- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to preserve and avoid disturbing any trees located within and in the vicinity of the site;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access adjoining the site is not maintained by HyD;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
  - (i) for Unauthorised Building Works (UBW) erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO);
  - (ii) the temporary converted containers for plant/equipment are considered as temporary buildings which are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;
  - (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 Regulations 5 and 41D of the B(P)Rs respectively;
  - (iv) 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

- (v) detailed comments under the BO will be provided at the building plan submission stage; and
  
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD.”

**Agenda Items 22 – 24**

**Section 16 Applications**

[Open Meeting]

A/NE-LYT/572 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 581 S.A in D.D. 85, Lau Shui Heung Village, Fanling  
(RNTPC Paper No. A/NE-LYT/572 to 574)

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A/NE-LYT/573 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 581 S.B and 581 RP (Part) in D.D. 85, Lau Shui Heung Village, Fanling  
(RNTPC Paper No. A/NE-LYT/572 to 574)

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A/NE-LYT/574 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 581 S.C and 581 RP (Part) in D.D. 85, Lau Shui Heung Village, Fanling  
(RNTPC Paper No. A/NE-LYT/572 to 574)

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54. The Committee noted that the three section 16 applications were similar in nature and the application sites are located in close proximity to one another and within the same “Agriculture” zone. The Committee agreed that the applications could be considered together.

55. The Secretary reported that on 18.6.2015, the applicants had requested for

deferment of the consideration of the applications for a period of two months in order to allow time to prepare further information for the Town Planning Board's consideration. This was the applicants' first request for deferment.

56. 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.

## **Agenda Item 25**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/118      Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" zone, Lot 331 S.D ss.1 in D.D 37, Man Uk Pin, Sha Tau  
Kok  
(RNTPC Paper No. A/NE-MUP/118)

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### **Presentation and Question Sessions**

57. Ms Cindy K.F. Wong, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

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

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix II of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application as the site had potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Other 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. A public comment from a North District Council member supported the application as it would bring convenience to the villagers. The other two public comments from the Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “Agriculture” zone; Small House should be developed within the “V” zone; there was still land within the “V” zone of Man Uk Pin for Small House development; no traffic, environmental, drainage and sewerage assessments had been submitted; and the setting of 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. Regarding the adverse public comments received, relevant government departments had no objection to the application and relevant approval conditions were recommended.

58. Members had no question on the application.

Deliberation Session

59. 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 3.7.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

60. 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) comments 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 the existing access near the site is not maintained by HyD;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site is about 30m from the Man Uk Pin Stream, the upstream of which is an Ecologically Important Stream. Precautionary measures to avoid any disturbance and pollution to the stream should be adopted;
- (f) to follow the requirements as set out in the 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;
- (g) to strictly confine the construction works within the site, implement good site practices and follow the requirements in the ProPECC PN 1/94 during the construction phase of the Small House and other appropriate measures to avoid disturbance to the adjoining stream; and
- (h) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary 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 26**

**Section 16 Application**

[Open Meeting]

A/NE-TKL/509            Proposed Eating Place, Shop and Services in “Open Storage” zone, Lot 817RP(Part), 818 and 819 in D.D.77 and adjoining Government Land, Ping Che, Tai Kwu Ling  
(RNTPC Paper No. A/NE-TKL/509)

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61.            The Secretary reported that Landes Limited (Landes) was one of the consultants of the applicant. Ms Janice W.M. Lai and Mr Ivan C.S. Fu, who had current business dealings with Landes, had declared interests in the item.

62.            Members noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting. Members also noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Ivan C.S. Fu could stay in the meeting.

63.            The Secretary reported that on 15.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the departmental comments. This was the applicant’s first request for deferment.

64.            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 27**

**Section 16 Application**

[Open Meeting]

A/NE-TKL/510 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 796 S.A in D.D. 84, Ha Shan Kai Wat, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/510)

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65. The Secretary reported that on 24.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the comments of the Director of Environmental Protection. This was the applicant’s first request for deferment.

66. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 28 to 29**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/511 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 796 S.C in D.D. 84, Ha Shan Kai Wat, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/511 and 512)

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A/NE-TKL/512 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 796 S.D in D.D. 84, Ha Shan Kai Wat, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/511 and 512)

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67. The Committee noted that the two section 16 applications were similar in nature and the application sites are located in close proximity to each other and within the same “Agriculture” (“AGR”) and “Village Type Development” (“V”) zones. The Committee agreed that the applications could be considered together.

#### Presentation and Question Sessions

68. Ms Cindy K.F. Wong, STP/STN, presented the applications and covered the following aspects as detailed in the Paper:

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the site;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix II of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites were arable and possessed potential for agricultural rehabilitation. Footpath and water source were available to the sites and active agricultural activities could be found in the vicinity. The Commissioner for Transport (C for T) had reservation on the applications and advised that Small House development should be confined within the “V” zone as far as possible. Approval of the applications would set an undesirable precedent 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, five public comments on each of the applications were received. A public comment

from a North District Council member supported both applications as they would bring convenience to the villagers. The four public comments from Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and two individuals objected to the applications mainly on the grounds that the proposed Small House developments were not in line with the planning intention of the “AGR” zone; agricultural land should be retained to safeguard the quality of water and supply of farmland for potential agricultural activities; no environmental and traffic assessments had been submitted; and the setting of undesirable precedents; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. Although DAFC and C for T did not support and had reservation on the application, the proposed Small Houses generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprints of the proposed Small Houses fell within the village ‘environ’ (‘VE’) of Ha Shan Kai Wat Village and there was insufficient land within the “V” zone of Ha Shan Kai Wat Village to meet the Small House demand. Hence, sympathetic consideration could be given to the applications. Regarding the adverse public comments received, relevant government departments had no objection to the applications and the planning assessment above were relevant.

69. In response to the Chairman’s question on the current status of the 11 approved applications for Small House development near the “V” zone, Ms Cindy K.F. Wong, STP/STN, said that Small House grant applications regarding most of the sites were being processed by the Lands Department (LandsD).

70. A Member asked whether land was still available within the “V” zone of Ha Shan Kai Wat Village. In response, Ms Cindy K.F. Wong said that there was insufficient land in the “V” zone of Ha Sha Kai Wat Village to meet the Small House demand, as some of the available land within the “V” zone was reserved for approved Small House grant. Similar applications for Small House development in the vicinity of the sites were approved by the

Committee between 2011 and 2014, and approval of the subject applications would be in line with the Committee's previous decision.

71. In response to the Chairman's enquiry, Ms Cindy K.F. Wong said that according to LandsD, the total number of outstanding Small House applications for Ha Shan Kai Wat Village was 56 while the 10-year Small House demand forecast was 350. About 87 Small House sites were available in the "V" zone, while the total Small House demand in Ha Shan Kai Wat Village was about 406 Small House sites.

72. In response to a Member's questions on the location of the outstanding Small House applications, Ms Cindy K.F. Wong said that some of them were located within the "V" zone but some were not. The Member further asked how many outstanding Small House applications concerned sites falling within the "V" zone. Ms Cindy K.F. Wong responded that the information was not available as LandsD had not provided information on Small House applications falling on GL.

#### Deliberation Session

73. The Chairman said that PlanD had recommended to approve the applications based on two major reasons. The first one was that the Committee had previously approved similar applications and the planning circumstances of the current applications were similar to those approved cases. The second one was that PlanD had taken into account the long-term Small House demand forecast when considering the applications. As there was still land available within the "V" zone for Small House development, the Committee could consider whether future Small Houses in Ha Shan Kai Wat Village should be confined to the "V" zone first or they should be approved so as to be in line with the Committee's previous decisions on similar applications.

74. A Member said that there was still sufficient land within the "V" zone of Ha Shan Kai Wat Village for Small House development. Although the Committee had approved quite a number of applications for Small House development within/partly within the subject "AGR" zone between 2011 and 2014, future development should be confined within the "V" zone first such that land resources could be efficiently used. Moreover, the approved applications were mainly located at the eastern and southern parts of Ha Shan Kai Wat

Village. Approval of the current applications at the northern part would set an undesirable precedent and encourage the expansion of the “V” zone.

75. Another Member said that a more cautious approach should be adopted in considering the applications and Small House developments should be confined to the “V” zone of Ha Shan Kai Wat Village first.

76. After deliberation, the Committee decided to reject the two applications. Members then went through the reason for rejection as stated in paragraph 12 of the Paper and considered that it was appropriate. The Chairman also suggested to include an additional reason for rejection to state that Small House development should concentrate within the “V” zone to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services. This reason was commonly adopted in rejecting similar applications. Members agreed. 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 justification to merit a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” (“V”) zone of Ha Shan Kai Wat Village for Small House development. It is considered more appropriate to concentrate Small House development within the “V” zone so as to ensure an 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 Ms Cindy K.F. Wong, STPs/STN, for their attendance to answer Members’ enquires. They left the meeting at this point.]

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

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

**Agenda Item 30**

**Section 12A Application**

[Open Meeting]

Y/YL-MP/3

Application for Amendment to the Approved Mai Po & Fairview Park Outline Zoning Plan No. S/YL-MP/6, To rezone the application site from “Recreation” and “Residential (Group C)” to Option 1 – “Residential (Group C) 1”, or Option 2 – “Other Specified Uses” annotated “Bike Kiosk and Eating Place” and “Residential (Group C) 1”, or Option 3 – “Residential (Group D)”, Lots 3054 S.A RP (Part), 3200 RP (Part), 3200 S.A RP, 3201 RP (Part), 3202 (Part), 3203 RP, 3204 RP, 3205 RP, 3156 RP, 3211 RP, 3212 RP, 3213 RP, 3214 S.A, 3214 S.B, 3215, 3216, 3217, 3218 RP (Part), 3250 S.B ss.23 RP (Part), 3250 S.B ss.33 RP (Part) in D.D. 104, and adjoining Government Land, Yuen Long  
(RNTPC Paper No. Y/YL-MP/3)

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77. The Secretary reported that the application was submitted by Capital Chance Limited, a subsidiary of Sun Hung Kai Properties Limited (SHK), with AECOM Asia Co. Limited (AECOM), Environ Hong Kong Limited (Environ) and Urbis Limited (Urbis) as three of the consultants. The following Members had declared interests in the item:

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

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

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

activities of the Department;

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

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

78. Members noted that Ms Janice W.M. Lai and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting. Members also noted that the applicant had requested for deferment of consideration of the application and agreed that Professor S.C. Wong and Dr W.K. Yau could stay in the meeting. However, as the interest of Mr Ivan C.S. Fu was direct, he should refrain from participating in the discussion.

79. The Secretary reported that on 5.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare responses to address the comments of the Civil Engineering and Development Department, the Transport Department and the Highways Department. This was the applicant's second request for deferment.

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

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

**Agenda Item 31**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/FLN/4                      Temporary Goods Distribution and Storage Use with Ancillary Parking of Vehicles for a Period of 3 Years in “Government, Institution or Community” zone, Lots 152 (Part), 153 RP (Part), 154 S.B RP (Part), 159 S.C RP (Part) in D.D. 52 and adjoining Government Land, Fu Tei Au, Sheung Shui  
(RNTPC Paper No. A/FLN/4)

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81.            The Secretary reported that replacement pages (pages 15 – 17) of the Paper of the application, with the addition of a new Advisory Clause (b), were sent to Members.

**Presentation and Question Sessions**

82.            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) the temporary goods distribution and storage use with ancillary parking of 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) during the first three weeks of the statutory publication period, three public

comments on the application were received. A general public and Fanling District Rural Committee had no comment on the application. A general public supported the application because it was convenient for people in need; 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 temporary use was generally in line with the Town Planning Board Guidelines No. 13E for Application of Open Storage and Port Back-up Uses under Section 16 of Town Planning Ordinance. Although the temporary use was not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone, the proposed site formation works under the First Stage Works Project for Fanling North New Development Area were anticipated to commence tentatively in mid-2018. Hence, approval of the application on a temporary basis for a period of 2 years, instead of 3 years sought under application, would not jeopardise the long-term planning intention of the “G/IC” zone.

83. Members had no question on the application.

#### Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 3.7.2017, instead of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the peripheral fencing of the site should be maintained at all times during

the planning approval period;

- (d) to maintain the existing drainage facilities properly and rectify those facilities if they are found inadequate/ineffective during the planning approval period;
- (e) the submission of 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 3.10.2015;
- (f) the submission of proposals for fire service installations and water supplies for fire fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.1.2016;
- (g) in relation to (f) above, the provision of fire service installations and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.4.2016;
- (h) the implementation of the accepted tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.1.2016;
- (i) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to resolve any land issue relating to the development with the concerned owners of the site;
  
- (b) to note that a shorter approval period of 2 years is granted in order not to affect the proposed site formation works of the Fanling North New Development Area;
  
- (c) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that if the planning application is approved, the owners of the lots concerned shall apply to his office for a Short Term Waiver (STW) covering all the actual occupation area and a Short Term Tenancy (STT) for the occupied Government land, which will be considered by the Government in its landlord’s capacity. However, it is noted that the applications for STW/STT, if received, will be processed by his office without prejudice to the aforesaid lease enforcement and land control actions. Further, there is no guarantee that the applications for STW/STT will be approved. If the STW/STT are approved, they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by his office;
  
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
  - (i) there is no record of approval by the Building Authority 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;
  
  - (ii) 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;
  
  - (iii) 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 BO;

- (iv) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
  - (v) the temporary converted containers for site office/storage are considered as temporary buildings which are subject to control under the Building (Planning) Regulations Part VII;
  - (vi) 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;
  - (vii) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
  - (viii) detailed comment under the BO will be provided at building plan submission stage;
- (e) to follow the environmental mitigation measures as recommended in 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 potential environmental impacts on the adjacent area;

- (f) to note the comments of the Commissioner for Transport that the site is connected to Man Kam To Road via a non-standard local track, which is not managed by his department. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also 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 the existing vehicular access connecting the lots concerned and Man Kam To Road is a non-standard local track and is not maintained by his department. It is within unallocated government land (UGL). The applicant should clarify with LandsD the right to use UGL as the lot's access and the maintenance responsibility;
- (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; and
- (i) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. In addition, the arrangement of emergency vehicular access shall comply with Section 6, Part D of Code of Practice for Fire Safety in Building 2011 which is administered by BD.”

**Agenda Item 32**

**Section 16 Application**

[Open Meeting]

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

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86.            The Secretary reported that AGC Design Limited (AGC) and MVA Hong Kong Limited (MVA) were two of the consultants of the applicant. Mr Ivan C.S. Fu, who had current business dealings with AGC and MVA, had declared an interest in the item.

87.            Members noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Ivan C.S. Fu could stay in the meeting.

88.            The Secretary reported that on 19.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the comments of the Transport Department. This was the applicant’s second request for deferment.

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

[Mr Lincoln L.H. Hang returned to join the meeting at this point.]

**Agenda Item 33**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/401 Proposed Temporary Open Storage of Construction Materials and Equipment with Ancillary Storage of Construction Equipment and Tools for a Period of 3 Years in “Recreation” zone, Lots 407 S.A ss.2 S.C (Part), 407 S.A ss.2 RP and 407 S.B ss.1 in D.D. 94, Hang Tau Tai Po, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/401)

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**Presentation and Question Sessions**

90. Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and equipment with ancillary storage of construction equipment and tools 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 did not support the application as there were sensitive receivers of domestic uses in the vicinity of the site, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application as the layout of the proposed temporary use was not provided, and thus potential impact on the surrounding landscape resource could not be ascertained. Moreover, landscape proposal was not provided to demonstrate that the potential landscape and visual impacts on the surrounding environment was minimised. Approval of the application might set a precedent of spreading undesirable use within the area, thus deteriorating the overall

landscape quality. Other 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, a total of three public comments were received from two North District Council (NDC) members and a member of the general public. One of the NDC members indicated no comment on the application but nearby villagers should be consulted. The remaining two commenters objected to the application on the grounds that the transportation of construction materials involving heavy vehicles would worsen the traffic conditions; temporary storage of construction materials would cause permanent degradation of land; it was unacceptable for granting approval for the proposed temporary use as the Government was considering to release brownfield sites for redevelopment; and approval of the application would likely attract more open storage uses to the area, leading to further deterioration of the rural landscape resources. The District Office (North), Home Affairs Department indicated that the Vice-chairman of the NDC cum the incumbent NDC member and the Resident Representative of Hang Tau objected to the application; and
  
- (e) PlanD's views – PlanD did not support the application based on the assessment set out paragraph 12 of the Paper. The proposed temporary use was not in line with the planning intention of the “Recreation” (“REC”) zone and there was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The proposed development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that no previous planning approval of open storage use or similar development had been granted for the site, and there were adverse departmental comments and local objections. The proposed temporary use was incompatible with the surrounding areas which are predominantly rural in nature and characterised by residential development, domestic structures, unused land and vacant structures. Approval of the application, even on a temporary

basis, would set an undesirable precedent for similar applications within the “REC” zone. The cumulative effect of approving such similar applications would result in adverse environmental and landscape impacts on the surrounding areas.

91. Members had no question on the application.

#### Deliberation Session

92. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 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 “Recreation” (“REC”) zone in the Kwu Tung South area which is primarily for recreational developments for the use of the general public and to encourage the development of active and/or passive recreation and tourism. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development is not line with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) since no previous planning approval of open storage use or similar development has been granted for the site, there are adverse departmental comments and local objections to the application; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “REC” zone. The cumulative effect of approving such applications would result in adverse environmental and landscape impacts on the surrounding areas.”

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

**Agenda Item 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/402      Proposed 6 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 844 and 849 in D.D. 100, Hang Tau Village, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/402)

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**Presentation and Question Sessions**

93.      Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed 6 houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix II of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application since the site possessed potential for agricultural rehabilitation as footpath and water source were available. The Commissioner for Transport had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Approval of the application would set an undesirable precedent, and the resulting cumulative adverse traffic impact could be substantial. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of three public comments were received from two North District Council (NDC) members and a member of the general public. One of the NDC members supported the application as the proposed development would

bring convenience to the concerned villagers. The remaining two commenters objected to the application on the grounds that a major portion of the site fell outside the village ‘environs’ (‘VE’); the site was a piece of agricultural land; sewerage generated would pollute the nearby river course as there was no sewerage facility in Hang Tau Village; the proposed development would cause adverse ecological impact; the haphazard construction of Small Houses with no access and basic amenities should be discouraged; and there was no proof to verify if the applicants were indigenous villagers, and the site was much larger than the footprints of the proposed six Small Houses. The District Officer (North) indicated that the Vice-chairman of the NDC cum the incumbent NDC member and the Resident Representative of Hang Tau had raised objections to 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 development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and there was no strong planning justification in the submission for a departure from the planning intention. The proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that more than 50% of the footprints of the proposed six Small Houses fell outside both the ‘VE’ and the “V” zone of Hang Tau Village. There was still land within the “V” zone of Hang Tau Village for Small house development. 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 impact on the area.

94. Members had no question on the application.

#### Deliberation Session

95. After deliberation, the Committee decided to reject the application. Members

then went through the reasons for rejection as stated in paragraph 12 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 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 (NTEH)/Small House in New Territories in that more than 50% of the footprints of the proposed six Small Houses fall outside both the village ‘environs’ and “Village Type Development” (“V”) zone of Hang Tau Village. Land is still available within the “V” zone of Hang Tau Village where land 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 are no exceptional circumstances to justify approval of the application; and
  
- (c) approval of the application, which does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, 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 impact on the area.”

**Agenda Item 35**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/465      Proposed Temporary Hobby Farm for a Period of 3 Years in  
“Agriculture” zone, Lot 1011 S.B in D.D. 109, Tai Kong Po, Pat  
Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/465)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary hobby farm 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 public comments received from the Resident Representative of Tai Kong Po Tsuen and Designing Hong Kong Limited objected to the application on the grounds that the patronage estimation was incorrect; the proposed on-farm structure exceeded the restriction of 10m<sup>2</sup> permitted by the Agriculture, Fisheries and Conservation Department and the Lands Department; the approval of the application would create undesirable precedent; the broad layout plan failed to show the operational details; the Town Planning Board should ensure the necessary infrastructure was available or would be implemented correctly before making any decision; temporary application should be renewed regularly; any impacts on the site and the neighbourhood should be considered thoroughly; and a clear

definition of 'leisure farming' should be provided.

- (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. Regarding the adverse public comments received, relevant government departments had no objection to the application and relevant approval conditions were recommended.

97. Members had no question on the application.

### Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation of the proposed development from 6:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of a 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 3.1.2016;
- (c) in relation to (b) above, the implementation of the 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 3.4.2016;
- (d) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.1.2016;
- (e) in relation to (d) 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 3.4.2016;

- (f) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.1.2016;
- (g) in relation to (f) 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 3.4.2016;
- (h) 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;
- (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; and
- (j) 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.”

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

- “(a) to resolve any land issues relating to the development with the concerned owners of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. Should planning approval be given to the application, the lot owners concerned will 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 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;

- (c) to note the comments of the Director of Environmental Protection that the applicant should follow the requirements of the Hong Kong Planning Standards and Guidelines that abstraction of water and discharge of effluents should not be carried out in a manner that will cause detrimental effects on downstream agricultural uses, if any. The applicant should also observe the statutory requirements under relevant pollution control ordinances and provide adequate supporting infrastructure including waste/wastewater collection and disposal facilities for proper collection, treatment and disposal of waste/wastewater generated from the proposed hobby farm;
- (d) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structure, 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 plan 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 (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (e) 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 BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. In this connection, 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."

[Dr W.K. Yau returned to join the meeting and Ms Anita W.T. Ma and Mr Edwin W.K Chan left the meeting temporarily at this point.]

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/668      Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" and "Village Type Development" zones, Lot 1812 S.G  
ss.2 in D.D. 106, Yuen Kong San Tsuen, Kam Sheung Road, Pat  
Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/668)

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

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix II of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application as active agricultural activities could be found in the vicinity. Moreover, the site had potential for agricultural rehabilitation. Other 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 public comments were received from the Village Representatives (VRs) of Yuen Kong San Tsuen and Designing Hong Kong Limited (DHKL). The VRs of Yuen Kong San Tsuen objected to the application mainly on the grounds that the proposed development would adversely affect the *fung shui* of Yuen Kong San Tsuen, cause adverse traffic impact to the vicinity, and increase the risk of flooding of the site and the surrounding area. DHKL raised objection to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” zone; there was adequate land within the “Village Type Development” (“V”) zone; no traffic or environmental impact assessments had been submitted; there was no appropriate access and parking which would lead to disharmony among residents; and there were similar applications near the site that were previously rejected by the Committee; 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. Regarding the adverse public comments received, the site fell partly within the “V” zone. The proposed development generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories. Besides, relevant government departments had no objection to the application.

101. A Member noted that there were a number of villages in the area and enquired whether the information on available land for Small House development provided at the meeting referred to the “V” zone of Yuen Kong San Tsuen. Mr Kepler S.Y. Yuen, STP/FSYLE, confirmed in the affirmative and said that according to the Lands Department, the total number of outstanding Small House applications for Yuen Kong San Tsuen was 27, while the 10-year Small House demand forecast was 134. A total area of about 3.47 ha, which was equivalent to about 138 Small House sites, were available within the “V” zone of Yuen Kong San Tsuen. There was insufficient land in the “V” zone to meet the total Small House demand of the village of 161 Small House sites. Moreover, land available for Small House development was mainly concentrated in the western part of the “V” zone of Yuen Kong San Tsuen, while not much land was available in the eastern part where the site was situated.

[Mr F.C. Chan left the meeting temporarily at this point.]

102. In response to the Chairman’s question on the status of the approved applications for Small House developments by the Committee, Mr Kepler S.Y. Yuen said that the Small Houses under those applications were all built.

#### Deliberation Session

103. A Member said that there was adequate land within the “V” zone in Yuen Kong San Tsuen for Small House development and asked if a more cautious approach should be adopted to confine Small House development to the existing “V” zone.

104. The Chairman said that the site was located in between existing Small Houses, and the site context of which was different from that of applications No. A/NE-TKL/511 and 512. A Member concurred and said that approval of the application would be consistent with the Committee’s previous decision of approving applications for Small House development adjacent to the site. It was also noted that limited land was available in the eastern part of the “V” zone of Yuen Kong San Tsuen. Hence, sympathetic consideration could be given to the application. Another Member expressed support of the application on similar consideration.

105. A Member asked whether the decision of the Committee would be challenged if the application was to be rejected, given that similar applications in the vicinity of the site were previously approved by the Committee. The Chairman said that as the site was sandwiched between existing Small Houses with planning permissions, sympathetic consideration could be given to the application.

106. 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 3.7.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

- “(a) to note the comments of the Director of Fire Services that the applicant should observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD);
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that HyD is not and shall not be responsible for the maintenance of any existing vehicular access connecting the site and public road;
- (c) to note the comments of the District Lands Officer/Yuen Long (DLO/YL), LandsD that the site is an Old Schedule Agricultural Lot held under the

Block Government Lease. The Village Environs Boundary (VEB) in respect of Yuen Kong San Tsuen has not yet been finalised. Whether the site falls within/outside the VEB of Yuen Kong San Tsuen is subject to further verification. The site is at the boundary of the draft VEB of Yuen Kong San Tsuen (subject to changes). If a proposed Small House site is outside or more than 50% of it is outside the VEB of a recognised village and the “Village Type Development” zone which encircles this recognised village, the concerned Small House application will be rejected under the New Territories Small House Policy even though the applicant is an indigenous villager who has successfully sought planning permission. Should planning approval be given to the subject application, the registered lot owner should inform DLO/YL, LandsD. The owner’s Small House application would be further processed by DLO/YL, LandsD acting in the capacity as the landlord at its sole discretion. However, there is no guarantee that such application would be approved. Any approval, if given, would be subject to such terms and conditions including, among others, the payment of premium and/or administrative fee as may be imposed by LandsD;

- (d) to note the comments of the Director of Environmental Protection that the proposed development is outside water gathering grounds. If septic tank and soakaway system is used, its design and operation should follow the requirements of the Environmental Protection Department’s Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”, including percolation test and certification by the Authorised Person. Provisions should be made for connections to public foul sewers when such is available in the vicinity;
- (e) 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 are building works under the control of the Buildings Ordinance (BO). Before any new site formation and/or drainage works are to be carried out on the site, the prior approval and

consent of the Building Authority (BA) should be obtained, otherwise they are 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. DLO/YL, LandsD 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 (Application to the New Territories) Ordinance. The applicant may approach DLO/YL, LandsD or seek Authorised Person (AP)'s advice for details;

- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (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 an underground cable (and/or overhead line) 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 (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; and
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains will be affected. A 3m wide waterworks reserve as shown on Plan A-2 of the RNTPC Paper shall be provided to WSD. The developer shall bear the cost of any necessary diversion works affected by the proposed development. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purpose. The water authority and his officers and contractors, his or their workmen shall have free access at all times to the

said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains 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.”

### **Agenda Item 37**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/669      Temporary Open Storage of Electricity Generators and Compressors with Maintenance Work for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 391 RP (Part) and 392 RP in D.D. 106, Shek Wu Tong, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/669)

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

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

- (a) background to the application;
- (b) the temporary open storage of electricity generators and compressors with maintenance work 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 and in the vicinity of the site, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for a period of 1 year based on the assessment set out in paragraph 12 of the Paper. The proposed temporary use generally complied with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the site was the subject of previous planning approvals for similar uses since 1995, and relevant government departments, except DEP, had no adverse comment on the application. Although DEP did not support the application, there was no environmental complaint received by DEP in the past three years. To address DEP's concerns on the possible nuisance generated by the proposed temporary use, approval conditions restricting the operation hours, prohibiting paint spraying activity at the open area of the site, restricting the stacking height of materials stored and maintaining the peripheral fence wall of 2.5m high were recommended. A shorter approval period of 1 year under the last application No. A/YL-KTS/641 was granted for monitoring the situation on the site owing to its proximity to the Small House developments located to its south which were vacant at that time. Given that the completed Small Houses were yet to be occupied, a shorter period of 1 year was recommended for continuous monitoring of the site.

109. Members had no question on the application.

#### Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 3.7.2016 instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

“(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the

- applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
  - (c) no paint spraying activity shall be carried out at the open area of the site, as proposed by the applicant, at any time during the planning approval period;
  - (d) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
  - (e) the vehicular access/run-in/out between the site and Kam Sheung Road shall be maintained at all times during the planning approval period;
  - (f) the stacking height of the materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence at all times during the planning approval period;
  - (g) the peripheral fence wall of 2.5m high shall be maintained at all times during the planning approval period;
  - (h) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
  - (i) the existing drainage facilities within the site shall be maintained at all times during the planning approval period;
  - (j) 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 3.10.2015;
  - (k) 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 14.8.2015;

- (l) 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 3.10.2015;
- (m) in relation to (l) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.1.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) shorter approval period is granted and shorter compliance periods are imposed correspondingly so as to monitor the situation on the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. The site abuts Kam Sheung Road and gains access via government land (GL). LandsD does not provide maintenance work for the GL involved and does not guarantee any right-of-way. The private

land of Lots No. 391 RP and 392 RP in D.D.106 are covered by Short Term Waiver No. 2504 to permit structures for the purpose of an office and a workshop ancillary to open storage of electricity generators and compressors. The lots owners concerned will need to apply to LandsD to permit structures to be erected or regularise any irregularities on 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 or fee, as may be imposed by LandsD;

- (d) to note the comments of the Commissioner for Transport that the site is connected to public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (f) to adopt environmental mitigation measures as set out in the revised “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is reminded to adopt good site practice and implement necessary measures as far as practicable to prevent polluting the adjacent watercourse which would connect to a nearby channel with gabion linings as ecological mitigations measures;

- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The 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. Besides, the good practice guidelines for open storage sites in Appendix V of the RNTPC Paper should be adhered to. To address the approval condition on provision of fire extinguishers, the applicant should submit a valid fire certificate (FS251) to his department for approval. 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. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant is required to provide justifications to his department for consideration;
  
- (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 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 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 BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of

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

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractor 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 obtained, if there is an 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 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.”

[Ms Anita W.T. Ma and Mr F.C. Chan returned to join the meeting at this point.]

**Agenda Item 38**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/717            Renewal of Planning Approval for Temporary Site Office for a Period  
of 3 Years in “Village Type Development” zone, Lot 1663 RP (Part) in  
D.D. 111, Leung Uk Tsuen, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/717)

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112.            The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item, as the applicant, Mr Lai Eduardo Fernando, was the director of her company, and the subject temporary site office was to support the operation of her company.

113.            Members noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary site office 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, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary site office could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application was considered 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 in that there was no significant change in planning circumstances since the last approval, and all approval conditions of the last application including those related to landscape and drainage aspects had been complied with.

115. Members had no question on the application.

#### Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years, and be renewed from 21.7.2015 until 20.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

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

all times during the planning approval period;

- (f) the existing drainage facilities implemented on the site under application No. A/YL-PH/643 shall be maintained at all times during the planning approval period;
- (g) the provision of a run-in within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB by 21.1.2016;
- (h) the submission of records of the existing drainage facilities on the site within 6 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 21.1.2016;
- (i) the implementation of the accepted 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 21.1.2016;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (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.”

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

- “(a) the site should be kept clean and tidy at all times;
  
- (b) to resolve any land issue relating to the development with the concerned owner of the application site;
  
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. The site is accessible from Kam Tin Road via private land and government land (GL). LandsD does not provide maintenance works on this GL nor guarantee right-of-way. The lot owner will need to apply to LandsD to permit any additional/excessive structures to be erected or regularise any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
  
- (d) to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
  
- (e) to note the comments of the Director of Fire Services (D of FS) that the installation/maintenance/modification/repair work of fire service installations shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to D of FS for consideration;
  
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on

leased land without approval of BD (not being New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the planning application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (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. 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 BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is an underground cable (and/or overhead line) 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 (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 39**

**Section 16 Application**

[Open Meeting]

A/YL-SK/208            Proposed Temporary Asphalt Plant for a Period of 3 Years in  
“Industrial (Group D)” zone, Lots 607 S.A (Part), 607 S.B (Part), 607  
S.C (Part), 607 S.E (Part), 607 S.F, 607 S.G (Part), 607 S.H (Part), 607  
S.I (Part), 607 S.J (Part), 607 S.K (Part) and 607 S.L (Part) in D.D.  
114, Sheung Tsuen, Shek Kong, Yuen Long  
(RNTPC Paper No. A/YL-SK/208)

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118.            The Secretary reported that on 22.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the comments of relevant government departments. This was the applicant’s first request for deferment.

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

**Agenda Item 40**

**Section 16 Application**

[Open Meeting]

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

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120.      The Secretary reported that on 24.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address environmental and traffic issues. This was the applicant’s first request for deferment.

121.      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 41**

**Section 16 Application**

[Open Meeting]

A/YL-ST/467 Temporary Public Car Park (Private Vehicles and Light Goods Vans) with Ancillary Facilities (Including Canteen and Site Office) for a Period of 3 Years in “Village Type Development” zone, Lots 153 (Part), 154 S.A (Part), 155 (Part), 156, 157 (Part), 194 S.A (Part), 194 S.B (Part), 195 (Part), 196 (Part) and 199 RP (Part) in D.D.102 and adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/467)

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122. The Secretary reported that on 19.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare responses to address the comments of the District Lands Officer/Yuen Long, Lands Department. This was the applicant’s first request for deferment.

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

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

[The meeting was adjourned for a break of 5 minutes.]

[Mr Peter K.T. Yuen and Mr Edwin W.K Chan returned to join the meeting and Mr Lincoln L.H. Huang left the meeting temporary at this point.]

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

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

#### **Agenda Item 42**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/735      Temporary Warehouse for Storage of Construction Material and Scrap Metal for a Period of 3 Years in “Undetermined” zone, Lots 773 (Part) and 774 (Part) in D.D. 119 and adjoining Government Land, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/735)

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

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

- (a) background to the application;
- (b) the temporary warehouse for storage of construction material and scrap metal 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 of residential use in the vicinity, and environmental nuisance was expected.

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 public comments received from a Yuen Long District Council member and a private individual objected to the application on the grounds that the proposed storage of construction materials and scrap metal would result in land contamination; heavy vehicles to/from the site would generate nuisances to the nearby residents; approval of the application would lead to further deterioration of the rural landscape resources; and the proposed use was inefficient in terms of land use; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years. Although DEP did not support the application, there was no substantiated environmental complaint against the site received in the past 3 years. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operations hours and type of vehicle used, prohibiting repairing, dismantling, cleansing or other workshop activities, and confining the handling of construction material and scrap material within the enclosed warehouses were recommended. Regarding the adverse public comments received, the above planning considerations and assessments were relevant and concerned government departments had no objection to the application.

125. Members had no question on the application.

#### Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant,

is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, cleansing or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no medium goods 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, as proposed by the applicant, at any time during the planning approval period;
- (e) no handling of electrical/electronic appliances/components, including cathode-ray tubes, is allowed on the site, as proposed by the applicant, at any time during the planning approval period;
- (f) handling (including loading, unloading and storage) of construction material and scrap metal shall be carried out within the enclosed warehouse structures on the site, as proposed by the applicant, during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (h) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.1.2016;
- (i) in relation to (h) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.4.2016;

- (j) in relation to (i) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (k) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.1.2016;
- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.1.2016;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.4.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (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.”

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

- “(a) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. residential use) which currently exists 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;

- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of government land (GL) (about 200m<sup>2</sup> subject to verification) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. Should planning approval be given to the application, the lot owner(s) will need to apply to his office to permit any structure to be erected or regularise the irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on GL and private land extended from Kung Um Road. His office provides no maintenance work for the track and does not guarantee any right-of-way;
- (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 shall be checked with the lands authority. The management and

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

- (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. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances. The measures considered appropriate in preventing soil and ground water contamination, including proper handling of materials, storing of scrap metal and construction materials within enclosed warehouses, restricting cleaning, repairing, dismantling or other workshop activities and hard paving the site, should be properly implemented;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Drawing A-4 of the RNTPC Paper) that the u-channel is only provided at the southeastern side of the site and the site will be mostly occupied by temporary warehouse. The applicant should advise how the runoff (the flow direction) within the site and at the external catchment would be discharged to the proposed u-channel. The invert levels of the proposed catchpits should be shown on the drainage plan for reference. The existing drainage facilities, to which the stormwater of the development from the site would discharge, are not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior

to commencement of the proposed works. The relevant connection details should be provided for comments. In the case that it is a local village drain, the District Officer/Yuen Long should be consulted. The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the captioned development. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan. Cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given. Sand trap or provisions alike should be provided before the collected runoff is discharged to the public drainage facilities. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before 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 to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
  
- (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 BD, they are unauthorised under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including containers 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 the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

### **Agenda Item 43**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/737 Proposed Temporary Shop (Grocery Store) for a Period of 3 Years in “Residential (Group C)” zone, Lots 1286 (Part), 1287 (Part), 1290 (Part), 1314 (Part) and 1316 (Part) in D.D. 119 and adjoining Government Land, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/737)

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

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

- (a) background to the application;
- (b) the proposed temporary shop (grocery 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, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years. Although the proposed temporary use was not entirely in line with the planning intention of the “Residential (Group C)” zone, it could serve the needs of the local residents and nearby workers. The proposed temporary use was also considered not incompatible with the surrounding uses. In view of the scale and temporary nature of the proposed temporary use, significant adverse environmental, traffic, landscape and drainage impacts on the surrounding areas were not envisaged. Relevant government departments had no objection to the application.

129. Members had no question on the application.

#### Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

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

- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.1.2016;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.4.2016;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.1.2016;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.1.2016;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.4.2016;
- (j) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (d), (e), (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.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) at the site;
  
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of government land (GL) (about 130m<sup>2</sup> subject to verification) included in the site. The act of occupation of GL without Government’s prior approval should not be encouraged. Should the planning approval be given to the application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularise the irregularities on site. Furthermore, the applicant has to either 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 of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on GL and private land extended from Kung Um Road. His office provides no maintenance work for GL involved and does not guarantee any right-of-way;
  
- (c) 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 shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within

the site for manoeuvring of vehicles. In addition, no parking on public road is allowed;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (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 any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Drawing A-4 of the RNTPC Paper) that a clear plan should be submitted to show the proposed drainage layout. The applicant should advise why u-channel is not provided at the northeastern side of the site and how the overland flow from the northeastern area of the site could be properly intercepted and discharged. The invert level of the proposed catchpits should also be shown on the drainage plan for reference. The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel. The existing drainage facilities, to which the stormwater of the development from the site would discharge, should be indicated on plan and the relevant connection details should be provided for comment. The existing drainage facilities, to which the stormwater of the development from the site would discharge, are not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, the District Officer/Yuen Long should be consulted. The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected

by the subject development. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan. Cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. Sand trap or provisions alike should be provided before the collected runoff is discharged to the public drainage facilities. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (g) 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 installation, operation and maintenance of any sub-main within the private lots to WSD's standards. Also, the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan 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 (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorised under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including containers 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 Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (j) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that food business carrying on at the site should be granted with a licence issued by DFEH and in compliance with any requirements/conditions stipulated by relevant departments. Also, no sanitary nuisance should be created to the surrounding during the operation of the food business.”

**Agenda Item 44**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/738      Proposed Temporary Eating Place and Shop (Grocery Store) for a Period of 3 Years in “Residential (Group C)” zone, Lots 1279 S.B ss.1 S.A (Part), 1279 S.B ss.1 S.B (Part) and 1281 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/738)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary eating place and shop (grocery 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, a public comment from a local resident was received raising objection to the application on fire safety, environmental hygiene, sewerage/drainage and traffic grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Regarding the public comment, relevant government departments had no adverse comment on the application. Besides, the applicant would need to comply

with the requirements stipulated by relevant government departments.

133. Members had no question on the application.

#### Deliberation Session

134. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium and 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, as proposed by the applicant, at any time during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.1.2016;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.4.2016;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of

Planning or of the TPB by 3.1.2016;

- (h) the submission of water supplies for fire fighting and 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 3.1.2016;
- (i) in relation to (h) above, the implementation of water supplies for fire fighting and fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.4.2016;
- (j) if any of the above planning conditions (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (d), (e), (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.”

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

- “(a) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. warehouse use) which currently exists 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;
- (b) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands

Department (DLO/YL, LandsD) that the site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lots No. 1279 S.B ss.1 S.A and 1281 all in D.D.119 are covered by Short Term Waiver (STW) No. 3656. Lot No. 1279 S.B ss.1 S.B in D.D.119 is covered by STW No. 3663. Both STWs permit the structures erected thereon for the purpose of eating place and shop (grocery store). Should the planning approval be given to the application, the lot owner(s) will need to apply to his office to permit any additional/excessive structures to be erected or regularise the irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on government land (GL) and private land extended from Kung Um Road. His office provides no maintenance work for GL involved and does not guarantee any right-of-way;

- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within the site for manoeuvring of vehicles and no parking of vehicles on public road is allowed;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (f) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that food business carrying out at the site should be granted with a licence issued by DFEH and in compliance with any requirements/conditions stipulated by relevant departments. Also, no sanitary nuisance should be created to the surrounding during the operation of the food business;
  
- (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. The applicant is also reminded that all wastewater from the site shall comply with the requirements in the Water Pollution Control Ordinance;
  
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Drawing A-5 of the RNTPC Paper) that the invert levels of the proposed catchpits should be shown on the drainage plan for reference. The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel. The applicant should obtain consent from the owner of the existing drainage facilities to which the proposed connection will be made prior to commencement of the proposed works. The relevant connection details should be provided for comment. The applicant should check and ensure that the hydraulic capacity of the existing drainage facilities would not be adversely affected by the development. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan. 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;

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (j) 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; and
- (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 BD, 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 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 the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

**Agenda Item 45**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/739 Temporary Open Storage and Storage of Used Private Vehicles for a Period of 3 Years in “Undetermined” zone, Lots 1544 (Part) and 1545 (Part) in D.D.119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/739)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage and storage of used private vehicles 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 southwest and in the vicinity, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years. The temporary use was considered generally in line with the Town Planning Board Guidelines No. 13E for Application of Open Storage and Port Back-up Uses under Section 16 of Town Planning Ordinance. Although DEP did

not support the application, there had been no environmental complaint concerning the site received in the past 3 years. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours, prohibiting the use of heavy goods vehicles and the carrying out of vehicle repairing and other workshop activities as well as requiring the maintenance of the existing boundary fencing were recommended.

137. Members had no question on the application.

#### Deliberation Session

138. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.7.2018, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, vehicle repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, are allowed to park/store on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) the existing boundary fencing on the site shall be maintained at all times 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 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 3.10.2015;
- (i) the implementation of the accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.10.2015;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.8.2015;
- (k) 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 3.10.2015;
- (l) in relation to (k) 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 3.1.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

- (o) upon 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.”

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

- “(a) the planning permission is given to the development/uses under application. It does not condone any other development/use (i.e. vehicle repairing workshop) and structures which currently exist 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;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (d) 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;
- (e) the site should be kept in a clean and tidy condition at all times;
- (f) 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 which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Should planning approval be given to the application, the lot owner(s) will need to apply to his office to permit the structure 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 an informal village track on government land (GL) and other private land extended from Kung Um Road. His office does not provide maintenance works for the GL involved and does not guarantee any right-of-way;

- (g) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Moreover, sufficient space should be provided within the site for manoeuvring of vehicles and no parking on public road is allowed;
- (h) 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 Kung Um Road;
- (i) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site cannot provide standard pedestal hydrant;
- (k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are

anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. The good practice guidelines for open storage in Appendix V of the RNTPC Paper should be adhered to. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant is required to provide justifications to his department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and

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

not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage.”

**Agenda Item 46**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/740      Temporary Eating Place with Ancillary Parking Spaces for a Period of 3 Years in “Residential (Group B) 1” zone, Lots 1355 RP and 1356 RP (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/740)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary eating place with ancillary parking spaces 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 public comments were received. The Yuen Long District Council Member objected to the application on the grounds that the proposed use could not be regarded as conservation and considered that the site should be put to better use; and he missed the opportunity to object to the previous application and urged the Committee to reject the application. The other

commenter also objected to the application on the grounds that the proposed use was not in line with the planning intention of the “Residential (Group B)1” zone and was incompatible with the surroundings; the applicant failed to demonstrate that the development would not cause adverse environmental, traffic and drainage impacts; approval would set an undesirable precedent; and it was suspected that the eating place was already in operation without valid planning permission; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Regarding the adverse public comments received, relevant government departments had no adverse comments on the application.

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

141. Members had no question on the application.

#### Deliberation Session

142. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 12:00 noon, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no outdoor seating accommodation (including setting up and provision of tables and chairs outside the buildings), as proposed by the applicant, is allowed at the site at any time during the planning approval period;
- (c) no sound or audio equipments are allowed to be used in the open areas of the site, as proposed by the applicant, at any time during the planning approval period;

- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the 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 3.10.2015;
- (f) in relation to (e) above, the provision of a run-in/out within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.1.2016;
- (g) the submission of 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 3.10.2015;
- (h) in relation to (g) above, the implementation 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 3.1.2016;
- (i) 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 3.10.2015;
- (j) in relation to (i) 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 3.1.2016;
- (k) if the above planning condition (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; and
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further

notice.”

143. 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) 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;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private site comprises Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Should the application be approved, the lot owner(s) will still need to apply to his office to permit the structures to be erected or regularise any irregularities on site. Such application will be considered by 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 an informal village track on government land (GL) extended from Tong Yan San Tsuen Road. His office does not provide maintenance works for the GL involved and does not guarantee any right-of-way;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the site;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that if the proposed run-in/out is agreed by the Transport Department, the applicant should construct a run-in/out at the access point in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Tong Yan San Tsuen Road;
- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances. The applicant is also reminded that all wastewater from the site shall comply with the requirements in the Water Pollution Control Ordinance;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that several large trees located at the southern part of the site are not indicated on the schematic layout plan (Drawing A-1 of the RNTPC Paper) and there is no tree preservation proposal provided;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant

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

- (k) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that food business carrying out at the site should be granted with a licence issued by DFEH and in compliance with any requirements/conditions stipulated by relevant departments. Also, no sanitary nuisance should be created to the surrounding during the operation of the food business;
  
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under the BO and should not be designated for any use under the application. Before any new building works (including temporary buildings) are to be carried out on leased land in the site, the prior approval and consent of BD should be obtained, otherwise they are 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 works or UBW on the site under the 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 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage; and

- (m) to note the comments of the Director of Electrical and Mechanical Services that there is an LPG filling station at 4 Tong Yan San Tsuen Road, Ping Shan, Yuen Long. The filling station will pose some risks to the surroundings. He may review whether to request the developer to address the risk increase due to increase of population for re-application for the same use which may extend the tenure.”

#### **Agenda Item 47**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/741      Temporary Warehouse for Storage of Construction Materials, Carpets and Porcelains with Ancillary Office for a Period of 3 Years in “Undetermined” zone, Lot 1241 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/741)

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

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

- (a) background to the application;
- (b) the temporary warehouse for storage of construction materials, carpets and

porcelains with ancillary office 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 of residential use in the vicinity, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. Although DEP did not support the application, there had been no environmental complaint concerning the site in the past 3 years and the development was mainly for storage purpose within covered warehouse structure. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operations hours and type of vehicles used and prohibiting repairing, dismantling, paint spraying, cleansing or other workshop activities and open storage activity on the site were recommended.

145. Members had no question on the application.

#### Deliberation Session

146. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, paint spraying, cleansing or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no storage activities is allowed at the uncovered area of the site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (g) all existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of records of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.10.2015;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.1.2016;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 3.4.2016;

- (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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lot No. 1241 in D.D. 119 is covered by Short Term Waiver No. 3193 which permits the structures erected thereon for the purpose of warehouse and ancillary office. Should the planning approval be given to the subject planning application, the lot owner(s) will need to apply to his office to permit any additional/excessive structures to be erected or regularise the irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole

discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on government land (GL) and private land extended from Kung Um Road. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way;

- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within the site for manoeuvring of vehicles and no parking of vehicles is allowed on public road;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (g) 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 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 installation, operation and

maintenance of any sub-main within the private lots to WSD's standards;

- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (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 Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD, they are unauthorised under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the 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 the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage."

**Agenda Item 48**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/468                      Proposed Minor Relaxation of Maximum Domestic Gross Floor Area for Permitted Residential Development in “Residential (Group B) 19” zone, 5 Lok Yi Street, So Kwun Wat, Tuen Mun (Lot 992 in D.D. 381) (RNTPC Paper No. A/TM/468A)

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148.            The Secretary reported that Spence Robinson Limited (Spence Robinson) was one of the consultants of the applicant. Ms Janice W.M. Lai, who had current business dealings with Spence Robinson, had declared an interest in this item.

149.            Members noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed minor relaxation of maximum domestic gross floor area (GFA) for permitted residential development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the landscaping proposal. Other 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 and the publication of the further information, a total of 40 public comments were

received. 37 comments were from the residents of Castle Bay, one was from the Owners' Corporation of Fiona Garden and two were from private individuals. They all objected to the application on the grounds that any relaxation in GFA would damage the overall environment, including security, hygiene, fire safety, air quality, noise level, infrastructural facilities and slope stability and lower the property price; the proposed minor relaxation would increase the usage of the private road (portion between Lok Chui Street and Lok Yi Street) and the maintenance cost by residents of Castle Bay would increase; the application would cause adverse traffic, environmental, sewerage and drainage impacts and increase the burden on infrastructural capacity of the area; and approval of the application would lead to unfairness unless the same was allowed for all surrounding residential developments; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Whilst CTP/UD&L, PlanD had reservation on the landscaping proposal and the Chief Architect/Central Management Division (2), Architectural Services Department had some queries on the details of the landscape treatment proposal, their concerns could be addressed by imposing an approval condition requiring the submission and implementation of a tree preservation and landscape proposal. Regarding the adverse public comments received, relevant government departments had no objection to the application and relevant approval conditions were recommended.

151. Members had no question on the application.

#### Deliberation Session

152. A Member noted the increase in development intensity by 20% was the current Government Policy, and asked if that was the reason for recommending approval of the application. The Member further asked if approval of the application would have any implications on other similar applications for minor relaxation of development intensity.

153. The Chairman said that according to paragraph 11.2 of the RNTPC Paper, in the 2014 Policy Address, the Chief Executive had announced the policy to boost housing supply by increasing the development intensity by around 20% in areas where feasible. The application for minor relaxation of GFA was in line with the Government's policy. A similar application No. A/TM/453 for minor relaxation of the plot ratio (PR) restriction by 20% for a government land sale site in the Tuen Mun East area was previously approved by the Committee. The current application was submitted by a private developer. The proposal of which had been circulated to relevant government departments for comments and no adverse comment was received. It could be approved if it would not generate adverse impacts on the transport provision and infrastructural capacity.

154. A Member asked about the additional number of residents arising from the proposed minor relaxation of GFA of the permitted residential development and was concerned about if approval of the application would set an undesirable precedent for similar applications in the area. In response, the Chairman said that the main consideration of the current application was whether the proposed minor relaxation would generate any adverse impact. Regarding the additional population, Members noted that with a minor adjustment to the proposed average flat size, a total of 12 houses were proposed under the current application, which was 2 houses more than the compliance scheme and there would be 6 additional residents.

155. A Member said that the application was broadly in line with the Government's policy and considered that it could be supported should there be no adverse impact on traffic and infrastructural capacity. With reference to the photomontage on Drawing A-7 of the RNTPC Paper, the Member said that for any similar applications in future, the photomontages should show the subject development in the context of the surrounding developments for assessment of the visual impact of the proposed scheme in comparison with the compliance scheme.

156. A Member asked if guidelines would be formulated for consideration of applications for minor relaxation of development restrictions. In response, the Chairman said that the increase in the development intensity by 20% was announced in the Chief Executive's 2014 Policy Address. With reference to the Committee's past practice, there was no specific percentage on what would be considered as 'minor', and each case should be

considered on its merits and potential impacts.

157. 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 3.7.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission of a sewerage impact assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the submission and implementation of a tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) the approval of the application does not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio (PR) and/or gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements, bonus PR and GFA concession are not approved/granted by the BA and major changes to the current scheme are required, a fresh planning application to the TPB may be required;

- (b) if the proposed car parking floor cannot be regarded as a basement in accordance with Building (Planning) Regulations (B(P)Rs), the basement floor will be accountable for building height restriction and will exceed the building height restriction stipulated under the Outline Zoning Plan (OZP). The applicant will be required to seek planning permission from the TPB to permit minor relaxation of building height restrictions;
- (c) if the proposed car parking cannot be regarded as in compliance with the requirements under PNAP APP-2 for disregarding car parking spaces from GFA calculation under Regulations 23(3)(a) of the B(P)Rs, the car parking GFA will be included in GFA calculation and will exceed the proposed GFA under application. The applicant will be required to submit a fresh planning application to the TPB;
- (d) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that if planning approval is given, the applicant will need to apply to LandsD for lease modification. The proposal will only be considered upon their receipt of formal application from the applicant, and there is no guarantee that the application, if received by LandsD, will be approved. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of premium and administrative fee;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should arrange his own stormwater disposal facilities to cater for rain water falling on or flowing to the site to the satisfaction of his department;
- (f) to note the comments of the Director of Leisure and Cultural Services that should any tree in public areas be unavoidably affected by the proposed works, separate tree removal application with full justifications should be submitted to relevant government department(s) for consideration and

approval in accordance with Development Bureau's Technical Circular (Works) No.10/2013;

- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is an underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
  - (i) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (ii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
  
- (h) to note the comments of the Director of Fire Services that:
  - (i) detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and
  - (ii) the applicant is advised to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administrated by BD;

- (i) to note the comments of the Chief Architect/Central Management Division (2), Architectural Services Department that:

- (i) the proposed basement level at 12.85mPD is higher than the level of Lok Chui Street (12.60mPD) surrounding the site and direct access is proposed from the basement floor to the above mentioned street. The site is subject to a maximum building height of 3 storeys excluding any basement floor(s) under the OZP. The proposal consists of three domestic floors and one carpark floor ('Basement') and whether this carpark floor should be classified as 'basement' would affect the overall compliance of the OZP. According to the Buildings Ordinance, the definition of basement is "...means any storey of a building below the ground storey and from which any exit route required by or under these regulations is in an upward direction." which the proposed 'basement' may not fulfil such definition. BD should be consulted on this issue since it would significantly affect the proposal's overall compliance to the OZP in terms of its total number of storeys;
- (ii) the proposal consists of several 3-storey domestic blocks sitting on a 1-storey podium-like carpark floor. The podium-like floor with almost full site coverage seems massive and bulky, which is considered not compatible with the surrounding development and would cause significant visual impact to the surrounding. The applicant should review the proposal to minimise the visual impact caused to the surrounding;
- (iii) it is noted from Appendix Ib of the RNTPC Paper that approximately 6m separation is reserved between some domestic blocks which are directly facing each other. However, since habitable use as 'bedroom' is proposed at the concerned area, the 6m separation is considered inadequate and overlooking problem still exists. The applicant's latest proposal (Appendix Ic of the RNTPC Paper) to use tinted glass to cater for overlooking issue might

diminish the natural lighting received from the habitable space and is not advisable. The applicant should review the separation between the blocks to ease the concern;

- (iv) as shown in section at Figure 4.9 (Appendix Ic of the RNTPC Paper), it is noted that a floor to floor height of 4.6m is proposed for the carpark floor which seems excessive;
- (v) it is noted from the landscape proposal that two existing trees at the corner of the site is proposed to be retained, the applicant should review if adequate space has been reserved for retaining the trees during construction;
- (vi) as shown in Figure 10.1 (Appendix Ic of the RNTPC Paper), most of the proposed planters are raised from the floor plate which will narrow down the landscaped/circulation area, the applicant is advised to review the landscape proposal to provide planter that is at grade or on the same level of the adjacent floor plate;
- (vii) the applicant has set back the external wall from site boundary by 300mm for provision of vertical greening. The applicant is advised to review whether further setback is required for future maintenance of the vertical greening;
- (viii) the applicant shall review the maintenance of the proposed greening and its adjacent building structures – the planters along the western side of the boundary may cause obstruction to future maintenance of the toe wall as well as the façade of adjoining domestic blocks, adequate maintenance space should be reserved; and
- (ix) the applicant is advised to avoid solid fence wall design since it would affect the air ventilation of the surroundings; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West,

BD that:

- (i) the proposed carpark has not been included in GFA calculation. The applicant should demonstrate the compliance with the requirements under PNAP APP-2 for disregarding car parking spaces from GFA calculation under Regulation 23(3)(a) of the B(P)Rs; and
- (ii) it is premature to determine whether the proposed car parking floor is a basement in accordance with B(P)Rs as the detailed means of escape arrangement of the car park floor has not been given. Detailed comment will be provided at the building plan submission stage.”

### **Agenda Items 49 and 50**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/472                      Proposed Shop and Services (Real Estate Agency) in “Other Specified Uses” annotated “Business” zone, Workshop No. 183, G/F, Hang Wai Industrial Centre, 6 Kin Tai Street, Tuen Mun  
(RNTPC Paper No. A/TM/472)

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A/TM/473                      Proposed Shop and Services in “Other Specified Uses” annotated “Business” zone, Workshop 111 (Part), G/F, Hang Wai Industrial Centre, 6 Kin Tai Street, Tuen Mun  
(RNTPC Paper No. A/TM/473)

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

159.            Ms Jessica Y.C. Ho, STP/TMYLW, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;

- (b) the proposed shop and services (real estate agency) for application No. A/TM/472 and the proposed shop and services for application No. A/TM/473;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. The Director of Fire Services (D of FS) objected to the applications as the means of escape from the premises was not totally separated from the industrial portion of the building. Other concerned government departments had no objection to or no adverse comments on the applications;
- (d) during the first three weeks of the statutory publication period, 203 and 198 public comments were received for applications No. A/TM/472 and 473 respectively. They all objected to the applications on the grounds that the proposed uses did not comply with the lease conditions, and approval of the applications would set an undesirable precedent; the proposed use would adversely affect the building structure and safety of the users; and the proposed use would reduce the supply of premises for industrial uses and increase the price of those premises. Regarding some specific comments on each application, the commenters objected to application No. A/TM/472 on the grounds that the proposed use was not compatible with the industrial uses; and the premises did not have direct shop frontage. For application No. A/TM/473, the commenters objected to it on the grounds that the subject building did not have supporting facilities to cater for the proposed change of use; the premises was in proximity to lift lobby for goods which might be in conflict with the patrons; and there was no need for provision of shop and services use at the subject building; 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. Although the proposed uses at the premises were generally in line with the planning intention of the “Other Specified Uses” annotated “Business” (“OU(B)”) zone, D of FS objected to the applications as the means of escape from the premises were not totally separated from the industrial

portion of the building. The applications did not comply with the Town Planning Board Guidelines No. 22D for Development within “OU(B)” Zone in that no separate means of escape was available for the commercial portion.

160. Members had no question on the applications.

Deliberation Session

161. After deliberation, the Committee decided to reject the applications. Members then went through the reason for rejection as stated in paragraph 12 of the Papers and considered that it was appropriate. The reason was:

For Application No. A/TM/472 only

“- the proposed ‘Shop and Services (Real Estate Agency)’ use at the premises does not comply with the Town Planning Board (TPB) Guidelines for Development within “Other Specified Uses (Business)” Zone (TPB PG-No. 22D) in that means of escape separated from the industrial portion is not available for the application premises. The proposed ‘Shop and Services (Real Estate Agency)’ use is unacceptable from fire safety point of view.”

For Application No. A/TM/473 only

“- the proposed ‘Shop and Services’ use at the premises does not comply with the Town Planning Board Guidelines for Development within “Other Specified Uses (Business)” Zone (TPB PG-No. 22D) in that means of escape separated from the industrial portion is not available for the application premises. The proposed ‘Shop and Services’ use is unacceptable from fire safety point of view.”

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

**Agenda Item 51**

**Section 16 Application**

[Open Meeting]

A/TM-LTY Y/298 Proposed School (Kindergarten cum Child Care Centre) in  
“Comprehensive Development Area” zone, Shops A, B and C, Ground  
Floor, The Sherwood, 8 Fuk Hang Tsuen Road, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/298)

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162. The Secretary reported that on 12.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the comments of relevant government departments and the public. This was the applicant’s first request for deferment.

163. 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 52**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/480            Proposed Filling of Land for Permitted New Territories Exempted Houses (Small Houses) in “Village Type Development” zone, Lots 178 S.B ss.1, 178 S.B ss.2, 178 S.B ss.3 and 178 S.B RP in D.D. 123, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/480)

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164.            The Secretary reported that replacement pages (pages 15 – 17) of the Paper of the application were sent to Members to update Advisory Clause (c).

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed filling of land for permitted New Territories Exempted Houses (Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) considered that the proposed land filling would inevitably result in loss of wetland at the site and was not preferred from nature conservation perspective. Other concerned government departments had no objection to or no adverse comment on the application;

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

- (d) during the first three weeks of the statutory publication period, three public comments were received. They objected to the application on the grounds

of protection of the natural environment/habitat and arable land, lack of information on the status of the applicants, no technical assessments on drainage, traffic and environmental impacts, water pollution from septic tank seepage, and no information on access and parking arrangement; 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 DAFC had concern on the application, it was noted that the site was within the “Village Type Development” zone and under private ownership, and the Small House applications at the site had been approved by the Lands Department (LandsD). Regarding the adverse public comments received, relevant government departments had no objection to the application and relevant approval conditions were recommended. Moreover, the application did not contravene the Town Planning Board Guidelines No. 12C for Development within Deep Bay Area under Section 16 of the Town Planning Ordinance. With regard to the comment on the applicants' status, the District Lands Officer/Yuen Long, LandsD advised that the Small House applications at the site had been processed in accordance with the Small House Policy and had followed the applicable procedures and guidelines.

166. Members had no question on the application.

#### Deliberation Session

167. 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 3.7.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the submission of a drainage proposal including drainage mitigation measures before the issue of any certificate of exemption by the Lands Department (LandsD) to the satisfaction of the Director of Drainage

Services or of the TPB;

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

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

- “(a) to note the comments of the District Lands Officer/Yuen Long (DLO/YL), LandsD that the registered lot owners should inform LandsD that planning approvals have been obtained. The applicants’ 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 (BD) that site formation works and drainage works are building works under the control of the Buildings Ordinance (BO). Before any new site formation and/or drainage works are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the coordinator for the proposed site formation and/or drainage works in accordance with the BO. Notwithstanding the above, the Director of Lands may issue a certificate of exemption from prior approval and consent of the BA in respect of site formation and/or drainage works in the New Territories under the BO (Application to the New Territories) Ordinance. The applicants may approach DLO/YL, LandsD or seek AP’s advice for details;
- (c) to note the comments of the Director of Environmental Protection that the

applicants are reminded to make reference to the requirements in Hong Kong Planning Standards and Guidelines for sewage disposal. In case of the unavailability of public sewer, septic tank and soakaway system is considered a suitable sewage treatment system provided that its design and operation follow the requirements in the Environmental Protection Department's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department", including the percolation test and certification by AP. Provisions should be made for connections to public foul sewers when such is available in the vicinity;

- (d) to note the comments of the the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicants may need to extend their inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the installation, operation and maintenance of any sub-main within the private lots to WSD's standards;
- (e) to note the comments of the Director of Fire Services that the applicants are advised to follow New Territories Exempted Houses – A Guide to Fire Safety Requirements issued by LandsD; and
- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicants shall approach the electricity supplier for requisition of cable plans (and/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. 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 53**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/949            Proposed Filling of Pond (by about 1m) for Permitted Agricultural Use  
in “Green Belt” and “Recreation” zones, Lots 256 and 281 in D.D. 125,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/949)

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169.            The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in D.D. 125, Ha Tsuen.

170.            Members noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed filling of pond (by about 1m) for permitted agricultural use;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the ponds might provide potential roosting/foraging habits for some wetland-associated

faunal groups/species, and any filling of ponds did not benefit fish culture. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as there was no information provided regarding the proposed agricultural works, the existing trees might be affected by the filling work and no tree preservation and landscape proposal had been submitted. Other 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 and the publication of the further information, six public comments were received from Designing Hong Kong Limited and the individuals. They all objected to and raised concerns on the application on the grounds that there was lack of information on the application, including the identity of the applicant, land ownership, and photos of current site condition; the applicant might intend to despoil the land in order to open up the area for village housing; future development on the land might adversely impact the environment and drainage; and there was concern on 'fake farming'; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed pond filling would involve extensive clearance of existing vegetation. Both DAFC and CTP/UD&L, PlanD objected to and had reservation on the application from ecological and landscape points of view. Moreover, the applicant failed to demonstrate that the proposed pond filling would have no adverse ecological and landscape impacts on the surrounding areas. Approval of the application would set an undesirable precedent and the cumulative effect would result in general degradation of the environment of the area.

172. Members had no question on the application.

Deliberation Session

173. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the applicant fails to demonstrate that the proposed development would not have adverse ecological and landscape impacts on the surrounding areas; and
- (b) the approval of the application will set an undesirable precedent for similar applications within the “Green Belt” zone. The cumulative effect of approving such similar applications would result in general degradation of the environment of the area.”

[Dr W.K. Yau returned to join the meeting at this point.]

**Agenda Item 54**

Section 16 Application

[Open Meeting]

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

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174. The Secretary reported that on 25.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department. This was the applicant’s first request for deferment.

175. 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 55**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/958            Temporary Logistic Centre and Ancillary Tyre Repair Workshop for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 3305 RP (Part), 3306 (Part), 3307 RP, 3310 S.A RP (Part), 3310 S.B (Part), 3311 RP, 3312 S.A (Part), 3312 S.B, 3313 (Part) and 3314 (Part) in D.D. 129, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/958)

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

176.        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 logistics centre and ancillary tyre repair workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection

(DEP) did not support the application as there were sensitive users in the vicinity of the site and along Ping Ha Road, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years. The temporary use was in line with the Town Planning Board Guidelines No. 13E for Application of Open Storage and Port Back-up Uses under Section 16 of Town Planning Ordinance in that there was no adverse comment from concerned government departments. Although DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and prohibition of workshop activities were recommended.

177. Members had no question on the application.

#### Deliberation Session

178. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, unpacking,

re-packing, vehicle repair and workshop activity, other than tyre repair, is allowed on the site at any time during the planning approval period;

- (d) no vehicle is allowed to queue back to public road or reverse onto/from the public road at all times during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.10.2015;
- (g) 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 3.10.2015;
- (h) in relation to (g) 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 3.1.2016;
- (i) 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 3.10.2015;
- (j) in relation to (i), 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 3.1.2016;
- (k) the submission of a tree preservation and landscape proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 3.10.2015;
- (l) in relation to (k) above, the implementation of the landscape proposal

within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 3.1.2016;

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

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

- “(a) prior planning permission should have been obtained before continuing the development on-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 structure is allowed to be erected without the prior approval of the

Government. The site is accessible to Ping Ha Road through government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. Should the application be approved, the Short Term Waivers (STWs) holders would need to apply to him for modification of any irregularities of the STWs conditions. Besides, the lots owner(s) of the lots without STW would need to apply to him for permit for the structures to be erected or regularise any irregularities on site. Such application would be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application would be approved. If such application is approved, it would 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 Commissioner for Transport that sufficient manoeuvring space shall be provided within the site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should construct a run-in/out at the road near Ping Ha Road in accordance with the latest version of Highway Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains.
- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (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 location of where the proposed FSIs are to be installed

should be clearly marked on the layout plans. The applicant is advised to submit a valid fire certificate (FS251) to his department for approval. Furthermore, should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant is required to provide justifications to his department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

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

**Agenda Item 56**

**Section 16 Application**

[Open Meeting]

A/YL-HT/959

Proposed Temporary Logistics Centre for a Period of 3 Years in  
“Comprehensive Development Area” zone, Lots No. 3241, 3242, 3243,  
3246, 3248, 3253, 3265 RP, 3268, 3269, 3270, 3271, 3272, 3273, 3274,  
3275, 3276 (Part), 3277, 3278, 3279, 3280 in D.D.129 and adjoining  
Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/959)

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180. The Secretary reported that on 17.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department. This was the applicant’s first request for deferment.

181. 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 57**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/960            Proposed Temporary Logistics Centre and Ancillary Parking of Vehicle for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 94 (Part), 98 (Part), 99 (Part), 100 (Part), 105(Part), 106 (Part), 107 (Part), 108 (Part), 110 (Part), 116 (Part) and 760 (Part) in D.D.125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/960)

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182.            The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in D.D. 125, Ha Tsuen.

183.            Members noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed temporary logistic centre and ancillary parking of vehicle 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 because there were sensitive receivers in the vicinity of the site and along Ping Ha Road, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years. The proposed temporary use was in line with the Town Planning Board Guidelines No. 13E for Application of Open Storage and Port Back-up Uses under Section 16 of Town Planning Ordinance in that there was no adverse comment from concerned government departments. Although DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and prohibition of workshop activities were recommended.

185. Members had no question on the application.

#### Deliberation Session

186. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 8:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activity is allowed on the site, as proposed by the applicant, during the planning approval period;
- (d) no vehicle is allowed to queue back to public road or reverse onto/from the

public road at all times during the planning approval period;

- (e) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.1.2016;
- (f) the submission of a tree preservation plan 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 3.1.2016;
- (g) in relation to (f) above, the implementation of the tree preservation plan and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.4.2016;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.1.2016;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.4.2016;
- (j) the provision of fencing for the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.1.2016;
- (k) 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;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;

and

- (m) upon 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.”

187. 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 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 (BA)’s prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure is allowed to be erected without the prior approval of the Government. The site is accessible to Ping Ha Road via a local track on private lots. The lot owner should apply to his office to permit the structures to be erected or regularise any irregularities on-site. Such application would 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 would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (d) 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;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas, and that the applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
  
- (f) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicle. The local track leading to the site is not under the purview of the Transport Department. The land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
  
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
  
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans; the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

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

**Agenda Item 58**

**Section 16 Application**

[Open Meeting]

A/YL-HT/961

Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 1802 S.B RP (Part), 1807 (Part), 1826, 1827 S.A, 1827 S.B (Part), 1828 (Part), 1829 (Part), 1830 (Part), 1831 (Part), 1835 (Part), 1836 (Part), 1837, 1838, 1839 (Part) 1843 (Part) and 1844 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/961)

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188. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in D.D. 125, Ha Tsuen.

189. Members noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

190. The Secretary reported that on 23.6.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare further information to address the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department. This was the applicant's first request for deferment.

191. 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 59**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/962 Temporary Logistic Centre and Warehouse (Storage of Paper) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 797 RP (Part), 799 (Part), 800 (Part) and 801 (Part) in D.D. 125, Lots 3299 RP (Part), 3300 (Part), 3301, 3302 (Part), 3303 RP (Part), 3304 RP (Part), 3305 RP (Part), 3315 RP (Part), 3316, 3317, 3323 S.A (Part), 3324 S.A, 3324 S.B, 3325 (Part) and 3326 (Part) in D.D.129, and adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/962)

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192. The Secretary reported that replacement pages (pages 11-12) of the Paper of the application, with the addition of a new Advisory Clause (e), were sent to Members.

**Presentation and Question Sessions**

193. 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 logistic centre and warehouse (storage of paper) 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 users in vicinity of the site and along Ping Ha Road and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public

comment was received; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The temporary use was in line with the Town Planning Board Guidelines No. 13E for Application of Open Storage and Port Back-up Uses under Section 16 of Town Planning Ordinance in that there was no adverse comment from concerned government departments. Although DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and prohibition of workshop activities were recommended.

194. Members had no question on the application.

#### Deliberation Session

195. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, and after 1:00 p.m. on Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing and workshop activity is allowed on the site during the planning approval period;
- (d) no material is allowed to be stored/dumped and no vehicle is allowed to be

parked within 1m of any tree on the site during the planning approval period;

- (e) no vehicle is allowed to queue back to public road or reverse onto/from public road during the planning approval period;
- (f) the implementation of the 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 3.1.2016;
- (g) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.1.2016;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.4.2016;
- (j) the submission of a run-in/out proposal for the site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.1.2016;
- (k) in relation to (j) above, the provision of a 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 3.4.2016;
- (l) the submission of a 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 3.1.2016;
- (m) in relation to (l) above, the implementation of the 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 3.4.2016;

- (n) the provision of fencing for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.1.2016;
- (o) 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;
- (p) if any of the above planning conditions (f), (h), (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon 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.”

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

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

the Building (Minor Works) Regulation;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. A portion of government land (GL) (about 580m<sup>2</sup>) of the site is covered by Short Term Tenancy (STT) No. 1989 for the purpose of “storage and repair of container boxes”. No permission is given for occupation of the remaining GL (about 178m<sup>2</sup> subject to verification) included in the site. Attention is drawn to the fact that the act of occupation of GL without Government’s prior approval should not be encouraged. Lots No. 797 RP and 799 in D.D. 125 are covered by Short Term Waiver (STW) No. 2211 and 2213 both permit structures for the purpose of “Vehicle repair workshop (excluding paint spraying). The site is accessible to Ping Ha Road through GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The site does not fall within any Airfield Height Restriction Area. Should planning approval be given to the application, the lot owner(s) will need to apply to him to permit structures to be erected or regularise any irregularities on site. Besides, the STT and STW holder will need to apply to him for modification of the STT and STW conditions. 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;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of

the drainage works;

- (f) 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;
- (g) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the site;
- (h) 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 Ping Ha Road in accordance with the latest version of HyD Standard Drawings No. H1113 and H1114 or H5133, H5134 and H5135 whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the 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;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that when compared with his site record in 2013 and the landscape proposal enclosed in the planning statement, a number of existing trees between structures no. 3 and 7 are found missing;
- (j) 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 him for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA for the structures existing at the site 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 BO and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on leased land in the site, the prior approval and consent of BD should be obtained, otherwise they are 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 BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the (B(P)Rs) at the building plan submission stage."

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

**Agenda Item 60**

Any Other Business

Section 16A Application

[Open Meeting]

A/YL-TT/340-2      Application for Extension of Time for Compliance with Planning Condition, Lots 1683 (Part), 1684 (Part), Taxlord Lot 1671 (Part), Taxlord Lot 1672 S.A (Part) and Taxlord Lot 1672 S.B (Part) in D.D. 117 and adjoining Government Land, Tai Tong, Yuen Long, New Territories

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197.        The Secretary reported that an application for extension of time (EOT) for compliance with approval conditions (d), (e), (g), (i) and (l) by three months under application No. A/YL-TT/340 was received on 29.6.2015. The subject application was approved with conditions by the Committee on 2.1.2015. The first EOT application No. A/YL-TT/340-1 was approved by the Director of Planning under the delegated authority of the Town Planning Board on 27.3.2015. The following approval conditions required compliance by the applicant by 2.7.2015:

- condition (d) on the provision of boundary fencing on the site;
- condition (e) on the submission of a Geotechnical Planning Review Report;
- condition (g) on the submission of landscape proposal;
- condition (i) on the submission of drainage proposal; and
- condition (l) on the submission of fire service installations proposal.

198.        The current EOT application was received on 29.6.2015, which was two working days before the expiry of the specified time limit for the aforesaid conditions. According to the Town Planning Board Guidelines No. 34B for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development, an application submitted less than six weeks before the expiry of the specified

time might not be processed for consideration of the Town Planning Board, as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the condition which were essential for the consideration of the application. Hence, the Committee was recommended not to consider the application as the planning permission had been revoked on 2.7.2015.

199. After deliberation, the Committee agreed that the application for EOT for compliance with planning conditions could not be considered for the reason that conditions (d), (e), (g), (i) and (l) had already expired on 2.7.2015, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked, the Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

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