

TOWN PLANNING BOARD

Minutes of 502nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 3.1.2014

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor Edwin H.W. Chan

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr F.C. Chan

Chief Traffic Engineer/New Territories East,
Transport Department
Mr K.C. Siu

Assistant Director (Environmental Assessment),
Environmental Protection Department

Mr K.F. Tang

Assistant Director/New Territories,
Lands Department
Mr Tony H. Moyung

Deputy Director of Planning/District
Ms Brenda K.Y. Au

Secretary

Absent with Apologies

Mr Timothy K.W. Ma

Vice-chairman

Mr Rock C.N. Chen

Dr Wilton W.T. Fok

Mr H.F. Leung

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

In Attendance

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

Town Planner/Town Planning Board
Miss Anny P.K. Tang

General

1. The Chairman said that the establishment of the new Fanling, Sheung Shui and Yuen Long East District Planning Office (DPO) in the Planning Department and the renaming of the Tuen Mun and Yuen Long DPO to Tuen Mun and Yuen Long West DPO had just taken effect on 2.1.2014. However, for smooth running of the meeting, the meeting would adhere to the agenda issued earlier based on the previous division of areas of responsibilities.

Agenda Item 1

Confirmation of the Draft Minutes of the 501st RNTPC Meeting held on 13.12.2013

[Open Meeting]

2. The draft minutes of the 501st RNTPC meeting held on 13.12.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

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

Agenda Items 3 and 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/228 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” Zone, Lot 554 S.A in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/228 and 229)

A/SK-HC/229 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 554 RP in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/228 and 229)

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

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in

paragraph 9 and Appendix IV of the Paper. The Commissioner for Transport (C for T) had reservation on the applications and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent case for similar applications in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, the applications only involved construction of one Small House in each application. C for T considered the applications could be tolerated unless they were rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, two public comments on each of the applications were received from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation. They objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “Agriculture” zone; the approval of the applications would lead to a decrease in farmland; and there was no traffic and environmental impact assessments in the submission. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. Although C for T had reservation on the applications, the applications could be tolerated. The applications were in compliance with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories and the proposed Small House developments were not incompatible with the surroundings. It was also not anticipated that the proposed developments would result in adverse drainage, landscape and environmental impacts on the surrounding areas. Regarding the public comment that the approval of the applications would lead to a decrease in farmland, since rehabilitation of agriculture in this area would be highly unlikely in view of the Small Houses already constructed in the vicinity and there was a shortage of land in meeting Small House demand in the “V” zone, sympathetic consideration

according to the Interim Criteria should be given to the two applications.

6. Members had no question on the application.

Deliberation Session

7. 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 3.1.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following condition :

“ the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

“ (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department’s standard;

(b) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage works should be provided in association with the proposed works not causing adverse drainage impact on the areas in the vicinity, and the site is within an area where neither stormwater nor sewerage connections maintained by the Drainage Services Department is available in the vicinity at present; and
- (d) to note the comments of the Antiquities and Monument Office of Leisure and Cultural Services Department that the applicant is required to inform his office if any antiquities or supposed antiquities are found at the work site, irrespective of whether during the construction works or not.”

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-TMT/42 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Lots No. 122 S.A and S.B in D.D. 216, O Tau Village, Sai Kung
(RNTPC Paper No. A/SK-TMT/42A)

9. The Secretary reported that on 18.12.2013, the applicant had requested for deferment of the consideration of the application for one month in order to allow time for the applicant to address departmental comments. This was the applicant's second request for deferment.

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

Sha Tin, Tai Po and North District

Agenda Item 6

Section 16 Application

[Open Meeting]

A/NE-KTS/354 Proposed 6 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 681 S.A, 681 S.B, 681 S.C, 681 S.D, 681 S.E and 681 S.F in D.D. 100, Tsiu Keng Lo Wai, Sheung Shui, New Territories
(RNTPC Paper No. A/NE-KTS/354)

11. The Secretary reported that on 20.12.2013, the applicant had requested for deferment of the consideration of the application for two months in order to allow time for the applicant to consult and liaise with the District Lands Office/North, Lands Department. This was the first time that the applicants requested for deferment.

12. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. The Committee also agreed to advise the applicants that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Items 7 and 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/355 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1228 S.A in D.D. 100, Chan Uk Po Village,
Sheung Shui, New Territories
(RNTPC Paper No. A/NE-KTS/355 and 356)

A/NE-KTS/356 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1228 S.B in D.D. 100, Chan Uk Po Village,
Sheung Shui, New Territories
(RNTPC Paper No. A/NE-KTS/355 and 356)

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

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture,

Fisheries and Conservation (DAFC) did not support the applications from an agricultural development standpoint as the application sites were of high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent case for similar application in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, the applications only involved construction of one Small House in each application. C for T considered the applications could be tolerated unless they were rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, one public comment on each of the applications was received from Kadoorie Farm & Botanic Garden Corporation. The commenter objected to the applications mainly on the grounds that the sites and the surrounding areas had high potential for agricultural rehabilitation and the area of agricultural land in Hong Kong should not be further reduced. 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 set out in paragraph 11 of the Paper. Although DAFC did not support the applications as the sites were of high potential for agricultural rehabilitation, it should be noted that the footprints of the proposed Small Houses fell entirely within the village ‘environs’ of Chan Uk Po Village of Tsiu Keng and there was insufficient land within the “V” zone of the same village to meet the Small House demand. The proposed Small Houses were not incompatible with the surrounding land uses, which were predominantly rural in nature with existing and approved Small House developments and domestic structures. Besides, the applications could be tolerated by C for T. It was not anticipated that the proposed developments would have significant adverse traffic, drainage, landscape and environmental impacts on the surrounding areas. Regarding the public comment, the above assessments were

relevant.

15. Members had no question on the application.

Deliberation Session

16. 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 3.1.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions 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.”

17. The Committee also agreed to advise the applicant of each of the applications of the following :

- “ (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of septic tank;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows :
 - (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land

matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standard; and

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

Agenda Items 9 and 10

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/522 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1002 S.A ss.5 in D.D. 83, Tung Kok Wai,
Lung Yeuk Tau, Fanling, New Territories
(RNTPC Paper No. A/NE-LYT/522 and 523)

A/NE-LYT/523 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 1002 S.A
ss.6 in D.D. 83, Tung Kok Wai, Lung Yeuk Tau, Fanling, New
Territories
(RNTPC Paper No. A/NE-LYT/522 and 523)

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

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from an agricultural development standpoint as the application sites were of high potential for agricultural rehabilitation. The Commissioner for

Transport (C for T) had reservation on the applications and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent case for similar applications in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, the applications only involved construction of one Small House in each application. C for T considered the applications could be tolerated unless they were rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, two public comments on each of the applications were received. One was submitted by a North District Council member who supported the applications on the ground that the proposed development could be beneficial to the villagers. The other comment submitted by Kadoorie Farm & Botanic Garden Corporation objected to the applications mainly on the grounds that the agricultural land should be retained to safeguard the food supply for Hong Kong and approval of the cases would set an undesirable precedent for similar applications. 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 set out in paragraph 11 of the Paper. Although DAFC did not support the applications as the sites were of high potential for agricultural rehabilitation, it should be noted that the footprints of the proposed Small Houses fell entirely within the village ‘environs’ of Wing Ning Wai, Wing Ning Tsuen, Tung Kok Wai, Ma Wat Tsuen, Ma Wat Wai, Tsz Tong Tsuen and Lo Wai and there was insufficient land within the “V” zone of Lung Yeuk Tau to meet the Small House demand. The proposed Small Houses were not incompatible with the surrounding area of rural landscape character dominated by farmlands and village houses. Besides, the applications could be tolerated by C for T. It was also not anticipated that the proposed developments would have significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. Regarding the public comment, the above

assessments were relevant.

20. Members had no question on the application.

Deliberation Session

21. 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 3.1.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions 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.”

22. The Committee also agreed to advise the applicant of each of the applications of the following :

- “ (a) to note the comments of the Director of Environmental Protection as follows :
- (i) on sewage treatment/disposal facilities, the applicant should be reminded to construct and use septic tank and soakaway (ST/SA) systems in compliance with the requirements mentioned in ProPECC PN 5/93 and convey the wastewater generated from the house into the ST/SA systems for proper treatment before the completion of planned public sewerage system; and
- (ii) adequate land should be reserved for the future sewer connections when sewerage system is available;

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows :
- (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standard; and
 - (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Sha Tau Kok Road to the site is not maintained by HyD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/461 Renewal of Planning Approval for Temporary “Private Car Park” for a Period of 3 Years in “Agriculture” and “Village Type Development” Zones, Lot 365 S.C (Part) in D.D. 84, Tai Po Tin Village, Ping Che, New Territories
(RNTPC Paper No. A/NE-TKL/461)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary private car park under previous Application No. A/NE-TKL/340 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as active agricultural activities were found in the vicinity of the site and the site had a high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council member who supported the application on the ground that it would bring convenience to the villagers;
- (e) the District Officer (North) received local views from the Ta Kwu Ling District Rural Committee (TKLDRC) and a villager who objected to the application on the grounds of adverse traffic impact, which would affect

the safety of the villagers;

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. Although DAFC did not favour the application from the agricultural rehabilitation perspective, the site had been paved and used as a private car park since 2005. The temporary private car park was not incompatible with the surrounding rural character, which was predominantly a mix of active or fallow agricultural land and village houses. Approval of the application on a temporary basis would not jeopardise the long-term planning intentions of the “Agriculture” and “Village Type Development” zones. The application generally complied with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPG PG-No.34B) in that the applicant had complied with all the approval conditions of the three previous planning applications No. A/NE-TKL/263, 301 and 340. Regarding the public comments objecting to the application, the concerned Government departments had no objection to or no adverse comment on the application. The concerns of the commenters could be addressed through imposition of an approval condition restricting the car park for private cars only and should not be opened to the public on a commercial basis.

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

24. Members had no question on the application.

Deliberation Session

25. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 12.3.2014 to 11.3.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) the car park should be restricted for parking of private cars only and should not be open to the public on a commercial basis;
- (b) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.6.2014;
- (c) 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 11.9.2014;
- (d) in relation to (c) 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 11.12.2014;
- (e) 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 11.9.2014;
- (f) in relation to (e) 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 11.12.2014;
- (g) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (b), (c), (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;

and

- (i) upon 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.”

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

- “ (a) to resolve any land issue relating to the temporary use with other concerned owner(s) of the site;
- (b) to note the District Lands Officer/North, Lands Department’s comments that the owners of the lots should be advised to apply to his office for a Short Term Waiver (STW) for the existing/proposed structures. There is no guarantee that STW will be granted to the applicant. If the STW is granted, it will be made subject to such terms and conditions to be imposed as the Government shall deem fit to do so including the payment of STW fees;
- (c) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the applicant should be requested to maintain the existing drainage facilities properly and rectify those facilities if it is found inadequate/ineffective during operation;
- (d) to note the Chief Engineer/Development(2), Water Supplies Department’s comments on the following :
- (i) the site is located within the flood pumping gathering ground; and
 - (ii) water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (e) to note the Director of Fire Services’ comments to provide and properly maintain portable hand operated approved appliances for the car parking

space covered by canopy throughout the approval period. Upon completion of installation of fire service installations, it is advised to submit “Certificate of Fire Service Installations and Equipment (FS 251)” to his department; and

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

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-TKL/462

Proposed Temporary Open Storage of Construction Materials and Equipment and Tools for a Period of 3 Years in “Agriculture” Zone, Lot 1097 in D.D. 82, Ta Kwu Ling, New Territories
(RNTPC Paper No. A/NE-TKL/462)

27. The Secretary reported that on 13.12.2013, the applicant had requested for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the concerns of the Transport Department. This was the first time that the applicant requested for deferment.

28. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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 13

Section 16 Application

[Open Meeting]

A/NE-TKL/463

Proposed Temporary Dangerous Goods Godown (for Storage of Category 4 and Category 5 Dangerous Goods) for a Period of 3 Years in “Open Storage” Zone, Lot 459 R.P (Part) in D.D. 77, Ping Che, Ta Kwu Ling, New Territories
(RNTPC Paper No. A/NE-TKL/463)

29. The Secretary reported that on 12.12.2013, the applicant had requested for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the concerns of relevant departments. This was the first time that the applicant requested for deferment.

30. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/474 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 291 and Adjoining Government Land in D.D. 8, Tai Mong Che (Tai Yeung Che), Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/474B)

Presentation and Question Sessions

31. 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 site was located within upper indirect Water Gathering Ground (WGG) and was less than 30m away from the nearest stream. The proposed sewer encroaching onto the flow area of the adjacent Lam Tsuen River was unacceptable to the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD). The Chief Engineer/Development(2) of Water Supplies Department (CE/Dev(2), WSD) objected to application as there was no information in the submission regarding the maintenance and operation of the sewer connection pipe and any improper maintenance and operation of the pipe might increase the risk of pollution to the WGG. CE/Dev(2), WSD considered that compliance with item (i) of the Interim Criteria could not be established. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural point of view as the application site was of high potential for agricultural rehabilitation.

The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as adverse impact on landscape resources was very likely and no mitigation or compensatory measures had been proposed;

- (d) during the first three weeks of the statutory publication period and the publication of the further information, a total of eight public comments were received. The comments, submitted by Designing Hong Kong Limited and Indigenous Inhabitant Representatives/villagers of Tai Yeung Che, objected to the application mainly on the grounds that the cumulative impact of developments without public sewerage would result in contamination of the WGG and nearby water bodies; the property was not owned by indigenous villager; and the site involved Government land. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper and were summarised below :
 - (i) the site fell partly within the “Agriculture” (“AGR”) zone. The proposed development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC did not support the application from agricultural point of view;
 - (ii) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the sewer connection pipe encroaching onto the flow area of the adjacent Lam Tsuen River was not acceptable and there was no information in the application regarding the maintenance and operation of the sewer connection

pipe. CE/MN, DSD and CE/Dev(2), WSD did not support the application while CE/Dev(2), WSD raised concern that any improper maintenance and operation of the sewer connection pipe might increase the risk of pollution to the WGG. Furthermore, landscape resources would be affected by the proposed Small House and the applicant had not proposed any mitigation or compensatory measures. In this connection, CTP/UD&L, PlanD had reservation on the application; and

- (iii) there were similar applications approved by the Committee mainly on the grounds that the proposed Small Houses complied with the Interim Criteria in that, among others, the proposed developments would be able to be connected to the planned sewerage system in the area.

32. Members had no question on the application.

[Professor Edwin H.W. Chan and Dr C.P. Lau arrived to join the meeting at this point.]

Deliberation Session

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

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

Consideration of Application for New Territories Exempted House/Small House in the New Territories” in that the applicant fails to demonstrate that the proposed development would not cause adverse impact on landscape resources and water quality in the surrounding areas.”

Agenda Item 15

Section 16 Application

[Open Meeting]

A/NE-LT/493 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 825 S.B in D.D. 19, She Shan Tsuen, Lam
Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/493)

34. The Secretary reported that on 13.12.2013, the applicant had requested for deferment of the consideration of the application for one month in order to allow time for the applicant to prepare responses to Government departments’ comments. This was the first time that the applicant requested for deferment.

35. 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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/466 Proposed Public Utility Installation (Electricity Package Substation) and Excavation of Land in “Conservation Area” Zone, Government Land in D.D. 23, San Tau Kok, Tai Po
(RNTPC Paper No. A/NE-TK/466A)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the application was first considered by the Committee on 27.9.2013. After giving consideration to the application for an electricity package substation (ESS) involving excavation of land at the site, the Committee decided to defer making a decision on the application pending the Planning Department’s (PlanD’s) review on the availability of any suitable alternative site in the adjacent “Government, Institution or Community” (“G/IC”) zone for the development of the proposed ESS. In response to the Committee’s request, a joint site visit was conducted by PlanD with the applicant and China Light & Power Hong Kong Limited (CLP) on 19.11.2013 and further information was submitted by the applicant on 11.12.2013 in support of the application. Besides, PlanD had conducted a review on the availability of any suitable alternative site in the adjacent “G/IC” zone and noted that only a small portion of the “G/IC” zone fell within the possible zone for installation of the ESS and shown on Plan FA-2b of the Paper. The land involved was currently occupied by various government uses. The rest of the “G/IC” zone comprised mainly remaining area of the plant nursery and two fish ponds in the south;
- (b) departmental comments – the District Lands Officer/Tai Po (DLO/TP)

confirmed that there was no site available within the “G/IC” zone for the proposed ESS. The Director of Electrical and Mechanical Services Department had no particular comment on the applicant’s supplementary information;

- (c) there was one public comment submitted by Kadoorie Farm & Botanic Garden Corporation received during the statutory publication period of the application. The commenter raised concern on the compatibility of the proposed development with the planning intention of the “Conservation Area” (“CA”) zone and commented that approval for applications of public utilities nature should not be taken as setting a precedent for any future developments within the “CA” zone. No local objection/view was received by the District Officer (Tai Po); and
- (d) PlanD’s views – PlanD maintained its previous stance of no objection to the application based on the assessments set out in paragraph 4 of the Paper. PlanD had reviewed the current uses of the “G/IC” zone and confirmed with DLO/TP that no site within the “G/IC” zone was available for the proposed ESS. Although the site fell within “CA” zone, it had been hard paved and was in close proximity to Tung Tsz Road. The Director of Agriculture, Fisheries and Conservation had no strong view on the application from nature conservation point of view.

37. The Chairman said that PlanD had conducted a review but no suitable alternative site could be identified in the adjacent “G/IC” zone. Members had no question on the application.

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

Deliberation Session

38. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 3.1.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was

renewed. The permission was subject to the following conditions :

- “ (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission and implementation of a proposal on the design, construction, operation and maintenance of the proposed electricity package substation to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “ (a) to apply to the Tai Po District Lands Office for Short Term Tenancy. However, there is no guarantee that such approval will eventually be given. If approved by Lands Department (LandsD) acting in the capacity as landlord at its discretion, such approval might be subject to such terms and conditions, including payment of fee/rental, as imposed by LandsD. Should any excavation works be carried out on Government land, the applicant has to apply to LandsD for an excavation permit;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there are existing public drains and public sewerage available for connection in the vicinity of the site. The applicant/owner is required to maintain drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. The site falls within the works limit of the

project “Drainage Improvement Works in Shuen Wan”. The applicant should obtain the necessary consent from LandsD and closely coordinate with Drainage Projects Division for implementation of the works of the site. The Environmental Protection Department should also be consulted on the sewage treatment/disposal aspects of the proposed development;

- (c) to note the comments of the Director of Environmental Protection that as the proposed development would involve earthworks and building works within a conservation area, it will constitute a designated project under the Environmental Impact Assessment (EIA) Ordinance by virtue of Item Q.1 of Schedule 2 of EIA Ordinance, and an environmental permit is required for its construction and operation;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid causing impact to the nearby mangrove habitat within the “Conservation Area” zone;
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site and if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures :
 - (i) prior consultation and arrangement with the electricity supplier is necessary for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines;
 - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed

structure; and

- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines;
- (f) to note the comments of the Director of Health that it is important for the project proponent to ensure that the installation complies with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other established international standards. Effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities is also encouraged; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that in case of change in land status to leased land, the applicant should note the following :
 - (i) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation (B(P)R) at the building plan submission stage;
 - (ii) the site shall be provided with means of obtaining access thereto from a street under B(P)R 5;
 - (iii) emergency vehicular access for every building of the proposed development should be provided in accordance with B(P)R 41D; and
 - (iv) detailed consideration will be made at the building plan submission stage.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/540 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” Zone, Lot 340 in D.D. 32 and Adjoining Government
 Land, Ha Wong Yi Au, Tai Po
 (RNTPC Paper No. A/TP/540)

Presentation and Question Sessions

40. 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 10 and Appendix VI of the Paper. Concerned departments had no objection to or adverse comment on the application;

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

- (d) during the first three weeks of the statutory publication period, two public comments were received from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited. The commenters objected to the application on grounds of the potential cumulative impact caused by additional Small Houses in the “Green Belt” (“GB”) zone; the proposed development was not in line with the planning intention of the “GB” zone; the proposed development did not comply with Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance (TPB PG-No. 10); no impact assessments had been submitted; and approval of the

application would set an undesirable precedent for similar applications. 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 set out in paragraph 12 of the Paper. The application was in compliance with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there was a shortage of land within the “Village Type Development” (“V”) zone to meet the Small House demand and sympathetic consideration could be given to the application. As regards the public comments objecting to the application, it should be noted that relevant Government departments consulted had no adverse comment on the application. Since the proposed development was not expected to have adverse impacts on the surroundings, it complied with the TPB PG-No. 10.

41. Members had no question on the application.

Deliberation Session

42. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 3.1.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “ (a) the submission and implementation of landscape and tree preservation proposals including compensatory planting of at least one heavy standard size tree as proposed by the applicant to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “ (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that there would be no guarantee to the grant of a right-of-way to the Small House concerned and the applicant has to make his own arrangement for access to the lot;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there are no public drains and public sewerage maintained by DSD available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the subject site and overland flow from surrounding the site, e.g. surface channel of sufficient size along the perimeter of the site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the system. For works to be undertaken outside the lot boundary, the applicant should consult DLO/TP and seek consent from relevant lot owners before commencement of the drainage works. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that existing water mains in the vicinity of the site may be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development;

- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering & Development Department that the applicant should make necessary geotechnical submissions to the Building Authority for approval, as required under the provisions of the Buildings Ordinance. The geotechnical submissions should cover the stability assessment of the adjoining slopes. Any necessary stabilisation works should be carried out and paid for as part of the development;

- (e) to note the comments of the Director of Fire Services that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and

- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures :
 - (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;

 - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

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

Tuen Mun and Yuen Long District

Agenda Item 18

Section 12A Application

[Open Meeting]

Y/YL-TYST/2 Application for Amendment to the Approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/10, to rezone the application site from “Residential (Group B) 1” to “Village Type Development”, Lot 1827 in D.D. 121 and Adjoining Government Land, Sha Tseng Tsuen, Ping Shan Heung, Yuen Long, New Territories
(RNTPC Paper No. Y/YL-TYST/2)

44. The Secretary reported that on 9.12.2013, the applicant had requested for deferment of the consideration of the application for two months in order to allow time for the applicant to address public comments and to provide further justifications in support of the application. This was the first time that the applicant requested for deferment.

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

three 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.

[Mr K.C. Kan, Mr Vincent T.K. Lai, Ms Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), Ms Kennie M.F. Liu and Mr Edmond S.P. Chiu, Town Planner/Tuen Mun and Yuen Long (TPs/TMYL), were invited to the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/263 Proposed Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” Zone, Lot 581 (Part) in D.D. 130, To Yuen Wai, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTY Y/263A)

Presentation and Question Sessions

46. The replacement pages (pages 8, 14, 15 and 18) to the Paper to rectify the lot number of a Small House being affected by the application were sent to Members before the meeting. Mr K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park (private cars and light goods vehicles) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) and the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that as the proposed drainage works would affect one approved Small House grant and one Small House application, the applicant might not be able to obtain relevant lot owners' consent to the proposed drainage works on these lots. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from the landscape planning point of view;

- (d) during the first three weeks of the statutory publication period, three public comments were received. A member of the Tuen Mun District Council and a Village Representative of the To Yuen Wai (with signatures of 60 villagers of To Yuen Wai) supported the application mainly on the grounds that the proposed development could meet the parking needs of the To Yuen Wai Villagers. Designing Hong Kong Limited expressed the view that the proposed development was in line with the planning intention of the "Village Type Development" ("V") zone; it could ease the tension between villagers fighting over parking spaces; approval of the application should be subject to proper design of the paving, perimeter and gate house; and sufficient parking space for Small House or other development should be provided. No local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 11 of the Paper and highlighted below:
 - (i) the proposed development was not entirely in line with the planning intention of the "V" zone. Although there was no Small House application within the site, the applicant should demonstrate that the proposed development would not cause adverse impacts on the surrounding area;

- (ii) both DLO/TM, LandsD and CE/MN, DSD had doubt on the feasibility of the drain as the applicant might not be able to obtain consent from owners of the affected lots. Although the applicant had submitted drainage proposal and landscape and tree preservation plan, CE/MN, DSD and CTP/UD&L, PlanD had concerns on the submission. The applicant failed to demonstrate that the development would not cause adverse landscape and drainage impacts;
- (iii) all three previous approvals (Applications No. A/TM-LTYT/154, 184 and 224) were revoked in 2007, 2009 and 2012 respectively due to non-compliance with approval conditions. Approval of the application with repeated non-compliance with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control system; and
- (iv) there are public comments supporting the application. Although the proposed development could meet some of the parking demand of the local villagers/residents, the applicant should demonstrate that the proposed development would not cause adverse impacts on the surrounding area.

47. Members had no question on the application.

Deliberation Session

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

- “ (a) the drainage proposal submitted will affect proposed Small House developments to the northwestern side of the application site and would not be feasible. The applicant fails to demonstrate that the proposed development would not cause adverse drainage impact on the surrounding

area;

- (b) the applicant also fails to demonstrate that the proposed development would not cause adverse landscape impact; and
- (c) the application involves three previously revoked planning permissions due to non-compliance with the approval conditions. The applicant fails to demonstrate in the submission that the relevant conditions would be complied with. Approval of the application with repeated non-compliance with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.”

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/441 Renewal of Planning Approval for Temporary “Container Vehicle Park, Open Storage of Containers and Public Car Park” for a Period of 3 Years in “Undetermined” Zone, Lot 372 S.D RP (Part) in D.D. 99 and Adjoining Government land, San Tin, Yuen Long, New Territories (RNTPC Paper No. A/YL-ST/441)

Presentation and Question Sessions

49. Mr K.C. Kan, 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 for temporary container vehicle park, open storage of containers and public car park under Application No. A/YL-ST/392 for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 12 of the Paper.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 29.1.2014 to 28.1.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 11:00 p.m. and 7:00 a.m. for container vehicles and handling/loading/unloading containers, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;

- (d) the containers stacked within 5m of the periphery shall not exceed the height of the boundary fence at any time during the planning approval period;
- (e) the stacking height of containers stored at any other location within the site shall not exceed 8 units at any time during the planning approval period;
- (f) the maintenance of paving on the site at all times during the planning approval period;
- (g) the maintenance of landscape planting on the site at all times during the planning approval period;
- (h) the maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (i) the submission of an as-built drainage plan and photographic records of the existing drainage facilities 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 28.7.2014;
- (j) the provision of fire extinguisher(s) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.3.2014;
- (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 28.7.2014;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2014;

- (m) the provision of boundary fencing on the site 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 28.7.2014;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “ (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the application site;
- (b) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (c) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)’s comments that the land within the application site comprises Old Scheduled agricultural lot held under the Block Government Lease which contains the restriction that no structures are

allowed to be erected without the prior approval of the Government. No permission has been given for the applied use and/or occupation of the Government land (GL) within the application site. The act of occupation of GL without Government's prior approval should not be encouraged. Should planning approval be given to the subject planning application, the lot owner will need to apply to his Office to permit structures to be erected or regularise any irregularities on-site. The applicant has either excluded the GL portion from the application site or applied for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by LandsD;

- (d) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should also be advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; (iii) good practice guidelines for open storage attached in Appendix V of the Paper should be adhered to. The applicant shall be advised to submit a valid fire certificate (FS 251) to his department for approval. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant is required to provide justifications to his department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the Chief Building Surveyor/New Territories West, Buildings

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

- (f) to note the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department's comments that as the site falls within the administration route protection boundary of the Lo Ma Chau Spur Line, the applicant should consult the Mass Transit Railway Corporation Limited (MTRCL) on full details of the proposal as well as the vehicular access interface issue and comply with MTRCL's requirements with respect to the operation, maintenance and safety of the Lo Ma Chau Spur Line;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department (DSD)'s comments that the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public stormwater drainage

maintained by DSD is currently available for connection. The area is probably being served by some of the existing local village drains. The village drains are probably maintained by the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD). The applicant shall approach DO(YL), HAD if the applicant wishes to know more about these drains. If the proposed discharge point is to be connected to these drains, the applicant shall seek an agreement from the relevant department on the proposal. No public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from the Environmental Protection Department (EPD) shall be obtained. The applicant is reminded that the proposed drainage proposal/works as well as the site boundary shall not cause encroachment upon areas outside the applicant's jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site;

- (h) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by EPD to minimise potential environmental impacts on the surrounding areas; and
- (i) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. For application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with the

electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant’s contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/60 Renewal of Planning Approval for Temporary “Public Vehicle Park (excluding container vehicle) (Letting of Surplus Monthly Private Car Parking Spaces to Non-residents)” for a Period of 3 Years in “Residential (Group A)” Zone, Private Car Parking Spaces No. 30-47 and 51-84 on Level 2 and all Private Car Parking Spaces on Level 3 to 7 of Commercial Carpark Block, Grandeur Terrace, Tin Shui Wai (RNTPC Paper No. A/TSW/60)

53. The Secretary reported that as the application was submitted by the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item :

- | | |
|--|---|
| Mr. K.K. Ling
(the Chairman)
as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) and Building Committee of HKHA |
| Mr Tony H. Moyung
as the Assistant Director/New Territories, Lands Department | - being an alternate member for the Director of Lands who was a member of HKHA |
| Mr. Frankie W.P. Chou
as the Chief Engineer (Works), | - being an alternate member for the Director of Home Affairs who was a member of the |

Home Affairs Department	SPC and Subsidised Housing Committee of HKHA
Prof Edwin H.W. Chan	- being a member of HKHA
Dr Wilton W.T. Fok	- being a consultant of a feasibility study (completed in 2009) commissioned by HKHA
Ms Janice W.M. Lai	- having current business dealings with HKHA
Mr H.F. Leung	- having current business dealings with the Housing Department

54. Members noted that for past business dealings with the applicant which were not related to the application site, only the past dealings within three years had to be declared and Dr Wilton W.T. Fok should be allowed to stay at the meeting. However, Members also noted that Dr Wilton W.T. Fok, Mr Frankie Chou and Mr H.F. Leung had tendered apologies for being unable to attend the meeting.

55. Members considered that the interests of Mr Tony H. Moyung, Prof Edwin H.W. Chan and Ms Janice W.M. Lai were direct, they should leave the meeting temporarily for this item. As the Vice-chairman had tendered apologies for being unable to attend the meeting, the Chairman should stay and continue to chair the meeting out of necessity.

[Mr Tony H. Moyung, Prof Edwin H.W. Chan and Ms Janice W.M. Lai left the meeting temporarily at this point.]

Presentation and Question Sessions

56. Mr Vincent T.K. Lai, 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 for temporary public vehicle park (excluding container vehicle) (letting of surplus monthly private car parking spaces to non-residents) use under Application No. A/TSW/51 for a period of three years until 1.2.2017;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) commented that although the applicant had applied for 250 parking spaces to be let to non-residents, it was not recommended to let more than 130 surplus parking spaces to non-residents. Priority of usage should be given to residents of Grandeur Terrace;
- (d) during the first three weeks of the statutory public inspection period, one public comment submitted by a Yuen Long District Council member was received supporting the application. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a further period of 3 years based on the assessments made in paragraph 11 of the Paper. As regards C for T's comments on the letting of the surplus parking spaces, an approval condition requiring the applicant to accord priority to the residents of Grandeur Terrace and the number of private car parking space to be let to non-residents be agreed with C for T was recommended.

57. Members had no question on the application.

Deliberation Session

58. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 2.2.2014 to 1.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following

condition :

“ priority should be accorded to the residents of Grandeur Terrace in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should not be more than 130 or any numbers to be agreed with the Commissioner for Transport.”

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

“ (a) to review and keep a record of the conditions of the use of parking spaces regularly so as to ensure good management in utilising the public resources and avoid exploiting the right of letting of monthly vehicle parking spaces in the vehicle park by the residents; and

(b) consideration may be given to letting the vacant vehicle parking spaces to non-governmental organisations for other uses so as to fully utilise the vacant vehicle parking spaces in the subject housing estate”

[Mr Tony H. Moyung, Prof Edwin H.W. Chan and Ms Janice W.M. Lai returned to join the meeting at this point.]

Agenda Item 22

Section 16 Application

[Open Meeting]

A/YL/201

Proposed Flat (Residential Development) in “Residential (Group E)1” Zone, Tak Yip Street, Tung Tau, Yuen Long, New Territories (Yuen Long Town Lot No. 528)

(RNTPC Paper No. A/YL/201)

60. The Secretary reported that AECOM and Environ Hong Kong Ltd. were two of consultants for this application. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as Mr Fu had current business dealings with AECOM and Environ Hong

Kong Ltd. while Ms Lai had current business dealings with AECOM. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr Fu and Ms Lai could be allowed to stay in the meeting.

61. The Secretary said that on 13.12.2013, the applicant had requested for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information to address comments raised by concerned Government departments. This was the first time that the applicant requested for deferment.

62. 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 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/426 Proposed Residential-cum-Commercial Development with Minor Relaxation of the Building Height Restriction in “Comprehensive Development Area” and “Residential (Group A) 2” and “Road” Zones, Lots 2328 RP, 2340 RP, 2340 S.A ss1, 2340 S.A ss2, 2340 S.A ss3, 2340 S.A ss4 RP, 2340 S.A ss5 RP, 2340 S.A ss6, 2340 S.A RP, 2341, 2342 S.A, 2342 S.B ss1, 2342 S.B RP, 2342 S.C RP, 2342 S.D RP, 2343 S.A ss1, 2343 S.A RP, 2343 S.B RP and 2350 in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Ping Shan, Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/426)

63. The Secretary reported that ADI Ltd. was one of consultants for this application.

Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they had current business dealings with the above-mentioned consultant. As Mr Fu and Ms Lai had no direct involvement in the subject application, Members agreed that they could be allowed to stay in the meeting.

Presentation and Question Sessions

64. The replacement pages (pages 13 to 16) to the Paper to rectify the typo in paragraph 11.2 and incorporate the Head of Geotechnical Engineering Office, Civil Engineering and Development Department's comments as one of the advisory clauses were tabled at the meeting for Members' reference. Mr Vincent T.K. Lai, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed residential-cum-commercial development with minor relaxation of the building height restriction (from 12 storeys and 36m to 13 storeys and 42.053m);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the proposed development from landscape planning perspective and raised concerns on the landscape design and layout of the proposed development;
- (d) during the first three weeks of the statutory public inspection period, three public comments were received. The commenters, including the Village Representative of Shek Po Tsuen, objected to the application mainly on the grounds that the proposed development would affect the local needs, in particular the need for open space, and the proposed development was incompatible with the surrounding developments in terms of building height;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. The current application was to propose amendments to the latest approved scheme (No. A/YL-PS/353) at the site. As compared with the approved scheme, the major development parameters including the plot ratio and the maximum building height remained unchanged. The resultant built form and height of the proposed development would not create adverse visual impact on the surrounding area. In this regard, CTP/UD&L had no adverse comment on the application from the urban design and visual perspectives. Besides, it was not anticipated that the proposed development would result in adverse traffic, environmental and drainage impacts on the surrounding area and concerned departments had no adverse comment on or no objection to the application. To address CTP/UD&L, PlanD's concerns, an approval condition on the submission and implementation of a landscape master plan was recommended. Regarding the public concern on affecting the local needs, there was no increase in total PR/GFA of the development as compared with the latest approved scheme and hence no additional demand for local facilities was anticipated.

65. Members had no question on the application.

Deliberation Session

66. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 3.1.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “ (a) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supplies for fire fighting and the submission and

implementation of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “ (a) to note the District Lands Officer/Yuen Long, Lands Department (LandsD)’s comments that the applicant need to apply to LandsD for a land exchange and the application will only be considered upon receipt of formal application to his office by the applicant but there is no guarantee that the application (including the granting of additional Government land) will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium as may be imposed by LandsD. He reserves his comments on the design including the alignment of the proposed 24-hour access and it will be examined at the building plan submission stage. The actual site area of the private lots and Government land involved will be subject to verification in the land exchange stage if any land exchange is applied for by the applicant to LandsD;
- (b) to note the Chief Town Planner/Urban Design and Landscape, Planning Department’s comments that the applicant should ensure that sufficient soil depth and volume is provided for the proposed landscape planting, particularly in areas where the basement car park is located. He has the following concerns regarding the landscape design and layout of the proposed development:
- (i) the areas indicated as open space along Hung Shui Kiu Tin Sam Road near Block A and B are very narrow left over spaces which appear not to function as open space;
- (ii) for the areas indicated as open space along the periphery of the application site, it appears that those areas are merely walkways with

landscape planting and do not function properly as open space; and

(iii) the proposed building blocks, Block A and B, are located adjacent to the site boundary without allowance for a planting buffer zone. In this connection, the elevation which shows tree planting in front of Block A and B, is misleading;

(c) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD shall not be responsible for the maintenance of any access connecting the site and Hung On Lane and the proposed vehicular access arrangement of the site from Hung On Lane should be agreed by the Transport Department. A run-in/out at the vehicular access point at Hung On Lane should be constructed in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5113, H5134 and H5135, whichever set is appropriate to match with the existing pavement. Adequate drainage measures should be provided at the vehicular access to prevent surface runoff flowing from the site onto the nearby public road/drains;

(d) to note the Director of Fire Services' comments that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority;

(e) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that the site shall be provided with means of obtaining access thereto from a street under Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access shall be provided for all buildings to be erected on the site in accordance with the requirements under B(P)R 41D. The proposed right-of-way for access to the land-locked site of Lot 2328 S.B RP falls within the definition of street under B(P)R 2 and should be deducted from the site area for the purpose of plot ratio (PR) and site coverage calculations under the Buildings Ordinance (BO). Detailed checking of plans will be carried out upon formal submission of building plan. In accordance with the

Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included, where possible;

- (f) to note the Head of Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the site is located within Scheduled Area No. 2 and may be underlain by cavernous marble. For any development, extensive geotechnical investigation may be required. Such investigation may reveal the need for a high level of involvement of geotechnical aspects of the works required to be carried out on the site. The applicant is reminded to submit the works to BD for approval as required under the BO; and

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

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-PS/428 Temporary Warehouse for Storage of Furniture and Spare Parts for a Period of 3 Years in “Undetermined” Zone, Lots 3338(Part) and 3339(Part) in D.D. 124, Ping Shan, Yuen Long, New Territories (RNTPC Paper No. A/YL-PS/428)

68. The Secretary reported that on 11.12.2013, the applicant had requested for deferment of the consideration of the application for one month in order to allow time for the applicant to prepare responses to the comments of the Director of Environmental Protection. This was the first time that the applicant requested for deferment.

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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-NSW/223 Proposed Residential Development with Minor Relaxation of Building Height and Plot Ratio Restrictions, Filling of Land/Pond and Excavation of Land in “Residential (Group D)” and “Undetermined” Zones, Lots 594, 595, 600, 1288 S.B RP (Part), 1288 S.G RP (Part), 1289 S.B RP (Part), 1292 S.B RP (Part) in D.D. 115 and Adjoining Government Land, Nam Sang Wai, Yuen Long, New Territories (RNTPC Paper No. A/YL-NSW/223)

70. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP), and Environ Hong Kong Ltd., MVA Hong Kong Ltd. and Urbis Ltd. were three of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as Mr Fu had current business dealings with SHKP, Environ Hong Kong Ltd., MVA Hong Kong Ltd. and Urbis Ltd. while Ms Lai had current business dealings with SHKP and Urbis Ltd.. As the applicant had requested for a deferment of the consideration of the application, Members agreed that Mr Fu and Ms Lai could be allowed to stay in the meeting.

71. The Secretary said that on 11.12.2013, the applicant had requested for deferment of the consideration of the application for two months in order to allow time for relevant Government departments to review the applicant’s submission, as well as for the applicant to prepare further information to address the comments of the Director of Agricultural, Fisheries and Conservation and the Director of Drainage Services. This was the applicant’s second request for deferment.

72. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since this was the second deferment of the

application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-NSW/225 Proposed Pond Filling for Permitted Houses (New Territories Exempted House - Small House) in “Village Type Development” Zone, Lots 592 S.B ss.2 S.A to 592 S.B ss.2 S.AD and 592 S.B ss.2 RP(Part) in D.D. 115, Nam Sang Wai, Yuen Long, New Territories (RNTPC Paper No. A/YL-NSW/225)

73. The Secretary reported that on 10.12.2013, the applicant had requested for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address departmental comments. This was the first time that the applicant requested for deferment.

74. 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 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/295 Temporary Storage of Agricultural Tools, Open Storage of Agricultural Machinery, Ancillary Office and Machinery Repairing for a Period of 3 Years in “Green Belt” Zone, Lots 2200 S.A and RP (Part), 2201 (Part), 2202 (Part), 2203, 2204 (Part), 2263 (Part), 2264 (Part), 2266, 2267, 2268 (Part) and 2275 (Part) in D.D. 102, Ngau Tam Mei, Yuen Long, New Territories
(RNTPC Paper No. A/YL-NTM/295)

Presentation and Question Sessions

75. Ms Kennie M.F. Liu, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary storage of agricultural tools, open storage of agricultural machinery, ancillary office and machinery repairing for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Commissioner for Transport (C for T) objected to the application as the road connecting to the site was on unknown land and the main road was narrow without footpath, hence the site was not suitable for access by heavy vehicles. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed use was not compatible with the planning intention of the “Green Belt” (“GB”) zone and the approval of the

application would set an undesirable precedent for similar applications and would lead to a general degradation of the environment. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that the excavators/bulldozers, though could be used for farmland preparation, were mostly likely related to construction works;

- (d) during the first three weeks of the statutory publication period and the publication of the further information, a total of three public comments were received. The comments, two submitted by the San Tin Rural Committee and the remaining one from Designing Hong Kong Limited, objected to the application mainly on the grounds that the proposed development would cause adverse traffic and environmental impacts and the approval of the application would set an undesirable precedent for similar developments. No local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 12 of the Paper and highlighted below:
 - (i) the temporary storage of agricultural tools, open storage of agricultural machinery and ancillary office was not in line with the planning intention of “GB” zone and did not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10). The applicant had not demonstrated that no suitable sites were available in the adjoining “Open Storage” zone and no strong planning justifications had been given in the submission for open storage use in the “GB” zone, even on a temporary basis. DACF also pointed out that the excavators/bulldozers stored on the site were mostly likely related to construction works;
 - (ii) the site fell within Category 4 areas under Town Planning Board

Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application did not meet the TPB PG-No. 13E in that there was no exceptional circumstance to justify the development, no previous approval for open storage use had been granted for the site, and the applicant had failed to address the adverse comments from concerned departments and demonstrate that the applied use would not generate environmental nuisance to and traffic safety issues in the surrounding areas;

- (iii) the applied use was incompatible with the rural neighbourhood with residential dwellings, ponds and fallow agricultural land. Both DEP and C for T did not support the application from environmental and traffic safety grounds. CTP/UD&L, PlanD also had reservation on the application from the landscape planning perspective. There were adverse public comments on the application on the grounds highlighted above.

76. Members had no question on the application.

Deliberation Session

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

- “ (a) the development is not in line with planning intention of the “Green Belt” (“GB”) zone, which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development is not in line with the Town Planning Board Guidelines No. 13E for Application for Temporary Open Storage and Port Back-up

Uses in that there is no exceptional circumstance to justify the development, no previous approval for open storage use has been granted for the site, there are adverse departmental comments on the environmental and traffic safety aspects and also objection from the local residents;

- (c) the development is not compatible with the rural neighbourhood with residential dwellings, ponds and agricultural land; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such application would result in general degradation of the environment of the area.”

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/862 Temporary Open Storage of Construction Machinery (with Ancillary Offices) for a Period of 3 Years in “Undetermined” Zone, Lot 1836 (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/862)

Presentation and Question Sessions

78. Mr Edmond S.P. Chiu, TP/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 machinery (with ancillary offices) for a period of 3 years;

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

- (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 uses along the access road (Ping Ha Road) and environmental nuisance was expected;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 1 year based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application on environmental ground, there was no environmental complaint against the site over the past three years, and approval conditions restricting the operation hours and types of vehicles to be allowed to access the site were recommended to mitigate any potential environmental impacts. Nevertheless, since the site was involved in two previous consecutive revoked cases due to non-compliance with approval conditions, shorter approval and compliance periods were proposed to monitor the situation of the site and the progress of compliance with approval conditions.

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

79. A Member asked what were the sensitive uses at Ping Ha Road. In reply, Mr Edmond S.P. Chiu said that according to the Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department, residential developments located within 50m from Ping Ha Road would be considered as sensitive uses. However, this could be addressed by the imposition of an approval condition to restrict the operation hours, should the application be approved by the Board.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 3.1.2015, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no night-time operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed, as proposed by the applicant, during the planning approval period;
- (c) no heavy vehicle (i.e. over 24 tonnes) is allowed to access the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (e) the existing drainage facilities implemented shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.4.2014;
- (g) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.2.2014;
- (h) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 3.4.2014;

- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.7.2014;
- (j) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.4.2014;
- (k) in relation to (j) above, the implementation of the tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.7.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “ (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) a shorter approval of 1 year is granted in order to monitor the situation of the site;
- (c) shorter compliance period is granted in order to monitor the situation of the site and the fulfilment of approval conditions. Sympathetic

consideration may not be given by the Committee to any application for extension of time for compliance with approval conditions, and any further planning application should the applicant fail to comply with the approval condition(s) resulting in the revocation of the planning permission;

- (d) to resolve any land issues relating to the temporary use with the concerned owner(s) of the application site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land under the site comprises Old Scheduled agricultural lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No approval has been given for the specified structures as 1-storey Container Office (2 nos.) and 2-side open shed indicated in the site plan of the Application Form. The site is accessible to Ping Ha Road via other private lots. His office does not guarantee right-of-way. No application for Short Term Waiver was received as far as the subject planning application is concerned. Should planning approval be given to the subject application, the lot owner would need to apply to his office to permit the structures to be erected or regularise any irregularities on site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as the landlord at its sole discretion and there is no guarantee that such application would be approved. If such application is approved, it would be subject to such terms and conditions including among others, the payment of premium or fee as may be imposed by LandsD;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (g) to note the comments of the Commissioner for Transport/New Territories

West, Transport Department that sufficient manoeuvring spaces shall be provided within the site. No vehicle is allowed to queue back to public road or reverse onto/from the public road;

- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans; and good practice guidelines for open storage should be adhered to. The applicant is advised to submit a valid fire certificate (FS 251) to his department for approval. Furthermore, should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant is required to provide justifications to his department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the application site and BD is not in a position to offer comments on their suitability for the use related to the application; if the existing structures are erected on leased land without approval of BD, they are unauthorised under the

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

- (k) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (l) to note the comments of the Project Manager/New Territories North and West, Civil Engineering and Development Department that the application site falls within the study area of the proposed Hung Shui Kiu (HSK) New Development Area (NDA). The planning and engineering study on HSK NDA is being carried out by his consultants. In the meantime, all development proposals are permitted under the existing Outline Zoning

Plans, the prevailing land administration policy and Buildings Ordinance. As such, he has no comment on the captioned application with respect to the projects under the control of his office.”

[Ms Anita W.T. Ma left the meeting at this point.]

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/870 Temporary Public Vehicle Park for Private Car and Goods Vehicle not exceeding 24 tonnes and Warehouse for a Period of 3 Years in “Comprehensive Development Area” Zone, Lot 3323 S.B ss.1 in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-HT/870)

Presentation and Question Sessions

82. The replacement pages (pages 14 and 15) to the Paper to incorporate the Chief Highway Engineer/New Territories West, Highways Department’s comments as one of the advisory clauses were sent to Members before the meeting. Mr Edmond S.P. Chiu, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park for private car and goods vehicle not exceeding 24 tonnes and warehouse for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection

(DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected.

- (d) during the first three weeks of the statutory public inspection period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. Although DEP did not support the application on environmental ground, there was no environmental complaint pertaining to the site over the past three years, and approval conditions restricting the operation hours, activities and types of vehicles parked/stored were recommended to mitigate any potential environmental impacts. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” to minimise any potential environmental impact.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.1.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no night-time operation between 10:00 p.m. and 7:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no operation of vehicle park between 1:00 p.m. and 7:00 a.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation of warehouse on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no workshop activity and open storage use, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no container vehicle, as proposed by the applicant, is allowed to be parked or stored on the site at any time during the planning approval period;
- (f) only private cars and goods vehicles with valid licence issued under the Road Traffic Ordinance, and not exceeding 24 tonnes as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked or stored on the application site during the planning approval period;
- (g) a notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle (i.e. exceeding 24 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at all times during the planning approval period;
- (h) no vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (i) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 3.7.2014;

- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.7.2014;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.10.2014;
- (m) the submission of a tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.7.2014;
- (n) in relation to (m) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.10.2014;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (q) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “ (a) to resolve any land issues relating to the temporary use with the concerned

owner(s) of the application site;

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land under the site comprises Old Scheduled Agricultural Lot held under the Block Government Lease under which no structures are allowed to be erected without the prior approval of the Government. No approval has been given for the specified structures as site office, warehouse, storage and toilet listed in the Application Form. No permission has been given to the proposed use and/or occupation of Government land (GL) (about 1,840m² subject to verification) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Ping Ha Road via a local track which traverses through Government Land Allocation (GLA) No. GLA-TYL 825 granted to Civil Engineering and Development Department for Ping Ha Road Improvement & Related Works. His office provides no maintenance works for this track and does not guarantee right-of-way. Applications for Short Term Waiver and Short Term Tenancy (STT) were received in relation to the subject planning application to permit structures to be erected or regularise any irregularities on site. Such applications will be considered by LandsD acting in the capacity as the landlord as its sole discretion and there is no guarantee that such applications will be approved. If the application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Furthermore, the applicant is advised to avoid erecting structures on GL as occupation of GL without Government's permission is not encouraged and STT applications with unauthorised structures will generally be rejected;
- (c) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (d) 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. The applicant is reminded that sufficient manoeuvring space shall be provided within the site;

- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Furthermore, the applicant is advised to submit a valid fire certificate (FS 251) to the Fire Services Department for consideration. The applicant is also reminded that if the proposed structure(s) is 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;

- (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 shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road; and

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including open sheds and containers as temporary buildings) are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised

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

Agenda Item 30

Section 16 Application

[Open Meeting]

A/YL-KTS/590 Proposed Houses in "Comprehensive Development Area" Zone, Lots 547 RP and 2160 RP in D.D. 106 and Adjoining Government Land, Tung Wui Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/590C)

86. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd.. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they had current business dealings with Henderson Land Development Co. Ltd.. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr Fu and Ms Lai could be allowed to stay in the meeting.

87. The Secretary said that it was the fourth request for deferment. Since the first deferment in January 2013, the applicant had submitted supplementary information including a landscape proposal and a noise impact assessment to address the concerns of relevant

Government departments. The latest comments from the Director of Environmental Protection (DEP) on the applicant's submissions were received by the applicant on 12.12.2013. In this regard, the applicant had requested on 16.12.2013 for deferment of the consideration of the application for two months in order to allow time for the applicant to address DEP's comments.

88. 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 this was the fourth deferment and a total of eight months had been allowed, no further deferment would be granted by the Committee.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/623 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in "Agriculture" Zone, Lot 1568 (Part) in D.D.106 and Adjoining Government Land, Yuen Kong, Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/623)

Presentation and Question Sessions

89. The replacement pages (pages 12 to 15) to the Paper to incorporate the Chief Engineer/Mainland North, Drainage Services Department's comments as one of the advisory clauses were sent to Members before the meeting. 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) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; no environmental, traffic, drainage and sewerage assessments was submitted by the applicant; and approval of the application would set an undesirable precedent for other similar applications. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. Regarding the public comment against the application, relevant government departments including the Director of Agriculture, Fisheries and Conservation, Director of Environmental Protection, Commissioner for Transport and Chief Engineer/Mainland North, Drainage Services Department had no adverse comment on the application and relevant approval conditions were recommended to minimise any possible adverse impact.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 3.1.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no night-time operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (d) the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.7.2014;
- (e) 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 3.7.2014;
- (f) in relation to (e) 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 3.10.2014;
- (g) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (i) upon 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.”

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

- “ (a) the permission is given to the use/development under application. It does not condone any other use/development which currently exists on site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) to note the District Lands Officer/Yuen Long, Lands Department (LandsD)’s comments that the private lot under application is Old Scheduled Agricultural Lot held under the Block Government Lease under which no structures are allowed to be erected without the prior approval of LandsD. No approval was given for the specified structures used as real estate agency, meeting room, rain shelter and advertisement signboard. Lot 1568 in D.D. 106 is covered by Short Term Waiver No. 2036 to allow the use of the land for the purpose of storage of gardening materials with permitted built-over area not exceeding 15m² and building height of not exceeding 2.1m. No permission has been given for the occupation of the Government land (GL) within the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible via a concrete paved track leading from Kam Sheung Road and falls mainly on private land. LandsD does not provide maintenance works for this access nor guarantee any right-of-way. The lot owner concerned will still need to apply to LandsD to permit structures to be erected or regularise any irregularities on the site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by LandsD;
- (c) to note the Commissioner for Transport’s comments that the site is

connected to the public road network via a section of a local access road which may not be managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (e) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the development should neither obstruct the overland flow nor adversely affect any existing watercourse, village drains or ditches etc;
- (g) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporating the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The locations of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his Department, the applicant is required to provide justifications to his department for consideration. If any structure is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that there is no record of approval by the Building Authority (BA) for the existing structures at the site and BD is not in a position to offer comment on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under application. Before any new building works (including real estate agency, meeting room and open shed as temporary buildings) are to be carried out on the site, prior approval and consent of the BA should be obtained. Otherwise, they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (i) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground electricity cable and/or overhead electricity line within or in the vicinity of the site. Based on the cable plans and/or overhead line alignment drawings obtained, if there is underground electricity cable and/or overhead electricity line within or in the vicinity of the site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/198 Proposed House (New Territories Exempted House - Small House) in
“Residential (Group D)” Zone, Lot 848 S.D in D.D. 112, Lin Fa Tei,
Shek Kong, Yuen Long, New Territories
(RNTPC Paper No. A/YL-SK/198)

Presentation and Question Sessions

93. 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 house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Concerned departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper.

94. Members had no question on the application.

Deliberation Session

95. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 3.1.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “ (a) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the sizes of the proposed surface channel and the flow paths of the surface runoff from the adjacent areas should be indicated on the drainage proposal. Catchpit should be provided at location where the surface channel changes direction and the size of the proposed catchpits and the details of the connection with the existing drainage should be shown on the drainage proposal plan. The nature, characteristic and size of the existing “drainage” to the north of the site

should also be provided. Besides, the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) and the relevant lot owners should be consulted as regards all proposed drainage works outside site boundary or outside the applicant's jurisdiction;

- (b) to note the Chief Engineer/Development(2), Water Supplies Department's comments that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department's standard. Besides, water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (c) to note the Director of Fire Services' comments that the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by LandsD shall be observed;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that site formation works and drainage works for New Territories Exempted Houses are building works under the control of the Buildings Ordinance. Before any new site formation and/or drainage works are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed site formation and/or drainage works in accordance with the Buildings Ordinance. Notwithstanding the above, the Director of Lands may issue a certificate of exemption from prior approval and consent of BA in respect of site formation works and/or drainage works in the New Territories under the Buildings Ordinance (Application to the New Territories) Ordinance. The applicant may approach DLO/YL, LandsD or seek AP's advice for details; and

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/317 Proposed Utility Installation for Private Project (Electricity Package Substation) and Excavation of Land in "Residential (Group D)" and "Village Type Development" Zones, Lots 3339 S.L ss.1, 3339 S.L ss.2 and 3339 S.L RP (Part) in D.D. 116, Nga Yiu Tau, Shap Pat Heung, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/317)

Presentation and Question Sessions

97. 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 utility installation for private project (electricity package substation) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received objecting to the application mainly on the grounds that the proposed development would pose fire and safety hazards to the nearby residents; and it would impede the existing narrow access road. It was suggested that the disposition of the substation be changed so that it would be closer to the western boundary of the site. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Regarding the public comments on the adverse safety and traffic impacts, the Commissioner for Transport, Chief Highway Engineer/New Territories West, Highways Department, Director of Fire Services, Director of Electrical and Mechanical Services, Director of Environmental Protection and Director of Health had no adverse comment on the application. In response to the reconfiguration of the proposed substation as suggested by members of the public, the applicant explained that it was not feasible as it would affect the access of the substation and would be in conflict with the pole-mounted transformer currently at the site which could only be removed after commissioning of the proposed substation.

98. Members had no question on the application.

Deliberation Session

99. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 3.1.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “ (a) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “ (a) to note the District Lands Officer/Yuen Long, Lands Department (LandsD)’s comments that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the specified single-storey structure as an electricity package substation. Should the application be approved, the lot owner concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the application site is accessible through an informal track on Government land and other private land extended from Tai Shu Ha Road East. His office does not provide maintenance works on this track nor guarantee right-of-way;
- (b) to note the Director of Electrical and Mechanical Services’ comments that

the individual applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the 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 is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;

- (c) to note the Chief Town Planner/Urban Design and Landscape, Planning Department’s comments that landscape planting within the application site should be proposed to enhance the greening and screening effect;
- (d) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the development should neither obstruct the overland flow nor adversely affect any existing watercourse, village drains or ditches, etc.;
- (e) to note the Chief Engineer/Development(2), Water Supplies Department’s comments that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the Water Supplies Department’s standard. Besides, the water mains in the vicinity of the application site cannot provide the standard pedestal hydrant;

- (f) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed 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 shall provide justifications to his department for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that if the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including electricity substation) are to be carried out on leased land, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be

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

- (h) to note the Director of Health's comments that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. Therefore, the project proponent must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities."

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/654 Temporary Warehouse and Open Storage of Building Materials and Miscellaneous Goods for a Period of 3 Years in "Undetermined" Zone, Lots 748 (Part), 749, 753 (Part), 754, 758, 759, 760 S.B, 761, 762, 763, 764 S.A & S.B (Part), 793, 794, 795, 796, 797 (Part), 798 (Part) and 804 RP in D.D 117 and Adjoining Government Land, Kung Um Road, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/654)

Presentation and Question Sessions

101. 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 warehouse and open storage of building materials and miscellaneous goods for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers to the north, east and in the vicinity of the site and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although DEP did not support the application on environmental ground, there was no environmental complaint against the site over the past three years, and approval conditions restricting the operation hours, types of vehicles used and activities to be carried out at the site were recommended to mitigate possible nuisance. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” to minimise any potential environmental impact.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 3.1.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the application site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (d) no repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, shall be carried out on the application site at any time during the planning approval period;
- (e) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the application site at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (g) the existing drainage facilities on the application site shall be maintained at all times during the planning approval period;
- (h) the provision of boundary fence for setting out the application site boundary within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 3.7.2014;

- (i) the submission of a record of 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 3.7.2014;
- (j) the submission of run-in/out proposal at Kung Um Road within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.7.2014;
- (k) in relation to (j) above, the provision of run-in/out at Kung Um Road within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 3.10.2014;
- (l) 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 3.7.2014;
- (m) in relation to (l) 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 3.10.2014;
- (n) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.2.2014;
- (o) 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 3.7.2014;
- (p) in relation to (o) 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 3.10.2014;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice;

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

104. 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 temporary use with other concerned owner(s) of the application site;
- (c) the application site should be kept in a clean and tidy condition at all times;
- (d) to note the District Lands Officer/Yuen Long, Lands Department (LandsD)’s comments that the private lots within the application site are Old Scheduled Agricultural Lot held under Block Government Lease under which no structures are allowed to be erected without the prior approval from his office. The lot owners concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on Government land extended from Kung Um Road. His office does not provide maintenance

works for such track nor guarantee right-of-way;

- (e) to note the Commissioner for Transport's comments that sufficient space should be provided within the application site for manoeuvring of vehicles. 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;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run-in/out at the access point at Kung Um Road should be constructed in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. His department shall not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (g) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that one previously planted tree (*Ficus microcarpa*) at the eastern corner adjacent to the front gate is found missing;
- (h) to adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (i) to note the Chief Engineer/Development(2), Water Supplies Department's comments that water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (j) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant

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

- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works (including converted containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the

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

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

[The Chairman thanked Mr K.C. Kan, Mr Vincent T.K. Lai, Ms Bonita K.K. Ho, STPs/TMYL, Ms Kennie M.F. Liu and Mr Edmond S.P. Chiu, TPs/TMYL, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 35

Any Other Business

105. There being no other business, the meeting closed at 3:45 p.m..