

**TOWN PLANNING BOARD**

**Minutes of 493<sup>rd</sup> Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 2.8.2013**

**Present**

Director of Planning  
Mr. K.K. Ling

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. F.C. Chan

Chief Traffic Engineer/New Territories West,  
Transport Department  
Mr. W.C. Luk

Principal Environmental Protection Officer (Strategic Assessment),  
Environmental Protection Department  
Mr. H.M. Wong

Assistant Director/New Territories,  
Lands Department  
Ms. Anita K.F. Lam

Deputy Director of Planning/District  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Mr. Rock C.N. Chen

Professor K.C. Chau

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

**In Attendance**

Assistant Director of Planning/Board  
Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board  
Ms. Donna Y.P. Tam

Town Planner/Town Planning Board  
Ms. Roberta P.Y. Au

**Agenda Item 1**

Confirmation of the Draft Minutes of the 492<sup>nd</sup> RNTPC Meeting held on 19.7.2013

[Open Meeting]

1. The draft minutes of the 492<sup>nd</sup> RNTPC meeting held on 19.7.2013 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

2. The Secretary reported that on 2.7.2013, a commenter and his representatives of a planning application No. A/YL-PS/401 wrote to the Secretary of the Board appealing against the Committee's decision to approve the application on a temporary basis for 5 years at the meeting on 21.12.2012. The application was for proposed dangerous goods godown (Cat. 5 Dangerous Goods) in "Industrial (Group D)" zone at Ping Shan. In the letter, the commenter and his representatives request for a meeting with relevant government departments including District Office (Yuen Long) (DO(YL)), District Lands Office/Yuen Long, Lands Department (DLO/YL, LandsD), Fire Services Department (FSD), Buildings Department (BD) and Transport Department (TD) to address his concerns on the application. On 5.7.2013, a written reply from the Secretariat of the Board was issued to the commenter explaining the considerations of the Committee on the application and the fact that according to the Town Planning Ordinance (the Ordinance), only the applicant who was aggrieved by a decision of the Board could apply for review/appeal against the Board's decision.

3. The commenter and his representatives subsequently wrote two letters dated 15.7.2013 and 22.7.2013 to the Secretariat of the Board requesting the Board to review its decision and indicated that they had concerns on the fire safety of the dangerous goods godown, the unauthorised structures within the site, and the traffic condition of the area. The commenter and his representatives also requested to have a meeting with relevant departments.

4. The Secretary said that representatives of DPO/TMYL, PlanD and other

concerned departments including DO(YL), DLO/YL, LandsD, FSD and TD, had a meeting with the commenter and his representatives on 19.6.2013 to explain the comments of the respective departments on the subject case. Staff of the Secretariat had also answered several telephone enquires of the commenter's representative and explained to him the considerations of the Committee on the application at the meeting on 21.12.2012.

5. Members noted that there was no provision for a commenter to request for a review of the Board's decision on planning permission granted under section 16 of the Ordinance, and comments of relevant departments in respect of fire safety aspect, unauthorized building works and traffic aspects had already been incorporated in the relevant RNTPC Paper. Members in considering the application had already taken into account all relevant planning considerations, comments from relevant departments and public comments received, and decided to approve the application on a temporary basis for 5 years. Members noted the letters submitted by the commenter and his representatives and agreed that a suitable reply should be given by the Secretariat. Members also agreed that the Secretariat should convey the concerns of the commenter and his representatives to the relevant government departments for follow up action as appropriate.

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

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

### **Agenda Item 3**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TLS/41            Temporary Private Garden Ancillary to House for a Period of 3 Years  
in "Green Belt" and "Residential (Group C) 3" zones, Government  
Land adjoining House A1 of Las Pinadas at Lot No. 245 in D.D. 223,  
Clear Water Bay, Sai Kung  
(RNTPC Paper No. A/SK-TLS/41)

---

Presentation and Question Sessions

6. Mrs. Alice K.F. Mak, STP/SKIs said that one replacement page (Page 6) of the Paper was sent to Members for information. Mrs. Alice Mak presented the application with the aid of a powerpoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the private garden ancillary to house for a period of three years;
- (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 strong reservation from the landscape planning perspective as there was a general presumption against development in the “Green Belt” (“GB”) zone. It would set an undesirable precedent, attract similar development within the green belt and give rise to cumulative impacts undermining the landscape quality of the area;
- (d) two public comments from the Incorporated Owners of Las Pinadas and a member of the public were received during the first three weeks of the statutory publication period. The member of the public indicated that he objected to the application for private garden. The Incorporated Owners of Las Pinadas objected to the planning application without giving any reasons. No local objection/view was received by the District Officer/Sai Kung; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper. The proposed temporary private garden, which had been partially paved, was a piece of government land (GL) falling within the “GB” (46 m<sup>2</sup> or 65.7%) and “Residential (Group C) 3” (“R(C)3”) (24 m<sup>2</sup> or 34.3%)

zones. The development was considered not in line with the planning intention of the “GB” zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. No strong planning justification had been provided in the submission to merit a departure from the planning intention, even on a temporary basis. The applied use did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that there were no exceptional planning circumstances which warranted approval of the application. There was no strong planning justification for the residents concerned to utilize this piece of GL for a private garden for their sole enjoyment. According to the records of the Planning Department, the site was disturbed by clearance of vegetation in 1998 and a portion of the site was currently paved. In this regard, the CTP/UD&L had strong reservation on the application from the landscape planning point of view. Furthermore, the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone in Sai Kung. The cumulative effect of approving such similar applications would result in a general degradation of the natural environment.

7. In response to a Member’s question, Mrs. Alice K.F. Mak said that some structures including glass canopy and fence were found on the land adjacent to House A2 and A3 of Las Pinada during the site visit on 26.7.2013. However, no planning application was received for development on the area and no Short Term Tenancy (STT) had been approved by the Lands Department for that uses.

#### Deliberation Session

8. The Chairman said that part of the site was zoned “GB” with a clear planning intention for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreation outlets, and there was a general presumption against development within this zone. It was therefore incorrect for the

applicant to say that a permanent use of the site was not yet decided by the Government.

9. In response to a Member's questions on the recommended rejection reasons as stated in replacement page 6 of the Paper, Mrs. Alice K.F. Mak said that while the subject site was GL within the "GB" zone, it might not be appropriate to reject the application for the reason that GL within "GB" zone should be for public enjoyment. As for the rejection reason suggested in paragraph 12.1(b) of the Paper, Mrs. Alice Mak said that 'the extensive clearance of existing natural vegetation' should be deleted as there was no existing vegetation at the site.

10. A Member noted that the site had been cleared of natural vegetation and asked if any enforcement or reinstatement action could be taken. Ms. Anita K.F. Lam, Assistant Director/New Territories, Lands Department (LandsD) explained that tree felling on GL was monitored by the Agriculture, Fisheries and Conservation Department, whereas LandsD would undertake lease enforcement action against illegal tree felling on leased land. It was noted that the trees on the site were felled long time ago and there might not be sufficient evidences to take enforcement action. Regarding the suspected unauthorized structures adjacent to House A2 and A3 of Las Pindas, LandsD would take follow-up action, as necessary.

11. Regarding the suggested rejection reasons, the Secretary said that according to the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" Zone'; in that passive recreation uses which were compatible with the character of surrounding areas might be given sympathetic consideration. In a previous town planning appeal case concerning a proposed private garden on GL, the Appeal Board had agreed to the Board's view that the planning intention of the "GB" zone for "passive recreational uses" referred to passive recreational uses for public purpose. The appeal was dismissed by the Appeal Board as the appellant had not shown sufficient justifications for a departure from the planning intention. She asked Members to consider whether there were exceptional circumstances or strong planning justification for the residents concerned to utilize this piece of GL for a private garden for their sole enjoyment.

12. Members then went through the reasons for rejecting the application as stated in paragraph 12.1 of the Paper and agreed that they should be suitably amended to reflect

Members' views as expressed at the meeting. After deliberation, the Committee decided to reject the application for the following reasons :

- (a) the proposed temporary private garden was not in line with the planning intention of the "Green Belt" ("GB") zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission for a departure from the planning intention even on a temporary basis;
- (b) there was no strong justification in the submission to use "GB" portion of the application site, which was a piece of government land, for the applicant's sole enjoyment as a private garden;
- (c) the proposed temporary private garden did not meet the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" Zone' in that there were no exceptional circumstances to justify the application. There was no information in the submission to demonstrate that the proposed development would not have any adverse landscape impact on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for other similar applications within the "GB" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment and bring about adverse landscape impact on the area.



**Agenda Item 4**

**Section 16 Application**

[Open Meeting]

A/SK-TMT/41

Proposed Utility Installation for Private Project (Storm Water Drainage Channel) with Excavation of Land in “Green Belt” and “Village Type Development” zones, Lots No. 104 S.A (Part), 104 RP (Part), 105 S.B (Part), 105 RP (Part), 107 RP (Part), 107 S.A (Part), 108 RP (Part), 108 S.B (Part), 108 S.D (Part), 109 RP (Part), 109 S.D (Part), 110 RP (Part), 110 S.A (Part), 111 RP (Part), 113 S.D (Part), 113 S.G (Part), 113 S.H (Part), 139 (Part), 147 RP (Part), 152 (Part), 157 (Part), 158 (Part), 159 (Part), 161 (Part), 167 S.B (Part), 167 S.C (Part), 167 RP (Part), 181 S.A (Part), 181 RP (Part), 182 RP (Part), 182 S.A (Part), 184 (Part), 188 (Part), 189 (Part), 190 (Part), 191 (Part), 192 RP (Part) and Adjoining Government Land in D.D. 257, Wong Yi Chau, Sai Kung  
(RNTPC Paper No. A/SK-TMT/41)

---

13. The Secretary reported that on 19.7.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to address the departmental comments.

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. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

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

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

**Agenda Item 5**

**Section 16 Application**

[Open Meeting]

A/NE-LT/466            Proposed House (New Territories Exempted House – Small House) in  
“Agriculture” zone, Lot 653 S.B in D.D. 8, Ma Po Mei Village, Lam  
Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/466C)

---

15.            The Secretary reported that on 18.7.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to address the comments from Lands Department and Drainage Services Department.

16.            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. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total of six months (in which a deferment of one month was requested by the Planning Department) had been allowed, no further deferment would be granted unless under very special circumstances.

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/476            Proposed House (New Territories Exempted House - Small House) in  
                                 “Agriculture” and “Village Type Development” zones, Lot 1534 S.A in  
                                 D.D.8, San Tong Village, Lam Tsuen, Tai Po  
                                 (RNTPC Paper No. A/NE-LT/476)

---

### **Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House - Small House);
- (c)    departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for rehabilitation of agricultural activities. Other concerned departments had no objection to or adverse comment on the application;
- (d)    two public comments were received from the Indigenous Inhabitant Representative (IIR) of San Tong and the Designing Hong Kong Limited during the first three weeks of the statutory publication period. The IIR of San Tong objected to the application on the ground that the proposed development would affect ‘fung shui’ of the area. The Designing Hong Kong Limited raised objection to the application mainly on the grounds that the site was partly zoned “Agriculture” (“AGR”) and there was a lack of proper access and sewerage system in the area. No local objection/view was received by the District Officer/Tai Po; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The proposed Small House did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (Interim Criteria) as there was no information on 10-year Small House demand from the IIR to show that there would be a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of San Tong. However, the entire footprint of the proposed Small House fell within the “V” zone and the ‘village environ’ (‘VE’) of San Tong. It was also located immediately adjacent to Small House developments in the “V” zone and it could be connected to the proposed public sewerage system, sympathetic consideration could be given to the proposed Small House. Although the site was considered by DAFC as having high potential of rehabilitation for agricultural activities, the Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application from the landscape planning point of view as the proposed Small House was not incompatible with the surrounding rural environment and significant adverse impact on landscape resources was unlikely. Regarding the public comment which objected to the application, it was considered that the concerned government departments had no adverse comments on the application. For the public concern on ‘fung shui’ aspect, it was outside the planning consideration of the Committee.

18. A Member enquired if the applicant could build the Small House within the part of the site falling within the “V” zone, leaving the remaining portion within the “AGR” zone for agricultural use. Mr. C. T. Lau said that the proposed Small House footprint fell entirely within the “V” zone but the application site included the whole lot part of which fell within the “AGR” zone. In response to the Chairman’s question, Ms. Anita K.F. Lam, Assistant Director/New Territories, Lands Department said that the building licence to be granted for the proposed Small House would specify the location of the footprint of the Small House. The applicant might wish to retain the remaining area of the lot for his own use such as a private garden.

[Dr. Wilton W.T. Fok arrived to join the meeting at this point.]

19. The Secretary said that the application site covered the whole agriculture lot which straddled the “V” zone and “AGR” zone. If the applicant only wanted to build a Small House within the “V” zone, no application was required. The Secretary said that the 10-year Small House demand forecast for the subject village was not available. Hence, it could not be demonstrated that there was sufficient land available to meet the future Small House demand as required under the Interim Criteria. As the subject application only involved a small portion of land within the “AGR” zone (about 15%), Members might wish to consider whether sympathetic consideration could be given to the application.

#### Deliberation Session

20. 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 2.8.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Director of Environmental Protection that construction of house should not be commenced before the completion of the planned sewerage system; adequate land should be reserved for the future sewer connection work; the sewerage connection point should be within the site; and the applicant should connect the proposed development to the future public sewer at his own cost;
  
- (b) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:
  - (i) public stormwater drain was not available for connection in the vicinity of the site. Any proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicant at his own expense. The applicant/owner was required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system; and
  
  - (ii) the village sewerage works in San Tong Village would be carried out under DSD's project 4332 DS "Lam Tsuen Valley Sewerage – Stage 2". The village sewerage works near this area were scheduled to be started in 2013, for completion in 2016/2017 tentatively subject to the land acquisition progress. The proposed Small House was located within an area where no existing public sewerage system connection was available. Public sewers would be laid to the locations on the northwest side of the proposed development under DSD's current project scheme. It was technically feasible for the applicant to extend his sewer via other private/government lands to the proposed public sewers by himself if he would like to discharge his sewage into the public sewerage system. However, the above information was preliminary and would be subject to revision due to actual site situation;

- (c) to note the comments of the Director of Fire Services that the applicant was reminded to observe the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Lam Kam Road to the site was not maintained by HyD;
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures:
  - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary;
  - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should 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 structures; and
  - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors

when carrying out works in the vicinity of the electricity supply lines;  
and

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

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/457            Proposed Temporary Shop and Services (Pet Supplies Shop and Ancillary Veterinarian Clinic) 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/457)

---

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

22.            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 (pet supplies shop and ancillary veterinarian clinic) for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;



- (d) one public comment from a Tai Po District Council member was received during the first three weeks of the statutory publication period. The commenter had no objection to the application and conveyed the comments of a resident that the proposed uses should not become a place of kennel, dog training or selling pets. No local objection/view was received by the District Officer/Tai Po; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. As for the commenter's concern that the proposed shop would be used for kennel, dog training or pet selling, the applicant had clarified that pets would not be sold in the proposed shop. Nevertheless, the permission would be granted for the applied use only and an advisory clause was recommended to advise the applicant that kennel, dog training and pet selling were not allowed within the site.

23. Members had no question on the application.

#### Deliberation Session

24. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.8.2016, 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, was allowed on the application site during the planning approval period;
- (b) the provision of car-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 2.2.2014;

- (c) the implementation of landscape proposal as submitted under the application within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.5.2014;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.2.2014;
- (e) in relation to (d) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.5.2014;
- (f) the submission of fire service installations (FSIs) and water supplies for fire fighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.2.2014;
- (g) in relation to (f) above, the provision of FSIs 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 2.5.2014;
- (h) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) kennel, dog training and pet selling were not allowed within the application site;
- (c) to note the comments of the District Lands Office/Tai Po, Lands Department (LandsD) that the applicant should apply to the LandsD for a Short Term Waiver to regularize the structures erected or to be erected on the application site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion. Nevertheless, there was no guarantee that such approval would eventually be given. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fees, as might be imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport that the applicant should provide sufficient spaces within the application site for the parking, loading and unloading of vehicles ancillary to the proposed uses;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was existing public drain in the vicinity of the application site. The applicant/owner was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was existing public sewerage available for connection in the vicinity of the application site;
- (f) to note the comment of the Director of Environmental Protection (DEP) that the applicant should follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Use' issued by the

DEP; and

(g) to note the comments of the Director of Fire Services (D of FS) that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, fire service installations would be needed. In such circumstances, except where building plan was circulated to the Buildings Department, the applicant was required to send the relevant layout plans incorporated with the proposed FSIs to the D of FS for approval. The applicant should note that:

(i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

(ii) the location of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and

Detailed fire safety requirements would be formulated upon receipt of formal submission of the aforesaid plans.

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting]

A/NE-LYT/516      Temporary Vehicle, Machinery and Construction Equipment Repair  
Workshop for a Period of 3 Years in “Recreation” zone, Lot 612 S.G in  
D.D. 85, Lau Shui Heung, Fanling  
(RNTPC Paper No. A/NE-LYT/516)

---

26.           The Secretary reported that on 23.7.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to address the departmental comments.

27. 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. 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 9 and 10**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/438 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 180 S.A in D.D.79, Ping Yeung, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/438)

---

A/NE-TKL/440 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 180 S.C in D.D.79, Ping Yeung, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/440)

---

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

28. The Committee noted that the two applications No. A/ NE-TKL/438 and 440 were similar in nature and the application sites were located in close proximity to one another. The Committee agreed that the two applications could be considered together.

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House - Small House) under each of Applications No. A/NE-TKL/438 and 440;

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural point of view as the application sites and the vicinity of the sites were of high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and advised that the Small House developments should be confined within “Village Type Development” (“V”) zone as far as possible. Notwithstanding the above, both applications involved only the construction of one Small House. C for T considered that the applications could be tolerated. Other concerned departments had no objection to or adverse comment on the application;
  
- (d) three public comments from a North District Council (NDC) member, the Designing Hong Kong Limited (DHK) and the Kadoorie Farm and Botanical Garden (KFBG) were received during the first three weeks of the statutory publication period. The NDC member supported the applications as they could facilitate the villagers to build Small Houses. The DHK and KFBG objected to/raised concern on the applications mainly on the grounds that the proposed Small House developments were not in line with the planning intention of “AGR” zone; the area of agricultural land in Hong Kong should not be further reduced in order to secure a stable food supply; there was a lack of sustainable layout of infrastructure, access, parking spaces and amenities for the area and the developments would induce adverse traffic, environmental, sewerage and drainage impacts on the surrounding areas; and approval of the case would set an undesirable precedent for similar application. No local objection/view was received by the District Officer/North; and
  
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Papers. Although DAFC did not support the applications from an agricultural point of view, the application sites were located to the south of the “V” zone of Ping Yeung and the footprints of the proposed Small

Houses fell entirely within the 'VE' of the recognized village. It was considered that the proposed Small Houses developments at the sites were not incompatible with the surrounding area. Regarding the public comments, it was considered that the proposed Small House developments would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Relevant government departments, including the C for T, the Director of Environmental Protection, the Chief Engineer/Mainland North, Drainage Services Department and the Chief Town Planner/Urban Design and Landscape, Planning Department had no adverse comment on or no objection to the applications. Approval conditions on the submission and implementation of drainage and landscape proposals to address possible drainage and landscape impacts to the sites were recommended.

30. Members had no question on the application.

#### Deliberation Session

31. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 2.8.2017, and after the said date, the permissions should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission of each of the application was subject to the following conditions :

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

32. The Committee also agreed to advise the applicant of each of the application of the following :

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities of the proposed developments;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department(WSD) as follows:
  - (i) for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
  - (ii) the application site was located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that the applicant was reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Ping Che Road to the application site was not maintained by HyD; and
- (e) to note that permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied 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 11**

**Section 16 Application**

[Open Meeting]

A/ST/816 Columbarium in “Government, Institution or Community” zone,  
Government Land adjoining Chi Ha Yuen, No. 186 Pai Tau Village, To  
Fung Shan, Sha Tin  
(RNTPC Paper No. A/ST/816B)

---

33. The Secretary reported that on 18.7.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to address the comments from the Transport Department.

34. 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. 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. C.T. Lau and Mr. Wallace W.K. Tang, STP/STN, for their attendance to answer Members’ enquires. Mr. Lau and Mr. Tang left the meeting at this point.]

**Tuen Mun and Yuen Long District**

[Mr. Vincent T.K. Lai, Mr. Ernest C.M. Fung, Ms. Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

**Agenda Item 12**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/414            Renewal of Planning Approval for Temporary “Vehicle Park for Private Cars and Light Vans” for a Period of 3 Years in “Open Space” and “Residential (Group E)2” zones, Lot 1342 (Part) in D.D. 122, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/414)

---

Presentation and Question Sessions

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

[Professor Edwin H.W. Chan left the meeting temporarily at this point.]

- (a) background to the application;
- (b) the renewal of planning approval under Application No. A/YL-PS/323 for temporary vehicle park for private cars and light vans for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period. No local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper.

36. In response to the Chairman's question, Mr. Vincent T.K. Lai said that no public comment on the application was received.

#### Deliberation Session

37. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, from 14.8.2013 to 13.8.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles other than private cars and light vans, as proposed by the applicant, were allowed to be parked on the site at any time during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (c) the existing trees on the site should be maintained at all time during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained at all time during the planning approval period;
- (e) the submission of the condition record 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 13.2.2014;
- (f) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (g) if any of the above planning condition (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

38. 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 application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site was accessible to Castle Peak Road - Ping Shan via government land and private land. LandsD did not provide maintenance works for this track nor guarantees right-of-way. Access to the site might be affected by the Civil Engineering and Development Department's (CEDD) project, namely "Cycle Tracks Connecting North West New Territories with North East Territories –Tuen Mun to Sheung Shui Stage 1 (Yuen Long to Kam Tin River)". The concerned lot owners were required to apply to LandsD for the erection of any structure. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (c) to adopt the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any possible environmental nuisances;

- (d) to note the comments of the Commissioner of Transport that sufficient manoeuvring spaces should be provided within the site and no vehicle was allowed to queue back to public road or reverse onto/from the public road;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the access arrangement of the site from Castle Peak Road - Ping Shan should be commented and approved by the Transport Department; adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains; and HyD should not be responsible for the maintenance of any access connecting the site to Castle Peak Road - Ping Shan;
- (f) to note the comments of the Water Supplies Department (WSD) that the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside service within the private lots to WSD's standards; and
- (g) to note the comments of the Project Manager (New Territories North & West), CEDD that site was near the site of the "Cycle Tracks Connecting North West New Territories with North East Territories – Tuen Mun to Sheung Shui Stage 1 (Yuen Long to Kam Tin River)" project. The applicant was reminded that the operation of the subject vehicle park should not affect the construction works of this project.

**Agenda Item 13**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/836            Temporary Open Storage of Containers with Ancillary Logistics Uses, Site Office and Container Repairing Workshop for a Period of 3 Years in “Open Storage” and “Recreation” zones, Lots 545 (Part), 546 S.A (Part), 546 S.B (Part), 547 (Part), 548 (Part), 550 (Part), 551 (Part), 552 (Part), 574 (Part), 575 (Part), 576 (Part), 577 (Part), 578 (Part), 579 (Part), 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 597, 615 (Part), 616 (Part), 617 (Part) and 618 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/836)

---

**Presentation and Question Sessions**

39.            The Secretary reported that Mr. Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd., one of the consultants of the applicant. As Mr. Fu had no direct involvement in the application, the Committee agreed that Mr. Fu could stay in the meeting.

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

- (a) background to the application;
- (b) the temporary open storage of containers with ancillary logistics uses, site office and container repairing workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the proposed access road leading to the site would make use of the existing Ha Tsuen Road. It would involve heavy delivery vehicles which would create noise and dust nuisance to the

sensitive receivers nearby. However, no environmental complaint pertaining to the site had been received over the past 3 years. Other concerned departments had no objection to or adverse comment on the application;

- (d) three public comments from a member of Yuen Long District Council, a member of the public and the Designing Hong Kong Limited were received during the first three weeks of the statutory publication period. They objected to the application mainly on the grounds that the development did not comply with the planning intention of the “Recreation” zone; the development would cause traffic congestion, fire safety issue, adverse landscape, drainage and sewage impacts on the surrounding areas and affect the orchard and trees; and the workshop activities would also cause noise and dust nuisance to the nearby residents. No local objection/view was received by the District Officer/Yuen Long; and
  
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper. Although DEP did not support the application as the proposed access road would involve heavy delivery vehicle causing nuisance to the sensitive receivers nearby, no environmental complaint pertaining to the site had been received over the past 3 years. A number of planning applications (A/YL-HT/599, 658, 743 and 771) for temporary open storage of containers at the sites to the immediate west of the application site was approved by the Committee since 2009. To address DEP’s concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours, types of activity on the site and container vehicles from turning left into Ha Tsuen Road eastbound upon leaving the site were recommended. Regarding the public comments against the application on traffic, landscape, drainage and sewerage impacts arising from the development, relevant departments including the Commissioner for Transport, the Chief Engineer/Mainland North, Drainage Services Department and the Chief Town Planning/Urban Design & Landscape, Planning Department had no

adverse comment on or objection to the application.

41. Members had no question on the application.

#### Deliberation Session

42. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.8.2016, 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 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) in relation (a) above, no operation on Saturdays between 2:00 p.m. and 6:00 p.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the stacking height of containers stored on the site should not exceed 7 units during the planning approval period;
- (e) no cutting, dismantling, cleaning, repairing, compacting, inpacking, re-packing, vehicle repair and workshop activity, other than container repairing workshop, was allowed on site at any time during the planning approval period ;
- (f) no left turn of container vehicles into Ha Tsuen Road eastbound, as proposed by the applicant, upon leaving the site during the planning approval period;
- (g) the erection of a 'Turn Right' traffic sign at the junction of the access road



with Ha Tsuen Road to the satisfaction of the Commissioner for Transport or of the TPB during the planning approval period;

- (h) 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 2.2.2014;
- (i) in relation to (h) 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 2.5.2014;
- (j) 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 2.2.2014;
- (k) in relation to (j) 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 2.5.2014;
- (l) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2013;
- (m) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 2.2.2014;
- (n) in relation to (m) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 2.5.2014;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without

further notice;

- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) was not complied with by the above specified date, the approval hereby given should cease to have effect and should 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.

43. 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 application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without prior approval from LandsD. No approval was given for the proposed specified structures as site office and container repairing workshop. No permission had been given for the proposed use and/or occupation of the government land (GL) with the site. The act of occupation of GL without Government's prior approval should not be encouraged. Access to the site required traversing through private lot and/or GL. LandsD provided no maintenance works for this track nor guarantees right-of-way. Letters of Approval (L of A) No. ML/LM 14350 and ML/LM14421 were issued for erection of structures over No. 591 and 545 in DD125 respectively for agricultural purposes. If structures of else purpose were found on the above lots, LandsD would arrange to terminate the L of A as appropriate. The lot owners concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on site. Furthermore, the applicant had 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 would be considered by LandsD acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from the public road. According to the submitted traffic impact assessment report, the village access leading to the site from Ha Tsuen Road was managed and maintained by the applicant, and all traffic exiting the site was prohibited from left turning into Ha Tsuen Road eastbound;
- (e) to note the comments of the Director of Fire Services (D of FS) to provide portable hand-operated approved appliances, which should be clearly indicated on plans for storages, open sheds or enclosed structures with total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to the structures, and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to D of FS for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to D of FS for consideration;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Building Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Formal submission under the BO was required for any proposed new building works, including any temporary structures and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The converted containers for temporary office were considered as temporary buildings, and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site. If the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. The site should be provided with means of obtaining access from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D; and
- (g) to note the comment of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site could not provide the standard pedestal hydrant.

**Agenda Item 14**

**Section 16 Application**

[Open Meeting]

A/YL-HT/844            Temporary Open Storage of Recyclable Materials (Plastic, Paper and Metal) with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/844A)

---

44.            The Secretary reported that on 18.7.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to address the comments from Fire Services Department.

45.            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. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total of three months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 15**

**Section 16 Application**

[Open Meeting]

A/YL-HT/845            Temporary Open Storage of Used Electrical Appliances with Ancillary Workshop and Office for a Period of 3 Years in “Undetermined” zone, Short Term Tenancy No. 1869 (Part), Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/845A)

---

46.            The Secretary reported that on 18.7.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to address the comments from Fire Services Department.

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. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total of three months had been allowed, no further deferment would be granted unless under very special circumstances.

[Professor Edwin H.W. Chan returned to join the meeting at this point.]

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting]

A/YL-LFS/224 Proposed Comprehensive Residential Development with Wetland Nature Reserve, Filling of Pond and Excavation of Bund Resulting in No Net Loss of Wetland in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zones, Lot 1457 RP in D.D. 123 and Adjoining Government Land, Fung Lok Wai, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/224D)

---

48. The Secretary reported that the application was submitted by Mutual Luck Investment Ltd., a subsidiary of Cheung Kong (Holding) Ltd., Sun Hung Kai Properties Ltd., and Far East Consortium International Ltd.. Ms. W.M. Janice Lai had declared an interest in this item as she had current business dealings with Sun Hung Kai Properties Ltd. and ADI Ltd., which was one of the consultants of the applicant. Mr. Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Cheung Kong (Holding) Ltd. and Sun Hung Kai Properties Ltd., and three of the consultants of the applicant, namely ADI Ltd., Environ Hong Kong Ltd. and MVA Hong Kong Ltd. As the case was a deferral request, the Committee agreed that Ms. Lai and Mr. Fu could be allowed to stay in the meeting.

49. The Secretary reported that the application was originally scheduled for consideration by the Committee at this meeting. The application site, which covered 816,700m<sup>2</sup>, fell within an area zoned “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” (“OU(CDWEA)”) on the approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/7. The application had been deferred four times for a total of seven months at the request of the applicant to allow the applicant to address the departmental comments, especially on the ecological, landscape and urban design, and traffic aspects. Since the last deferment in April 2013, the applicant had provided further responses to departmental comments including an updated analysis of recent bird records within Deep Bay area, clarification on site boundaries, uses shown on the Master Layout Plan and to address departmental comments relating to landscaping and road widening proposals. As the submitted further information was only received on 25.7.2013 and 29.7.2013, there was insufficient time for concerned departments to provide comments. The Planning Department (PlanD) also intended to hold a meeting with the applicant and concerned government departments to resolve the outstanding issues. As such, PlanD requested a decision on the application be deferred for two months in order to allow time to consult concerned government departments and to resolve the outstanding issues.

50. After deliberation, the Committee decided to defer a decision on the application as requested by the PlanD. The Committee agreed that the application should be submitted for its consideration in two months’ time.

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/251      Temporary Open Storage of Construction Material and Metalwares for a Period of 3 Years in “Residential (Group E)” zone, Lots 2201 (Part ), 2219 RP (Part) , 2225 (Part) , 2339 S.A (Part) and 2341 (Part) in D.D.129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/251)

---

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction material and metalwares for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site (the closest one being about 8m away) and along the access road (Deep Bay Road), and environmental nuisance was expected. There were two substantiated complaints related to noise and air nuisance received in 2010. Other concerned departments had no objection to or adverse comment on the application;
- (d) one public comment was received during the first three weeks of the statutory publication period. A local resident of Lau Fau Shan objected to the application mainly on the grounds that the operation of open storage uses would generate dust and noise nuisance and the previous seven planning permissions granted should not be a ground of approving the current application. The commenter also stated that since the site was located near tourist spot and residential dwellings, open storage uses on the site if approved should strictly comply with the approval conditions to the satisfactory of government departments. For instance, the stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, and the operation hours of open storage uses should be restricted in order to avoid noise nuisance and maintain the quality of the surrounding areas. No local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the



temporary use could be tolerated for a period of one year based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site (the closest one being about 8m away) and along the access road (Lau Fau Shan Road), the area was predominantly occupied by open storage yards. The applied use was not incompatible with the general character of the area. To address the concern of DEP and mitigate any potential environmental impacts, approval conditions restricting the operation hours, the stacking height of materials, and prohibition of workshop activities, handling of electrical/ electronic appliances/ wastes and the types of vehicles to be used were recommended. While the applicant requested for a three-year planning approval, it should be noted that a shorter approval period of one year was granted under the previous applications (No. A/ YL-LFS/204, 226 and 233) to monitor the situation of the site in view of the pollution complaints against the site in the past three years. Given the public concerns on the operation of the site and the closest residential dwelling was about 8m away, a shorter approval of one year, instead of three years sought, was recommended for continual monitoring of the situation of the site.

52. In response to a Member's query, Mr. Ernest C.M. Fung said that the two substantiated complaints were received from residents of the nearby residential dwellings. In response to another Member's question, Mr. Ernest Fung said that in order to mitigate any potential environmental impacts, approval conditions restricting the operation hours, the stacking height of materials, and prohibition of workshop activities, handling of electrical/ electronic appliances/ wastes and the types of vehicles to be used were recommended in paragraphs 13.2 (a) to (f) of the Paper.

#### Deliberation Session

53. A Member asked if it was feasible to restrict the use of vehicle exceeding 5.5 tonnes in the approval condition as the applicant might have to use large vehicles for transportation of materials for the subject open storage use. In response, Mr. Ernest C.M. Fung said that the restriction on the use of vehicle exceeding 5.5 tonnes was imposed as

proposed by the applicant. The planning approval should cease to have effect and should be revoked should the applicant fail to comply such approval condition. The PlanD would monitor the operation of the applied use.

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 2.8.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) no repairing, cleaning, dismantling and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no handling (including loading, unloading, dismantling and storage) of electrical/electronic appliances, computers/computer parts, cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment, as proposed by the applicant, was allowed on the site during the planning approval period;
- (f) no vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle and container vehicle/trailer/tractor, as proposed by the applicant, was allowed to enter, park or operate at the site during the planning approval period;
- (g) the existing drainage facilities implemented should be maintained at all time during the planning approval period;

- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.11.2013;
- (i) the submission of landscape proposal including tree preservation proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 2.11.2013;
- (j) the implementation of landscape proposal including tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 2.2.2014;
- (k) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 13.9.2013;
- (l) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 2.11.2013;
- (m) the implementation of the fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 2.2.2014;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) prior planning permission should have been obtained before continuing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site was situated on Old Schedule Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government. Access to the application site required traversing through other private land and government land (GL). LandsD did not guarantee right-of-way. Lot 2225 in D.D. 129 was covered by a valid Short Term Waiver No. 3675 allowing form erection of struction with maximum built-over area 9m<sup>2</sup> and maximum height 3m. Should the application be approved, the lot owners would still need to apply to LandsD to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might 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 Director of Environmental Protection to minimize any potential environmental nuisance;

- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the site and Lau Fau Shan Road;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that whilst there were 2 existing trees in poor condition. Replacement and proper tree maintenance such as clearance of the weeds and waste materials around the tree base for example was recommended;
- (h) to note the comments of the Director of Fire Services (D of FS) in Appendix V of the RNTPC paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to D of FS for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. The applicant should also adhere to the 'Good Practice for Open Storage'. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to D of FS for consideration;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the existing structures at the site. If the

existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works were to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might 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 acceptance of any existing building works or UBW on the site under the BO. The site should 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 did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (j) to follow the 'Code of Practice for Safe Use of Mobile Cranes' issued by the Commissioner for Labour should there be any operational need to use cranes to load/unload the materials stored.

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting]

A/YL-NSW/219      Proposed Prefabrication Yard for Steel Reinforcement Bars in "Open Storage" zone and an area shown as 'Road', Government Land at the Junction of Tsing Long Highway and Castle Peak Road - Tam Mi Section, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/219A)

---

56. The Secretary reported that Ms. Janice W.M. Lai had declared an interest in this item as she had current business dealings with the applicant, the Civil Engineering and Development Department. As the case was a deferral request, the Committee agreed that Ms. Lai could be allowed to stay in the meeting.

57. The Secretary reported that the application was scheduled for consideration by the Committee at this meeting. The application site, which covered 15,719m<sup>2</sup>, fell within an area partly zoned “Open Storage” (“OS”) and partly shown as ‘Road’ on the approved Nam Sang Wai Outline Zoning Plan (OZP) No. S/YL-NSW/8. During the statutory public inspection period, a total of 110 public comments were received, amongst which one of the commenters submitted a legal representation stating that the Board had no power to grant planning permission for the proposed prefabrication yard under the OZP. Since complicated legal considerations were involved, the Planning Department (PlanD) requested the Committee to defer decision on the application for one month (i.e. at the RNTPC meeting on 6.9.2013) in order to allow more time to consult the relevant government departments, including Department of Justice, and sought further clarification with the applicant on the development proposal.

58. After deliberation, the Committee decided to defer a decision on the application as requested by the PlanD. The Committee agreed that the application should be submitted for its consideration in one month’s time (i.e. at the RNTPC meeting on 6.9.2013).

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/408      Proposed Temporary Shop and Services (Real Estate Agency and Convenient Store) for a Period of 3 Years in “Village Type Development” zone, Lots 216 S.S ss.2 RP (Part), 216 S.S RP (Part), 237 S.B ss.3 RP and 237 S.B ss.4 S.B (Part) in D.D. 103, Ko Po Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/408)

---

### Presentation and Question Sessions

59. Ms. Bonita K.K. Ho, STP/TMYL, 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 convenient store) for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for three years based on the assessments set out in paragraph 11 of the Paper. As the last application No. A/YL-KTN/372 was revoked due to non-compliance with approval conditions related to submission of drainage and fire service installations (FSIs) proposals, shorter compliance periods were recommended to monitor the progress of compliance.

60. Members had no question on the application.

### Deliberation Session

61. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.8.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :



- (a) no operation between 8:00 p.m. and 9:00 a.m. for the real estate agency, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the implementation of the accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.11.2013;
- (c) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 2.11.2013;
- (d) in relation to (c) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 2.2.2014;
- (e) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (f) if any of the above planning conditions (b), (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (g) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the permission was given to the use under the application. It did not condone any other use including the storage use which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use not covered by

the permission;

- (b) to resolve any land issues relating to the development with the concerned owner of the site;
- (c) shorter compliance periods were imposed to monitor the situation on the site. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprised Old Scheduled Agricultural Lot held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. The access route of the site to and from Kam Tin Road would require traversing through a local access on open government land (GL). LandsD provided no maintenance works for the GL involved and did not guarantee right of way. LandsD would consider taking lease enforcement action against the site if structures were found on Lots No. 237 S.B ss.3 RP (Part) and 237 S.B ss.4 (Part) in D.D.103 without Government's permission and any irregularities were found in breach of the conditions of Short Term Waiver No. 2941 on Lots No. 216 S.S RP in D.D.103. The landowner(s) concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If the application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (e) to adopt the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open

Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (f) to note the comments of the Commissioner of Transport that the site was connected to the public road network via a section of a local access road which might not be managed by the Transport Department. The land status of the local access road should be checked with the Lands Department. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should implement the drainage facilities on site in accordance with the agreed drainage proposal. The applicant was required to rectify the drainage system if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of the damage or nuisance caused by a failure of the drainage system. The proposed development would neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from relevant lot owners for any 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 (D of FS) that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision

of certain FSIs, the applicant was required to provide justifications to D of FS for consideration. If the proposed structure(s) was required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements would 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 there was no record of approval by the Building Authority (BA) for any existing structures at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. The applicant should observe that before any new building works were to be carried out on the site, prior approval and consent from the BA should be obtained. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, it appeared that the site did not abut on a specified street having a width of not less than 4.5m wide, in such respect, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The site should be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access should be provided under the B(P)R 41D. For UBW erected on leased land, enforcement action might 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. Detailed checking for building works and drainage works would be carried out in plan submission stage.

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/651            Temporary Horse Riding School with Ancillary Barbecue Area and Field Study Centre for a Period of 3 Years in “Residential (Group D)” zone, Lots 3037 S.A, 3037 RP (Part), 3039 and 3040 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/651C)

---

**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the temporary horse riding school with ancillary barbecue area and field study centre for a period of three years;
- (c)    departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d)    two public comments from a Yuen Long District Council member and a member of the public were received during the first three weeks of the statutory publication period. The commenters objected to/ expressed concern on the application mainly on the grounds that the applicant did not demonstrate effort to comply with the approval conditions as the application had been revoked two times; it was doubtful as to whether the barbeque area would be closed at 6:00 p.m. as barbeque sites would usually be busy at night; and horses’ excrement, use of horse-drawn cart and provision of tracks for horses would cause environmental hygiene, safety and soil erosion problems. No local objection/view was received by the

District Officer/Yuen Long; and

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The five previous applications (No. No. A/YL-PH/301, 418, 527, 592 and 615) for the same use were approved taken into account that the development was considered not incompatible with the surrounding land uses with wooded area and country park, and the potential adverse impacts arising from the development could be adequately mitigated by imposition of approval conditions including those related to fire safety aspect. However, for the current application, the development was subject to repeated non-compliances with approval condition on the submission of fire service installations (FSIs) and the applicant failed to demonstrate the genuine efforts in compliance with the approval conditions. Although a plan showing the FSIs with photos and a drainage proposal were submitted in this application, they were not yet accepted by the Director of Fire Services and the Chief Engineer/Mainland North, Drainage Services Department. Noting the applicant's repeated failures to comply with the approval conditions on fire safety aspect of the previous planning permissions (Applications No. A/YL-PH/592 and 615) and the current submissions were yet to be accepted by the relevant departments, it was doubtful that the potential fire risk could be duly addressed by way of imposing approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which are also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control. In light of the above, the current application did not warrant sympathetic consideration.

64. In response to the Chairman's question, Ms. Bonita K.K. Ho said that the application was susceptible to fire risk due to the presence of other activities such as karaoke. As the site was surrounded by wooded area/country park, provision of FSIs was considered necessary from fire safety point of view.

65. The Secretary pointed out that the rejection reason as stated in paragraph 12.1(a) of the Paper might not be appropriate as the fire risk should be related to the development. The Chairman suggested that the rejection reason should be suitably amended. Members agreed.

#### Deliberation Session

66. In response to a Member's query, Ms. Ho said that during a site visit, it was found that the horse riding school had already ceased operation.

67. Members then went through the reasons for rejecting the application as stated in paragraph 12.1 of the Paper and agreed that they should be suitably amended to reflect Members' views as expressed at the meeting. After deliberation, the Committee decided to reject the application for the following reasons :

- (a) the proposed development was considered not acceptable from fire safety point of view; and
- (b) previous planning permissions granted to the applicant under Applications No. A/YL-PH/592 and 615 were revoked due to non-compliance with approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning applications for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

**Agenda Item 21**

**Section 16 Application**

[Open Meeting]

A/YL-PH/670            Proposed Temporary Open Storage of Soil and Construction Materials with Ancillary Site Office and Staff Rest Room for a Period of 3 Years in “Agriculture” zone, Lots 336 S.A ss.1, 336 S.B, 337 (Part), 357, 358 (Part), 359 (Part), 360 (Part), 361 (Part), 362 (Part), 366 (Part), 367 (Part), 394 (Part) and 395 (Part) in D.D.110, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/670)

---

68.            The Secretary reported that on 19.7.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to address the departmental comments.

69.            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. 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 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/190            Temporary Dog Kennels for a Period of 3 Years in “Conservation Area” zone, Lots 1353 S.A, 1354 (Part) and 1355 S.A in D.D. 114, Shek Kong, Yuen Long (RNTPC Paper No. A/YL-SK/190)

---

**Presentation and Question Sessions**



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

- (a) background to the application;
- (b) the temporary dog kennels for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one public comment from a Yuen Long District Council (YLDC) member was received during the first three weeks of the statutory publication period. The commenter raised concerns on the possible noise, sewerage and environmental impacts on the surrounding area. A comment from the YLDC member was received by the District Officer/Yuen Long. It was the same comment submitted to the Board and had been treated as a public comment received during the statutory publication period of the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for three years based on the assessments set out in paragraph 11 of the Paper. Regarding the public comment on noise and sewerage aspects, there had been no significant change in the site condition since the granting of first temporary approval in 2006 and no environmental complaint concerning the subject dog kennels at the site was received in the past 3 years. The applicant acquired an effluent discharge licence under the Water Pollution Control Ordinance. As such, the applied use at the site was subject to control and monitoring by relevant authorities and would unlikely have significant adverse environmental impact on the surrounding areas. The concerned departments including the Director of Environmental Protection and the Chief Engineer/Mainland North, Drainage Services Department had no adverse comments on the application. In order to address the possible environmental concerns, an approval

condition requiring the maintenance of existing drainage facilities and shorter compliance periods to closely monitor the progress on compliance with the approval conditions were recommended.

71. Members had no question on the application.

#### Deliberation Session

72. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.8.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing drainage facilities on the application site should be maintained at all time during the planning approval period;
- (b) the submission of a record of existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.11.2013;
- (c) the submission of a tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.11.2013;
- (d) in relation to (c) above, the implementation of the 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 2.2.2014;
- (e) if the above planning conditions (a) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (f) if any of the above planning conditions (b), (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have

effect and should on the same date be revoked without further notice; and

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) shorter compliance periods were allowed to monitor the situation on the application site and the progress on compliance with approval conditions. Sympathetic consideration might not be given by the Committee to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no approval had been given for the specified structures as dog kennel, dog whelping room, mating room, storage room and staff accommodation. LandsD would consider taking lease enforcement action against the application site if structures were found on Lot 1354 (Part) and 1355 S.A in D.D. 114 without Government's permission and any irregularities were found in breach of the conditions of MOT No. 22979 on Lot 1355 S.A in D.D. 114. The landowner(s) concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularity on application site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including

among others the payment of premium or fee, as might be imposed by LandsD. Besides, the access route of the application site to and from Kam Sheung Road would require traversing through a local track on open government land and other private lots. LandsD provided no maintenance works for the government land involved and did not guarantee right-of-way;

- (e) to note the comments of the Assistant Commissioner for Transport/New Territories (AC for T/NT) that the application site was connected to the public road network via a section of a local access road which was not managed by 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;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that there was a stream abutting the application site. The applicant should adopt the necessary measures to prevent polluting the stream during the operation of the site as far as practicable;
- (g) to note the comments of the Director of Environmental Protection that the applicant should follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' and to renew the licence under the Water Pollution Control Ordinance before expiry on 31.10.2017;
- (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 might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply to the development and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Besides, water mains in the vicinity of

the site could not provide the standard pedestal hydrant;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for structures existing at the site. If the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works, including any temporary buildings, were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on lease land, enforcement action might 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 should 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 did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should 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 should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site,

the applicant and/or his contractors should 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 should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/314            Temporary Wholesale Centre of Auto Parts and Storage for a Period of 3 Years in “Residential (Group C)” zone, Lots 1012 S.A RP, 1037(A) & (B), 1038, 1039, 1040, 1041 and 1042 in D.D. 115, Au Tau, Yuen Long  
(RNTPC Paper No. A/YL-TT/314)

---

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

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

- (a) background to the application;
- (b) the temporary wholesale centre of auto parts and storage for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the

statutory publication period. No local objection/view was received by the District Officer/Yuen Long; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper.

75. Members had no question on the application.

#### Deliberation Session

76. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.8.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) no medium and heavy goods vehicles (i.e. exceeding 5.5 tonnes), including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed for the operation of the site at any time during the planning approval period;
- (e) the existing drainage facilities implemented under Application No. A/YL-TT/260 on the application site should be maintained at all time during the planning approval period;

- (f) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.2.2014;
- (g) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.2.2014;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.5.2014;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.2.2014;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2014;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.



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

- (a) prior planning permission should have been obtained before continuing the applied use at the application site;
- (b) the permission was given to the use under the application. It did not condone any other use including workshop activities which currently existed or that might exist on the application site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owners of the application site;
- (d) the application site should be kept in a clean and tidy condition at all time;
- (e) to note the comments of the District Lands Officer/Yuen Long (DLO/YL, LandsD) that the private lots within the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. The private land of Lots 1012 S.A RP, 1037 (A), 1037 (B), 1038 and 1041 in D.D.115 was covered by Short Term Waiver (STW) No. 3449 to allow the use of the land for the purpose of wholesale centre of auto parts and storage with permitted built-over area (B.O.A.) not exceeding 295.8m<sup>2</sup> and height not exceeding 7.3m above the ground level. The private land of Lots 1039, 1040 and 1042 in D.D. 115 was covered by STW No. 3450 to allow the use of the land for the purpose of wholesale centre of auto parts and storage with permitted B.O.A. not exceeding 43.6m<sup>2</sup> and height not exceeding 7.3m above the ground level. Should the application be approved, the lot owners concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be

approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the application site was accessible through an informal village track on government land extended from Castle Peak Road – Yuen Long. LandsD did not provide maintenance works for such track nor guarantees right-of-way;

- (f) to note the comments of the Assistant Commissioner for Transport/New Territories that the land status of the access road/path/track leading to the application 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 management and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD should not be responsible for the maintenance of any existing vehicular access connecting the application site and Castle Peak Road – Yuen Long;
- (h) to follow 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 minimize any potential environmental nuisances;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that most of the existing trees on-site were found being severely topped and 4 trees were found felled, which were not acceptable from the landscape point of view. Replacement planting of those topped or felled trees with healthy trees of good form was required. All the existing or newly planted trees should be properly maintained on-site according to good horticultural practices;
- (j) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations

(FSIs) were anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to D of FS 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 be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant was required to provide justifications to D of FS for consideration. However, if the proposed structure(s) was required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements would be formulated upon receipt of formal submission of general building plans;

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including converted containers and open sheds) were to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might 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 should 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 did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (1) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or lines 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 should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines. Also, there was a high pressure town gas transmission pipe running along Castle Peak Road – Yuen Long. For any construction works near town gas transmission pipes, the applicant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipes routes/gas installations in the vicinity of the proposed work area and the minimum set back distance away from the gas pipelines if any excavation works was required. The applicant was also advised to note the requirements of the “Code of Practice on Avoiding Danger from Gas Pipes”.

#### **Agenda Item 24**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/642      Renewal of Planning Approval for Temporary “Warehouse for Storage of Construction Materials and Batteries (with Ancillary Workshop Activities)” for a Period of 3 Years in “Undetermined” zone, Lots 989 (Part) and 990 (Part) in D.D. 119, Yuen Long  
(RNTPC Paper No. A/YL-TYST/642)

---

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the renewal of planning approval under Application No. A/YL-TYST/485 for temporary warehouse for storage of construction materials and batteries (with ancillary workshop activities) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) advised that one environmental complaint was received related to suspected illegal wastewater discharge in the area in 2010. However, no sign of illegal wastewater discharge was observed and no operation was found at the subject site during inspections. Other concerned departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper.

79. Members had no question on the application.

#### Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 14.8.2013 to 13.8.2016, 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 10:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, except packaging activities, as proposed by the applicant, should be carried out on the application site, at any time during the planning approval period;
- (d) no used batteries, electrical appliances, televisions, computer monitors, computer/electronic parts or any other types of electronic waste were allowed to be stored on the application site during the planning approval period;
- (e) no storage of battery was allowed on the open areas of the site at any time during the planning approval period;
- (f) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (g) the existing drainage facilities on the application site implemented under Application No. A/YL-TYST/485 should be maintained at all time during the planning approval period;
- (h) the submission of a record of existing drainage facilities on the application 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 13.2.2014;

- (i) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 13.2.2014;
- (j) in relation to (i) above, the implementation of tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 13.5.2014;
- (k) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.2.2014;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.5.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with other concerned owner(s) of the application site;
  
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land of Lot 989 in D.D. 119 was covered by Short Term Waiver (STW) No. 3441 to allow the use of the land for the purpose of warehouse for storage of construction materials and battery (with ancillary workshop activities) with permitted built-over area not exceeding 824.04m<sup>2</sup> and with height not exceeding 5m above the ground level. The lot owner concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, they would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the application site was accessible through an informal village track on government land and private land extended from Kung Um Road. LandsD did not provide maintenance works for such track nor guarantees right-of-way;
  
- (c) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the application 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;
  
- (d) 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 application site to nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the application 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 Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that all the existing trees on site should be properly maintained in accordance with good horticultural practices;
- (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 might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Also, water mains in the vicinity of the application site could not 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) were anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to D of FS for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs to be installed should also be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed, the applicant was required to provide justifications to D of FS for consideration. However, the applicant was reminded that if the proposed structure(s) was required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements would 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 were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including converted containers and open sheds as temporary buildings) were to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might 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 constructed as an acceptance of any existing building works or UBW on the application site under the BO. The application site should 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 application site did not abut on specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

[The Chairman thanked Mr. Vincent T.K. Lai, Mr. Ernest C.M. Fung, Ms. Bonita K.K. Ho, STPs/TMYL, for their attendance to answer Members' enquires. Mr. Lai, Mr. Fung and Ms. Ho left the meeting at this point.]

### **Agenda Item 25**

#### **Any Other Business**

82. There being no other business, the meeting closed at 3:40 p.m..