

**TOWN PLANNING BOARD**

**Minutes of 503<sup>rd</sup> Meeting of the  
Rural and New Town Planning Committee held at 2:45 p.m. on 17.1.2014**

**Present**

Director of Planning  
Mr K.K. Ling

Chairman

Mr Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr C.P. Lau

Dr W.K. Yau

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

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

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

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

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

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

Secretary

**Absent with Apologies**

Mr Rock C.N. Chen

Mr Lincoln L.H. Huang

Mr H.F. Leung

Ms Anita W.T. Ma

**In Attendance**

Assistant Director of Planning/Board  
Ms Brenda K.Y. Au

Chief Town Planner/Town Planning Board  
Mr Louis K.H. Kau

Assistant Town Planner/Town Planning Board  
Miss Floria Y.T. Tsang

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 502<sup>nd</sup> RNTPC Meeting held on 3.1.2014**

[Open Meeting]

1. The draft minutes of the 502<sup>nd</sup> RNTPC meeting held on 3.1.2014 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

2. The Secretary reported that the Court of First Instance had granted the application for judicial review lodged by the Town Planning Board to quash the decision of the Town Planning Appeal Board for proposed golf course and residential development at Nam Sang Wai & Lut Chau, Yuen Long (Case No. HCAL 26/13) on 16.1.2014. Details of the judgement would be reported in the next Town Planning Board meeting.

## **Sai Kung and Islands District**

[Ms Donna Y.P. Tam, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

### **Agenda Item 3**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-NP/16                      Proposed Place of Entertainment in “Other Specified Uses” annotated  
“Cable Car Terminal” zone, Part of Lower Ground Level of Ngong  
Ping Cable Car Terminal, 111 Ngong Ping Road, Lantau Island  
(RNTPC Paper No. A/I-NP/16)

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

3.                      The Secretary reported that the application was submitted by Ngong Ping 360 Ltd., which was a subsidiary of MTR Corporation Limited (MTRCL). Ms Janice W.M. Lai had declared an interest on this item as she had current business dealings with Ngong Ping 360 Ltd. and MTRCL. Mr Ivan C.S. Fu also had declared an interest on this item as he had current business dealings with MTRCL. The Committee noted that Ms Lai had not yet arrived to join the meeting. The Committee considered that the interest of Mr Fu was direct and he should leave the meeting temporarily for this item.

[Mr Ivan C.S. Fu and Mr Frankie W.P. Chou left the meeting temporarily at this point.]

4.                      Ms Donna Y.P. Tam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed Place of Entertainment use (“Dialogue in the Dark”) at part of the Lower Ground Level of the Ngong Ping Cable Car Terminal (the

terminal building);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Tourism (C for Tourism) supported the application. Concerned Government departments also had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the Islands District Council who objected to the application on the ground that local consultation had not been conducted. No local objection/view was received by the District Officer/Islands (DO/Is); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper. The proposal was compatible with the tourism uses in the area. C for Tourism supported the application and considered that the new attraction could enhance the appeal of the area to visitors and promote Lantau Island as a MICE (meetings, incentive travels, conventions and exhibitions) destination. The proposal involved no change to the mass and height of the terminal building, and the total commercial gross floor area (GFA) at the terminal building (i.e. 310m<sup>2</sup>) was still well within the maximum non-domestic GFA of 1,200m<sup>2</sup> permitted under the “Other Specified Uses” annotated “Cable Car Terminal” zone. The proposal would generate positive social impact by providing job opportunities to the visually impaired. It would not cause adverse environmental and traffic impacts on the surrounding areas. As to the public concerns on lack of local consultation, the application was published for comments during the first three weeks of the statutory publication period. DO/Is had also consulted the Resident Representative of Ngong Ping/the Abbot of Po Lin Monastery and both of them had no comment on the application.

5. Members had no question on the application.

Deliberation Session

6. 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 17.1.2018, 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 condition :

“the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.”

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

- “(a) to note the comments of the District Lands Officer/Islands, Lands Department that the applicant should in accordance with the Tung Chung Cable Car Ordinance (Cap 577) and the associated Project Agreement apply consent from her office who may, in granting such approval, impose appropriate terms and conditions (including payment of additional premium). But there is no guarantee from the Government that the approval be given;
- (b) to note the comments of the Director of Food and Environmental Hygiene that the operator should apply for relevant licenses before commencing their business; and
- (c) to note the comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department that the requirements for Places of Public Entertainment under Section 3 of Part B of the Code of Practice for Fire Safety in Buildings 2011 should be fully complied with.”

**Agenda Item 4**

**Section 16 Application**

[Open Meeting]

A/SK-HC/227 Proposed Houses in “Recreation” and “Road” zones, Lots 101 s.A. (Part), 102 s.A., s.B, s.C(Part) & s.E(Part), 103 s.A.(Part) & s.B(Part), 104 s.A & R.P., 105 s.A & R.P., 107 s.A to s.C(Part) & s.D. to s.H., 108 s.A, s.B, s.C. & RP, 109 s.A & R.P., 110 to 111 in D.D. 247 and Adjoining Government Land in Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/227)

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8. The Secretary reported that Mr Ivan C.S. Fu had declared an interest in this item as he was the director and shareholder of LWK & Partners (HK) Ltd., the consultant of the applicant. The Committee noted that Mr Fu had refrained from joining the meeting.

9. The Committee noted that the applicant requested on 24.12.2013 for deferment of the consideration of the application for two months in order to address the departmental comments. This was the first time that the applicant requested for deferment of the application.

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 two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Ms Donna Y.P. Tam, STP/SKIs, for her attendance to answer Members’ enquires. She left the meeting at this point.]

**Tsuen Wan and West Kowloon District**

[Mr Wilson W.S. Chan District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Ms Fannie F.L. Hung, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), and Mr James K.Y. Tsui, District Lands Officer/Tsuen Wan & Kwai Tsing (DLO/TW&KT) were invited to the meeting at this point.]

**Agenda Item 5**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWI/45                      Proposed Recreational Park (Ma Wan Park) (Proposed Amendments to Approved Master Layout Plan), Various Lots and Adjoining Government Land, Ma Wan  
(MPC Paper No. A/I-MWI/45)

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11.            The Secretary reported that the application was submitted by Ma Wan Park Ltd., which was a subsidiary of Sun Hung Kai Properties Limited (SHK). Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests on this item as they had current business dealings with SHK. The Committee noted that Ms Lai had not yet arrived to join the meeting and Mr Fu had refrained from joining the meeting.

**Presentation and Question Sessions**

12.            Ms Fannie F.L. Hung, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

**The Proposal**

- (a) The applicant proposed amendments to approved Master Layout Plan (MLP) under Application No. A/I-MWI/43 for the development of Ma Wan Park (the Park) approved by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (TPB) on 5.7.2013;



- (b) the Park was proposed to be developed as a recreational development providing entertainment, recreation, amusement, shopping, restaurants and other commercial facilities. Phase I of the Park had been largely completed. Main attractions including Hilltop Garden and Ma Wan Nature Garden, Noah's Ark and Solar Tower were opened to the public in May 2007, July 2009 and July 2012 respectively. Phase II of the Park was intended for the development of "Restyled Ma Wan Village". Construction had yet to be commenced pending resolution of all unacquired lots and execution of the land grant. The amendments to the MLP included:
- (i) exclusion of unacquired lots from the approved MLP;
  - (ii) updating of the site boundary to tally with the latest lot index plan;
  - (iii) refinement to the design and concept of Event Centre (EC) from the original 3-building cluster design with an outdoor activity area to a single 2-storey building in order to avoid encroachment onto the reserved non-building area as required under the lease. The EC would provide sports hall, multi-purpose room, function room and sitting-out area for various activities;
  - (iv) refinement to the design and concept of the Fire Service Education Centre and Museum (FSECM) and relocating it from the site opposite to the existing Fire Station to the further southeast in order to avoid encroachment onto the existing major public drainage provision (a sand trap). The FSECM would include an exhibition area/function room, a food store and a toilet. It would integrate with the adjoining outdoor spaces to form a cluster;
  - (v) deletion of the road access to the proposed hotel development to tally with the same gazetted under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) (the Roads Ordinance);

- (vi) relocation of the coach parking area to the east of plant nursery site in order to keep the existing Ma Wan soccer pitch in situ. The maximum number of coach parking spaces would remain the same;
  - (vii) general updating of the base map to reflect the existing building structures and to rectify annotations;
- (c) Upon amendments, the resultant site area and GFA of the proposed Park would be reduced from 190,100m<sup>2</sup> to 176,100m<sup>2</sup> (-14,000m<sup>2</sup> or -7.4%) and from 33,664 m<sup>2</sup> to 31,564 m<sup>2</sup> (-2,100m<sup>2</sup> or -6.2%) respectively;

Departmental Comments

- (d) the departmental comments were detailed in paragraph 10 of the Paper and highlighted as follows:
- (i) DLO/TW&KT and the Commissioner for Transport (C for T) had no objection to the application and the proposal to delete road connection to Lot Nos. 151, 214, 215, 218 and 219 (the concerned lots) from the application as the deletion of the road connection had been authorised under the Roads Ordinance. Thus, the approval condition (f) stipulated in application No. A/I-MWI/43 for 'the design and implementation of road connection to the concerned lots to the satisfaction of C for T or of the TPB' was no longer required;
  - (ii) the Director of Electrical and Mechanical Services (DEMS) advised that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. If so, necessary measures should be undertaken;
  - (iii) the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) considered that the applicant should not relieve

its obligations to provide the proposed water main at its expenses even though the proposed DN300 water main to be laid across area proposed to be excluded from the MLP;

- (iv) other concerned departments had no objection to or no comment on the application;

Public Comments

- (e) during the statutory public inspection periods of the application and the further information, a total of 24 comments were received. 17 of them were from individuals, one from Ma Wan Rural Committee (MWRC), two from the affected private lot owners, one each from a local resident, Fong Yuen Study Hall, Ma Wan Main Street Village Office and Ma Wan Squatters Alliance;
- (f) 18 public comments including those from MWRC, the owner of adjoining Lots 317 and 318 and a local resident supported the application mainly on the grounds that the Park would provide a wide range of recreational facilities, enhance tourism development in Hong Kong and the exclusion of unacquired lots would not have significant impact on overall planning intention of the Park;
- (g) four public comments objected to the application mainly on the grounds that the proposal to include the Ma Wan Public Pier, Ma Wan O Mei Typhoon Shelter and the coastal area into the Park boundary would deter the use of these facilities by the general public, approving the application to delete private lots from the MLP would put the private lot owners in a weakened position to negotiate in the land acquisition process with the applicant, the relocation matters of the Tin Hau Temple and Pak Kung, the clearance and rehousing issues of squatters, matters on village environs boundary and NTEH applications had not been resolved and the rehousing and compensation arrangement of the holders of Government Land Licence and owners of the squatters had been ignored;

- (h) two public comments provided suggestions on the development of the Park, including preservation of Lots 142,143 and 244 for exhibition, retail or short-term accommodation purpose given their scenic view to the Tsing Ma Bridge and revitalisation of some squatter huts and the old fishermen villages, preservation of the old Ma Wan pier, mangrove area, anchorage shelter and Tin Hau Temple, renovation of Women and Children Medical Centre and old MWRC building for tourism purpose and provision of lamp poles along the road leading to Fong Yuen Study Hall;

*The Planning Department (PlanD)'s views*

- (i) PlanD had no objection to the application based on the following reasons:
  - (i) the overall planning concept of the Restyled Ma Wan Village for eating place, shop and services, place of recreation, sports and culture and holiday camp uses could still be maintained despite there were a reduction in GFA (i.e. 2,100m<sup>2</sup>) and exclusion of some unacquired lots. A majority of the unacquired lots were agricultural lots without any planned facilities under the approved MLP. The originally proposed retail and dining facilities on the unacquired lots were now proposed to be re-arranged to the remaining part of the Restyled Ma Wan Village with new buildings constructed on the sites where the buildings had collapsed/became derelict or had difficulty to preserve for adaptive reuse;
  - (ii) the applicant had provided evidence that efforts had been made in acquiring the unacquired lots since the 1990s but still failed. In order not to jeopardise or further prolong the implementation programme of Phase II of the Park, the proposed exclusion of the unacquired lots from the approved MLP was considered not unacceptable. Since the subject application had excluded all unacquired lots, the relevant advisory clause was suggested to be amended to delete the words “in particular the land acquisition

negotiations and works for Phase II”;

- (iii) the proposed relocation of EC, FSECM and coach parking area to avoid encroachment onto a reserved non-building area, existing sand trap and Ma Wan soccer pitch and the proposed deletion of the road connection to the concerned lots to reflect the gazetted road network were acceptable from land use planning point of view;
- (iv) several technical amendments/updating to the MLP had been made which would not have adverse environmental, visual, drainage and traffic impacts as confirmed by concerned Government departments;
- (v) as to the public concerns in relation to land acquisition and squatter clearance matters, DLO/TW&KT advised that those issues were being handled and would continue to be processed by his office upon approval of the subject planning application. Termination notices would be served to the Government land licencees if the Park Phase II project was approved and proceeded before the land requirement date, which had yet been fixed. These licencees and squatters on Government land needed to be cleared to make way for Phase II of the Park. Ex-gratia allowance and rehousing would be offered to eligible persons who could satisfy the established requirements under the clearance policy before site clearance according to the Government’s prevailing policy. The eligibility of these licensees and squatters for rehousing would not be affected by the subject application. The rehousing and compensation matters were also outside the purview of the Committee; and
- (vi) regarding the concerns of the public on including the private lots and public facilities into the Park, it should be noted that the concerned private lot owners had already joined the Exchange Programme and thus they could be included in the Park boundary. The applicant also had the confident to get hold of the ownership of all the private lots within the Park boundary and there would be no adverse impact

on the facilities to be enjoyed by the public.

13. In response to a Member's query on the outlook and footprint of the houses in the Restyled Village, Ms Fannie F.L. Hung showed some photos of the restyled houses in Phase I of the Park currently used as holiday houses and said that the final outlook and footprint of the houses might not be the same as the existing houses since most of them had collapsed/became derelict or had difficulty to preserve. However, given the amendments to the MLP in the application would result in a reduction in the overall GFA for the Park development and the fact that a maximum GFA restriction was imposed on the site, there would be control on the development intensity of the Park despite there might be changes in the outlook and disposition of the houses.

14. In response to a Member's query on the development potential of the unacquired lots, Mr Wilson W.S. Chan explained that the unacquired lots were zoned "CDA". All uses or developments within the "CDA" zone would require planning permission from TPB. Any application within the unacquired lots would not affect the approved developments within the same "CDA" zone. The same Member was also concerned that the unacquired lots would become unattended and deteriorate without incentives for redevelopment/refurbishment. In response, Mr Wilson W.S. Chan said that the unacquired lots were private properties that their owners had rights to reject selling the land to the applicant for development of the Park. However, the unacquired lot owners were responsible to keep and maintain the land and premises in good condition. Ms Fannie F.L. Hung further explained that the unacquired lots were mainly agricultural land and with village-type houses on some lots. Whilst the buildings were still in good condition and the agricultural land was covered with vegetation, keeping the unacquired lots at status quo was considered compatible with the Park.

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

#### Deliberation Session

15. 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 17.1.2018, 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 of a revised master layout plan (MLP) taking into account conditions (b), (d), (e) and (f) below for the proposed development to the satisfaction of the Director of Planning or of the Town Planning Board (TPB);
- (b) the submission and implementation of a revised landscape master plan including a tree preservation, tree felling, and compensatory and new planting plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of design of façade treatment and exterior appearance of the renovation/refurbishment of existing village structures to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission and implementation of emergency vehicular access, footpaths, loading/unloading and drop-off areas to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design and implementation (including the submission of the operational arrangement) of Coach Area 1 for Ma Wan Park Phase I and Coach Area 2 for future Ma Wan Park Phase II, transport contingency and overflow from other recreation/tourism developments in Ma Wan to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the submission and implementation of a comprehensive traffic and transport plan with an effective control mechanism for coach access to Ma Wan and contingency transport measures in case of inclement weather or other emergency situations for the entire Ma Wan development to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the design and provision of the proposed facilities and vehicular access underneath the Lantau Link including the protective measures for the Link

to the satisfaction of the Director of Highways or the TPB;

- (h) the design and provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (i) the submission of a noise impact assessment on existing and proposed noise sensitive receivers and the provision of mitigation measures including those to address the noise impact of railway and aircraft, and outdoor performance venues in the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (j) the design and implementation of the waste delivery arrangement to the satisfaction of the Director of Environmental Protection or of the TPB;
- (k) the submission of an ecological impact assessment with additional information on habitat and vegetation survey, fauna species record and the implementation of ecological mitigation measures to be identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (l) the design and provision of drainage and sewage treatment and disposal facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (m) the submission of an assessment on the impact of the proposed development and other planned developments of Ma Wan on the water supply system in Ma Wan and, if necessary, the upgrading of water supply system, not limited to submarine pipeline(s) and service reservoir(s) to cater for the additional water demand arising from the proposed development to the satisfaction of the Director of Water Supplies or of the TPB;
- (n) the submission and implementation of archaeological investigation or



detailed plans for the preservation and restoration of historical relics, buildings and structures, including Tin Hau Temple at Ma Wan Town, Stone Tablets of the Old Kowloon Customs and a rock inscription 'Mui Wai' to the satisfaction of the Director of Leisure and Cultural Services or of the TPB; and

- (o) the submission of a revised development programme for full completion of Phases I and II and the implementation of the proposed development according to the programme to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the applicant should expedite the implementation works of Ma Wan Park to bring the whole scheme to fruition as early as practicable;
- (c) the applicant should liaise with the Transport Department and Lands Department (LandsD) for the compliance of the Roads (Works, Use and Compensation) Ordinance in respect of the revised proposals for the roads and emergency vehicular access;
- (d) the applicant should take into account that ferry shall be the principal transport mode for Ma Wan in terms of carrying capacity during the peak hours in planning the transport provision of Ma Wan Phase II;
- (e) to note the comments of the District Lands Officer/Tsuen Wan and Kwai Tsing, LandsD that if it is decided to let the land under the Lantau Link, it will only be in form of short term tenancy (STT). Since the proposed Fire

Services Education Centre and Museum are located within the boundary of STT 1361TW granted to the applicant, the applicant has to comply with Special Condition (S.C.) of the tenancy agreement or application for amendment of the development restrictions under the STT will be required. The comments of the Highways Department should also be sought under S.C. of the said STT as the proposed structures are erected under the elevated portion of Ma Wan Road;

- (f) the applicant should liaise with LandsD to resolve the Heads of Agreement matters;
- (g) to note the comments of the Director of Leisure and Cultural Services that as part of Ma Wan Park is in close proximity to the gazetted Ma Wan Tung Wan Beach, construction works of the Park should not encroach upon the gazetted beach;
- (h) to note the comments of the District Officer (Tsuen Wan), Home Affairs Department that the applicant should provide Ma Wan Fisheries Rights Association Limited and the Ma Wan Rural Committee with a briefing on the detailed design for the sheltered anchorage;
- (i) to note the comments of the District Officer (Tsuen Wan), Home Affairs Department that the applicant should provide the Park Island Owners' Committee, the Ma Wan Rural Committee and other residents of Ma Wan with a briefing on the Ma Wan Park development;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
  - (i) the Rehabilitation and Replacement (R&R) of Water Mains Stage 4 is affected. Tentative programme of the R&R works is from 2011 to 2015. The applicant is required to liaise with the Chief Engineer/Consultants Management of the Water Supplies Department to resolve any interface issues; and

- (ii) there is a proposed DN300 water main to be laid across the proposed exclusion areas covered by the existing MLP of the Park, and the proposed water main should be laid by the consortium developer for handing over to WSD. The exclusion of these areas from MLP shall not relieve the applicant of its obligations to provide the proposed water main at its expenses; and
  
- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. If there is underground cable (and/or overhead line), 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 published by the Planning Department, prior consultation and arrangement with 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 Wilson W.S. Chan, DPO/TWK, Ms Fannie F.L. Hung, STP/TWK, and Mr James K.Y. Tsui, DLO/TW&KT for their attendance to answer Members' enquires. They left the meeting at this point.]

[Ms Janice W.M. Lai and Mr Frankie W.P. Chou returned to join the meeting at this point.]

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

#### **Agenda Item 6**

##### **Section 12A Application**

[Open Meeting]

Y/MOS/3                      Application for Amendment to the Approved Ma On Shan Outline Zoning Plan No. S/MOS/18, to rezone the application site from "Other Specified Uses" annotated "Educational and Recreational Development" to "Residential (Group C) 3" and "Open Space", Various lots and Adjoining Government Land in D.D. 167, Nai Chung, Ma On Shan  
(RNTPC Paper No. Y/MOS/3)

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17.            The Secretary reported that the application was submitted by Prolong Limited, which was a subsidiary of Sun Hung Kai Properties Limited (SHK), and AECOM Asia Co. Ltd. (AECOM), Environ Hong Kong Ltd. (Environ) and LWK & Partners (HK) Ltd. (LWK) were the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with SHK, AECOM and Environ, and was the director and shareholder of LWK. Ms Janice W.M. Lai had also declared an interest in this item as she had current business dealings with SHK and AECOM. The Committee noted that Mr Fu had refrained from joining the meeting. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Ms Lai could stay in the meeting but should be refrained from involving in the discussion.

18.            The Committee noted that the applicant requested on 13.12.2013 for deferment of the consideration of the application for two months in order to allow sufficient time for the applicant to prepare further information to address departmental comments. This was the

first time that the applicant requested for deferment of the application.

19. 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 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 7**

#### **Section 16 Application**

[Open Meeting]

A/MOS/96                      Proposed Residential Institution (Off-campus Student Hostel) with Minor Relaxation of Non-domestic Gross Floor Area Restriction for Ancillary Facilities Serving the Student Hostel in “Comprehensive Development Area (1)” zone, STTL 502, STTL574 and Adjoining Government Land near Lok Wo Sha, Ma On Shan  
(RNTPC Paper No. A/MOS/96B)

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20. The Secretary reported that the application was submitted by City University of Hong Kong (CityU). The following Members had declared interests in this item:

Mr Timothy K.W. Ma	-	Executive Director of Project Flame, CityU
Mr Rock C.N. Chen	-	a member of Court of CityU
Mr H.F. Leung	-	a part-time lecturer of CityU

21. The Committee noted that Mr Chen and Mr Leung had tendered their apologies for being unable to attend the meeting. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Mr Ma could stay in the meeting

but should be refrained from involving in the discussion.

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

22. The Committee noted that the applicant requested on 8.1.2014 for further deferment of the consideration of the application for two months in order to address comments raised by the general public and Government departments and to review the development scheme. This was the third deferment of the application. PlanD had requested the Committee to defer a decision on the application once and this was the second time that the applicant had requested for deferment. Since the Committee's agreement to the first deferment request, the applicant had made efforts in addressing departmental concerns through consultation with concerned departments and submission of technical assessments responding to departmental and public comments.

23. 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 applicants that two months were allowed for preparation of the submission of the further information. Since this was the second deferment of the application requested by the applicant and the Committee had already allowed a total of four months for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

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

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/832                      Renewal of Planning Approval for Temporary Public Vehicle Park (excluding container vehicle) for a Period of 3 Years in “Residential (Group A)” zone, Commercial/Car Park Block (G/F, 1/F), Integrated Commercial/Car Park Accommodation at Sand Martin House (G/F, 1/F) & Osprey House (G/F, 1/F) and Open Car Parks, Sha Kok Estate, 5 Sha Kok Street, Sha Tin  
  
(RNTPC Paper No. A/ST/832)

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**Presentation and Question Sessions**

24.            Mr Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary public vehicle park (excluding container vehicle) under previous Application No. A/ST/730 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 no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a public comment was received from the Chairman of the Owners’ Corporation of Yue Shing Court, who indicated that the surplus car parking space of Sha Kok Estate should be opened up for use by the residents of Yue Shing Court. During the publication of further information, two public comments were received. A comment, received from the 沙田沙角邨聯席會議, which suggested that the lorry parking spaces between Skylark

House and Herring House should be changed to parking spaces for smaller vehicles as reversing and manoeuvring of the lorries posed danger to pedestrians outside Bean Goose House or block the emergency vehicular access. Another comment was submitted by a member of the public who objected to the application as movement/parking of lorry and/or construction vehicles would pose danger to pedestrians. He also mentioned that Yue Shing Court, which was located within 100 feet from the site, was not being informed of the application. It was not in compliance with the Town Planning Board Guidelines; 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 the public concerns on road safety issue of allowing parking of lorry, the lorry parking spaces were designed for the said purposes and were up to the current standards adopted by the Transport Department. The potential conflict between the manoeuvring of lorry and pedestrians was considered a management issue. An advisory clause to alert the applicant to strengthen road safety measures was recommended. Regarding the comment that Yue Shing Court Owners' Corporation was not informed of the application, PlanD had informed the said Owners' Corporation at the beginning of the two publication periods through registered mails.

25. Members had no question on the application.

#### Deliberation Session

26. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.1.2017, 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 Sha Kok Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the



Commissioner for Transport.”

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

“adequate safety measures to protect pedestrians from being affected by the vehicles, especially lorries, parking in the open-air parking spaces.”

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/834                      Shop and Services (Retail Shop) in “Industrial” zone, Workshop G3,  
LG/F, Valiant Industrial Centre, Nos. 2-12 Au Pui Wan Street, Fo Tan,  
Sha Tin

(RNTPC Paper No. A/ST/834)

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28. The Secretary reported that the application was submitted by PARKnSHOP (HK) Ltd., which was a subsidiary of Hutchison Whampoa Limited. Mr Ivan C.S. Fu had declared an interest on this item as he had current business dealings with Hutchison Whampoa Limited. The Committee considered that the interest of Mr Fu was direct and he should leave the meeting temporarily for this item.

[Mr Ivan C.S. Fu left the meeting temporarily at this point.]

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

29. Mr Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (retail shop);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments set out in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

30. Members had no question on the application.

#### Deliberation Session

31. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.1.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of proposals for fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2014; and
- (b) if the above planning condition (a) 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.”

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

- “(a) a temporary approval of three years is given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardized;
- (b) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from adjoining workshops by fire barriers with a fire resisting period of not less than two hours, and the means of escape of the existing premises shall not be adversely affected;
- (e) to note the comments of the Director of Fire Services that:
  - (i) detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
  - (ii) regarding matters in relation to fire resisting construction of the application premises, the applicant is advised to comply with the requirements as stipulated in “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority.
- (f) refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial

Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.”

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

**Agenda Items 10 to 13**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/127      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” zones, Lot 259 S.B in  
D.D. 52, Sheung Shui Wa Shan, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/127, 128, 129 and 130)

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A/NE-FTA/128      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” zones, Lot 259 S.E in  
D.D. 52, Sheung Shui Wa Shan, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/127, 128, 129 and 130)

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A/NE-FTA/129      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” zones, Lot 259 S.G in  
D.D. 52, Sheung Shui Wa Shan, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/127, 128, 129 and 130)

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A/NE-FTA/130      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” zones, Lot 259 S.H in  
D.D. 52, Sheung Shui Wa Shan, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/127, 128, 129 and 130)

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33.            The Committee noted that the four 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.

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

Presentation and Question Sessions

34. 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) of 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 the agricultural point of view as active agricultural activities were noted in the vicinity of the sites and the sites were of high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and advised that Small House developments should be confined within the “Village Type Development (“V”) zone as far as possible. Notwithstanding the above, the applications only involved construction of four Small Houses. 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, four public comments were received. Kadoorie Farm & Botanic Garden Corporation objected to the applications on the grounds that the proposed developments were not in line with the planning intention of “Agricultural” (“AGR”) zone; and active agricultural activities were observed in the vicinity and the agricultural land should be retained to safeguard the food supply for Hong Kong. The North District Councillor/Indigenous Inhabitant Representative(s) (IIR) of Sheung Shui Heung considered that the proposed developments would obstruct the existing local track and footpath, create adverse traffic and environmental impacts and result in the loss of agricultural land. A local villager objected to the applications and

requested for the personal data of the applicants and land ownership information of the application sites. Two private individuals submitted a comment indicating that they were not objecting the applications but the applicants should provide adequate access and footpath to the nearby area, and the Town Planning Board should ensure proper development of Wa Shan Village as a whole;

- (e) the District Officer (North) (DO(N)) received local views from the incumbent North District Councillor cum IIR of Sheung Shui Heung who raised objection to the applications, while the Chairman of Sheung Shui District Rural Committee, other two IIRs of Sheung Shui Heung, the Resident Representative (RR) of Sheung Shui Heung, the IIR of Wa Shan Village and the RR of Wa Shan Village had no comment on the applications; and
- (f) 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 active agricultural activities were noted in the vicinity of the sites and 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 Wa Shan Village and there was insufficient land within the "V" zone of Wa Shan Village to meet the Small House demand. The proposed Small Houses were not incompatible with the surrounding rural area which was dominated by farmland, village houses and tree groups. The proposed developments were also not expected to cause significant adverse environmental, drainage and traffic impacts on the surrounding area. The applications could be tolerated by C for T. Other concerned departments had no adverse comment or no objection to the applications. Regarding the public comments and the local views relayed by DO(N), the above assessments were relevant. Regarding the public comments on the proposed developments would obstruct the existing local track and footpath and create nuisance to the villagers, two of the applicants had clarified that they could be accessed via existing footpaths. As to the public comments

requesting for personal data of the applicants and the land ownership, it should be noted that the names of the applicants as well as those of the indigenous villagers for the applications and the sole “current land owner” status were available for public inspection. Other personal data would only be used for processing the applications and would not be released to a third party.

35. Members had no question on the applications.

### Deliberation Session

36. After deliberation, the TPB decided to approve the applications, on the terms of each of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 17.1.2018, 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.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
  - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable

Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and

- (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the 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; 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 Board where required before carrying out the road works.”

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/524      Proposed Utility Installation for Private Project (Electricity Package Substation) in “Agriculture” and “Recreation” zones, Lot 2870 S.A in D.D. 51, Tong Hang, Fanling  
(RNTPC Paper No. A/NE-LYT/524)

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

38.            Mr Wallace W.K. Tang, STP/STN, presented the application and covered the



following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity package substation);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. As the site had potential for agricultural rehabilitation, the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application from agricultural point of view;
- (d) during the first three weeks of the statutory publication period, a public comment was received from the Chairman of Fanling District Rural Committee which stated no comment on the application;
- (e) the District Officer (North) (DO(N)) received local views from the Chairman of Fanling District Rural Committee who had no comment on the application and the Resident Representative (RR) of Tong Hang (Lower) who raised concerns on whether the proposed development would cause any adverse impacts on the existing pedestrian footpath, drainage, sewerage, environmental and pedestrian safety aspects; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed development was not expected to have significant environmental, landscape, drainage and traffic impacts on the surrounding areas. Concerned Government departments, except DAFC, had no adverse comment on or no objection to the application. Also, an approval condition on prohibiting the encroachment of the proposed development on the existing footpath was recommended. Regarding the local views relayed by DO(N), the above assessments were relevant.

39. Members had no question on the application.

Deliberation Session

40. 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 17.1.2018, 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 proposed development should not encroach on the existing footpath to the immediate south-east of the site;
- (b) the design and provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (d) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/North (DLO/N), Lands Department (LandsD) that the owner of the lot should apply to his office for a Short Term Waiver (STW) for the proposed structure. There is no guarantee that the application for STW will necessarily be successful. 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 fee;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:

- (i) before any new building works are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
- (ii) if existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the application;
- (iii) for UBW erected on leased land, enforcement action may taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
- (iv) in connection with (i) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
- (v) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (vi) if the site abuts on a specified street of not less than 4.5m wide, its permitted development intensity shall be within the permissible plot ratio and site coverage as stipulated in the First Schedule of the B(P)R;
- (vii) it is noted that the sustainable building design requirements and the pre-requisites under PNAP APP-151 and 152 for gross floor area (GFA) concessions would be applicable to the redevelopment. In

this connection, any non-mandatory or non-essential plant rooms of the development may be accountable for GFA under the BO subject to their compliance with the above PNAPs;

- (viii) foul water of the development should not be discharged to nearby stream course;
  - (ix) formal submission of any proposed new building works for approval and consent under the BO is required. Detailed consideration will be made at the building plan submission stage; and
  - (x) if the proposed works fall within NTEH criteria under the BO (application to the New Territories) Ordinance (Cap 121), DLO/N, LandsD should be in a better position to comment on the application;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
  - (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the site is located within the flood pumping gathering ground;
  - (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in area where no public sewerage connection is available;
  - (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Fanling Highway to the site is not maintained by HyD;
  - (g) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the 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. As such, the project proponent must ensure that the installation complies with the relevant ICNIRP guidelines or other establish 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;

- (h) to note the comments of the Director of Electrical and Mechanical Services that:

electricity safety

- (i) for the design and operation of electricity package substation, CLP Power has to comply with the Electricity Ordinance and relevant statutory requirements. As the electricity package substation is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substations as far as possible. He has no comment on the application as far as electricity supply safety and reliability are concerned. 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;

town gas safety

- (ii) the proposed development is in the vicinity of the Fanling East offtake station. The project proponent/consultant should liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations or existing or planned gas pipes/gas installations in the vicinity of the site and the required minimum set back distance away from them during the design and construction stages of

development; and

- (iii) given that there may be town gas pipes in the proposed development site, the project proponent/consultant is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes";
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that to mitigate the landscape and visual impact of the proposed development, landscape treatment should be provided along the site boundary; and
- (j) 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."

[Mr K.C. Siu left the meeting temporarily at this point.]

## **Agenda Item 15**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/525      Proposed House (New Territories Exempted House - Small House) in "Agriculture" zone, Lots 1002 S.A ss.3 and 1002 S.A ss.4 in D.D. 83, Tung Kok Wai, Lung Yeuk Tau, Fanling  

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(RNTPC Paper No. A/NE-LYT/525)

### **Presentation and Question Sessions**

42.            Mr Wallace W.K. Tang, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as agricultural lives in the vicinity were active and the site was of high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development (“V”) zone as far as possible. Notwithstanding the above, the application only involved construction of a Small House. C for T considered the application could be tolerated unless it was rejected on other grounds;
- (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. They objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of “Agriculture” (“AGR”) zone; the cumulative impact and the loss of land for agriculture should be considered; and no traffic and environmental impact assessments had been included in the submission;
- (e) the District Officer (North) relayed that the Chairman of Fanling District Rural Committee, the Resident Representative and three Indigenous Inhabitant Representatives of Lung Yeuk Tau had no comment on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

Although DAFC did not support the applications from agricultural point of view as agricultural lives in the vicinity were active and the site was of high potential for agricultural rehabilitation, it should be noted that the footprint of the proposed Small House fell entirely within the village ‘environs’ of Lung Yeuk Tau village cluster 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 which was in a rural landscape character dominated by farmlands and village houses. The proposed development was also not expected to cause significant adverse traffic, environmental and drainage impacts on the surrounding area. The application could be tolerated by C for T. Other concerned departments had no adverse comment or no objection to the application. Regarding the public comments, the assessments above were relevant.

43. Members had no question on the application.

#### Deliberation Session

44. 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 17.1.2018, 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 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.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage



Services Department that the site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department on the following:
  - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
  - (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the 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 that any access road leading from Sha Tau Kok Road to the site is not maintained by her department; 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 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/459 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 650 S.B ss.1 and 651 S.A ss.2 in D.D. 9, Yuen Leng, Tai Po  
(RNTPC Paper No. A/NE-KLH/459)

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**Presentation and Question Sessions**

46. 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 Exempt House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a public comment was received from MTR Corporation Limited (MTRC). MTRC expressed that noise from train operations was a potential impact to the occupants; the presence of railway operation should be duly considered and suggested to impose an approval condition to require the applicant to plan and implement adequate noise mitigation measures; and the applicant should be requested to share with MTRC the results of railway noise assessment and any information regarding the noise mitigation measures planned for the development. 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 11 of the Paper. Regarding the public comment on potential noise impact of the railway operation on the proposed Small House development, the Director of Environmental Protection advised that the proposed house would unlikely be subject to insurmountable adverse railway noise impact as the site was located at about 75m away from the East Rail and noise barriers had been installed along the rail line.

47. In response to the Chairman's query on the programme of the sewerage works, Mr C. T. Lau explained that as the proposed works of "North District Sewerage, Stage 2 Phase 1 for Yuen Leng" would involve resumption of private lots, it was degazetted on 29.10.2010 and there was no fixed programme at this juncture. To address the sewerage issue arising from the proposed Small House in the interim, the applicant proposed to locate a septic tank within the area zoned "V" of the site. Concerned Government departments had no objection to such arrangement.

[Mr K.C. Siu returned to join the meeting at this point.]

#### Deliberation Session

48. 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 17.1.2018, 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 connection of the foul water drainage system of the proposed house to the planned public sewerage system in the area to the satisfaction of the

Director of Water Supplies or of the TPB; and

- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North and Chief Engineer/Consultants Management of Drainage Services Department that there is no public drain in the vicinity of the site and according to the latest proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng, public sewerage connection point will be provided in the vicinity of the site and land resumption of portion of Lot 651 S.A ss.2 will be required. Since this sewerage scheme was degazetted on 29.10.2010, there is no fixed programme at this juncture for the concerned public sewerage works;
- (b) to note the comments of the Director of Environmental Protection that the septic tank and soakaway system shall be constructed within the site and within “Village Type Development” zone and in compliance with ProPECC PN 5/93. The proposed Small House shall be connected to the future public sewer when available and adequate land shall be reserved for the future sewer connection work;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains are found inside the lot and may be affected, which may need to be diverted or protected. The grantee/applicant shall bear the cost of any necessary diversion/ protection works for the water main(s) affected by the proposed development; and the grantee/applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
- (d) 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.’

**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/494            Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” zone, Government Land in D.D. 19, Lam Tsuen San  
Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/494)

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50.            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 III of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the approval of the application would encourage similar Small House developments within the “Green Belt” (“GB”) and leading to further degradation of landscape quality of landscape quality in the area. The Director of Agriculture, Fisheries and Conservation also advised that the proposed Small House should be shifted away from the tree group to the immediate north and west of the site as far as possible. The Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) advised the applicant should extend the sewer of the proposed Small House to the proposed public sewerage

system in the vicinity of the site. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development (“V”) zone as far as possible. Notwithstanding the above, the application only involved development of a Small House. C for T considered the application could be tolerated unless it was rejected on other grounds. Other concerned Government departments had no adverse comment on or no objection to the application;

- (d) during the first three weeks of the statutory publication period, three public comments from World Wild Fund Hong Kong, Designing Hong Kong Limited and The Hong Kong Bird Watching Society were received. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “GB” zone and the relevant Town Planning Board Guidelines; and the proposed development would affect the ecological value of the area and set an undesirable precedent for future applications that would undermine the function and value of the “GB” zone; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Paper. The proposed development did not meet the Interim Criteria in that there was no shortage of the land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the Lam Tsuen San Tsuen. The applicant had also failed to demonstrate why suitable site within the area zoned “V” could not be made available for the proposed development. The proposed Small House might also adversely affect the adjacent tree groups and natural landscape in the area.

[Mr K.C. Siu left the meeting temporarily at this point.]

51. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification given in the submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development does not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in that there is no shortage of the land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Lam Tsuen San Tsuen and the proposed development would cause adverse landscape impact on the surrounding areas;
- (c) there is land available within the “V” zone of Lam Tsuen San Tsuen for Small House development. The applicant fails to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development;
- (d) the application does not comply with the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the natural landscape of the area; and
- (e) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

## **Agenda Item 18**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/495            Proposed House (New Territories Exempted House - Small House) in  
“Government, Institution or Community” and “Road” and “Village  
Type Development” zones, Lot 2253 S.B ss.9 S.B in D.D. 19, San Uk  
Pai Village, Tai Po  
(RNTPC Paper No. A/NE-LT/495)

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### **Presentation and Question Sessions**

53.            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);

[Mr K.C. Siu returned to join the meeting at this point.]

- (c)    departmental comments – departmental comments were set out in paragraph 9 and Appendix III of the Paper. The Commissioner for Transport (C for T) did not support the application as the proposal development would jeopardise the future design and implementation of road widening scheme along Lam Kam Road. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the applicant failed to demonstrate in the submission that the proposed development would not cause adverse landscape impact on the surrounding area, where a large *Mangifera indica* (芒果), which was in good form and healthy condition, was found at the western boundary of the site. Other concerned Government departments had no adverse comment on or no objection to the application;



- (d) during the first three weeks of the statutory publication period, five comments objecting to the application from members of the public and Designing Hong Kong Limited were received. They objected to the application mainly on the grounds of potential overlooking and overshadowing issues, traffic, landscape and environmental impacts, limiting the potential for widening of Lam Kam Road in the future, the site involved “Government, Institution or Community” zone and no public gain had been identified, no environmental and traffic impact assessment was provided, and the approval of the case would set an undesirable precedent for similar applications; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. There was no general shortage of land within “Village Type Development” (“V”) zone to meet the outstanding Small House demand for San Uk Pai. The applicant also had not demonstrated why land within the “V” zone could not be made available for proposed Small House development. Besides, the applicant failed to demonstrate in the submission that the proposed development would not cause adverse landscape impact on the surrounding area. The proposal development would jeopardise the future design and implementation of road widening scheme along Lam Kam Road.

54. Members had no question on the application.

#### Deliberation Session

55. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development does not comply with the Interim Criteria for consideration of application for NTEH/Small House in the New Territories in that there is no general shortage of land in meeting the demand for Small

House development in the “Village Type Development” (“V”) zone of San Uk Pai. The applicant fails to demonstrate why land within “V” zone of San Uk Pai could not be made available for the proposed development;

- (b) the proposed Small House falls partly within an area shown as ‘Road’ on the Outline Zoning Plan and would jeopardise the future design and implementation of road widening scheme along Lam Kam Road; and
- (c) the applicant fails to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding areas.”

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/496            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” zones, Lot 1115 S.C  
RP in D.D. 19, Lam Tsuen San Tsuen, Tai Po  
  
(RNTPC Paper No. A/NE-LT/496)

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

56.            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 V of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application as there were active agricultural activities in the vicinity and the site itself had high potential for rehabilitation of agricultural activities. CTP/UD&L had no

objection to the application from the landscape planning point of view as there was no significant vegetation within the site. Other concerned Government departments had no adverse comment on or no objection to the application;

- (d) during the first three weeks of the statutory publication period, one public comment by Designing Hong Kong Limited objecting to the application was received. The objection was made mainly on the grounds that proposed development was not in line with the planning intention of “AGR” zone; and would diminish the farming potential, and that no traffic and environmental impact assessments had been submitted; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House was not in line with the planning intention of the “Agriculture” (“AGR”) zone. Also, there was no general shortage of land in meeting the demand for Small House development in the concerned “Village Type Development” (“V”) zone. The proposed house was not incompatible with the existing rural environment. Although the site was the subject of a previously approved application (No. A/NE-LT/334) for Small House development which was lapsed on 15.4.2009, the applicant had not demonstrated in the submission that there were specific circumstances to justify special consideration to the case under the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories.

57. Members had no question on the application.

#### Deliberation Session

58. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. 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;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Lam Tsuen San Tsuen; and
- (c) there is land available within the “V” zone of Lam Tsuen San Tsuen for Small House development. The applicant fails to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development.”

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/497            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” zones, Lot 578 S.C in  
D.D. 8, Ma Po Mei, Tai Po  
(RNTPC Paper No. A/NE-LT/497)

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### **Presentation and Question Sessions**

59.            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 V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as there were active agricultural activities in the vicinity of the site and the site itself could be rehabilitated for agricultural purpose. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from the landscape planning point of view and advised that there was existing *Dimocarpus longan* tree located at the site with a crown spread of approximately 9m. Based on the proposed location of the Small House, pruning of the tree crown would be required. If the proposed Small House could be shifted to the northeast portion of the site, potential impact to the tree could be avoided. The District Officer/Tai Po, Home Affairs Department (DO/TP, HAD) commented that an existing footpath would be blocked by the proposed development.
- (d) during the first three weeks of the statutory publication period, a public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that there were active farmland in the vicinity and there was no justification for the proposed development, no impact assessment on traffic and environment had been conducted, and the approval of the application would impact the existing and potential farming activities. No local objection/view was received by the DO/TP; 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. They were summarised below:
  - (i) although DAFC did not support the application as there were active agricultural activities in the vicinity of the site and the site itself

could be rehabilitated for agricultural purpose, it should be noted that about 68% of the footprint of the proposed Small House fell within the village ‘environs’ of Tai Mong Che and Ma Po Mei and there was insufficient land within the “V” zone of Tai Mong Che and Ma Po Mei Villages to meet the future demand of Small Houses. The proposed Small House within Water Gathering Ground would be able to be connected to the planned public sewerage system, and was not incompatible with the surrounding environment which was rural in character and consisted mainly of village houses, temporary domestic structures and agricultural fields;

- (ii) an approval condition on submission and implementation of landscape and tree preservation proposals was recommended to address CTP/UD&L, PlanD’s concern;
- (iii) as for the existing footpath traversing the site that would be affected by the proposed Small House, an approval condition requiring the re-provisioning of the footpath was recommended as advised by DO/TP, HAD; and
- (iv) as regards to the public comment from Designing Hong Kong Limited, the site was segregated from the agricultural fields by a local track and the Director of Environmental Protection and the Commissioner for Transport had no adverse comment on the application.

60. In response to the Chairman’s query on the re-provisioning of the footpath, Mr C. T. Lau said that the site was transversed by an existing footpath which would be affected by the proposed development. Should the application be approved, an approval condition requiring the re-provisioning of the footpath was recommended.

#### Deliberation Session

61. 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 17.1.2018, 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 to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system of the proposed house to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the re-provisioning of the affected footpath to the satisfaction of the District Officer/Tai Po or of the TPB.”

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

- “(a) to note the comments of the Director of Environmental Protection that the septic tank and soakaway system should be relocated and constructed within the “V” zone and in compliance with the ProPECC PN 5/93 and the Water Pollution Control Ordinance. The proposed house shall be connected to the future public sewer when available and adequate land shall be reserved for the future sewer connection works;
- (b) to note the comments of the Chief Engineer/Mainland North, and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:

- (i) public stormwater drain is not available for connections in the vicinity of the site. The applicant is required to provide proper stormwater drainage for the proposed development. Any proposed drainage works, whether within or outside the lot boundary should be constructed and maintained by the applicant at his own expense. The applicant/owner is required to rectify the drainage system if it is found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system; and
  
- (ii) the village sewerage works in Ma Po Mei will be carried out under DSD's project 4332DS "Lam Tsuen Valley Sewerage – Stage 2". The works of the project has started in 2012 for completion in 2016 tentatively subject to land acquisition. The proposed development is partially outside the original "Village Type Development" zone and there is no existing public sewerage system connection available now. Public sewers will be laid under DSD's current project scheme 4332DS. The applicant may extend his sewer to the nearest connection point of the proposed sewerage system by himself via other private/Government land if he would like to discharge his sewage into the planned public sewerage system subject to the site situation. It should be noted that the invert level of the nearest manhole is higher than the approximate ground level of the proposed Small House. The applicant is advised to carry out appropriate works to make the connection feasible. The above information is preliminary and will be subject to revision to suit the actual site condition;
  
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
  - (i) a septic tank and soakaway pit system may be permitted to be used as an interim measure for foul effluent disposal before public sewers are available subject to the approval of the Director of



Environmental Protection. Any such permitted septic tank and soakaway pit systems shall be designed and maintained in accordance with the Environmental Protection Department's ProPECC Practice Note No. 5/93. The septic tank and soakaway pit systems shall be located at a distance of not less than 30m from any water course and shall be properly maintained and desludged at a regular frequency. All sludge thus generated shall be carried away and disposed of outside the water gathering grounds.

- (ii) adequate protective measures shall be taken to ensure that no pollution or siltation occurs to the water gathering grounds;
  - (iii) since the proposed NTEH/Small House is less than 30m from the nearest watercourse, the house should be located as far away from the watercourse as possible;
  - (iv) the whole of foul effluent from the proposed NTEH/Small House shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes; and
  - (v) existing water mains will be affected. The grantee/applicant shall bear the cost of any necessary diversion works affected by the proposed development; and the grantee/applicant shall submit all the relevant proposals to WSD for consideration and agreement before the works commence;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses - A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the site is located

adjacent to Feature No. 7NW-A/DT94 and the applicant is reminded to make necessary submissions to the LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemptions are not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;

- (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 structures; 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;
- (g) to note the comments of the Chief Highway Engineer/New Territories East,

Highways Department that the access road from Lam Kam Road adjoining the site is not maintained by HyD; and

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

## **Agenda Item 21**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/498            Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Government Land in D.D. 10, Chai Kek Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/498)

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### **Presentation and Question Sessions**

63.            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 V of the Paper. Concerned departments had no objection to or no adverse comment on the application, including the Director of Agriculture, Fisheries and Conservation (DAFC) had no strong views against the application as there were few agricultural activities in the

vicinity of the site and the site had low potential for agricultural rehabilitation and advised that the natural stream in the vicinity of the site was Lam Tsuen Ecologically Important Stream (EIS) listed in ETWB TCW No. 5/2005;

- (d) during the first three weeks of the statutory publication period, a public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that there was active farmland in the vicinity and there was no justification for the proposed development, no impact assessment on the traffic and environment had been conducted, and the approval of the application would impact the existing and potential farming activities. 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 11 of the Paper. The applicant would be advised to follow the relevant practice notes from the Buildings Department so as to avoid disturbance to the stream and causing water pollution as recommendation by DAFC, as there was a natural stream in the vicinity of the site which was listed as EIS in ETWB TCW No. 5/2005. As regards the public comment from Designing Hong Kong Limited, the site and its vicinity had low potential for rehabilitation for agricultural activities and DAFC, the Director of Environmental Protection and the Commissioner for Transport had no adverse comment on the application.

64. Members had no question on the application.

#### Deliberation Session

65. 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 17.1.2018, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the connection of the foul water drainage system of the proposed house to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the Director of Environmental Protection that construction of the house shall not be commenced before the completion of the planned sewerage system; the applicant shall connect the house to the future public sewer at his own cost; the sewerage connection point shall be within the site; and adequate land will be reserved for the future sewer connection works;
- (b) to note the comments of the Chief Engineer/Mainland North, and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:
  - (i) public stormwater drain is not available for connections in the vicinity of the site. Any proposed drainage works, whether within or outside the site boundary should be constructed and maintained by the applicant at his own expense. The applicant/owner is required to rectify the drainage system if it is found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system; and

- (ii) the village sewerage works in Chai Kek will be carried out under the project 4332DS, 'Lam Tsuen Valley Sewerage – Stage 2'. The works of the project started in 2012 for completion in end 2016 tentatively subject to the land acquisition progress. Public sewers will be laid to the locations near to the proposed development under DSD's current project scheme. The applicant could extend his sewer to the nearest connection point of the proposed sewerage system by himself via other private/Government land if he would like to discharge his sewerage into the planned public sewerage system subject to the site situation. The above information is preliminary and will be subject to revision to suit the actual site situation;
  
- (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 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;
  
- (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. 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 structures; 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Lam Kam Road adjoining the site is not maintained by HyD; and
- (g) to note that the permission is only given to the development under the application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

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

**Agenda Item 22**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/483            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lots 671 S.B and 672 S.F in D.D. 15 and  
Adjoining Government Land, Shan Liu, Tai Po  
(RNTPC Paper No. A/NE-TK/483)

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**Presentation and Question Sessions**

67.            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 V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site had high potential for rehabilitation of agricultural activities. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development (“V”) zone as far as possible. Notwithstanding the above, the application only involved development of a Small House. C for T considered the application could be tolerated unless it was rejected on other grounds;
- (d) during the first three weeks of the statutory publication period, two public comments from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation against the application were received. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture”



zone and would have adverse sewerage impact on the surrounding areas as well as adverse effect on the food production. No local objection/view was received by the District Officer (Tai Po); and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although DAFC did not support the applications as the site had high potential for rehabilitation of agricultural activities, it should be noted that the footprint of the proposed Small House fell entirely within the village 'environs' of Shan Liu and there was insufficient land within the "V" zone of Shan Liu Village to meet the Small House demand. The proposed Small House was not incompatible with the surrounding area which was mainly rural in character. Besides, the application could be tolerated by C for T. Regarding the public comments against the proposed development mainly on the grounds that the proposed development was not in line with the planning intention of "AGR" zone and would have adverse sewerage impact on the surrounding areas, the relevant Government departments including the Environmental Protection Department, the Water Supplies Department and the Drainage Services Department had no objection to nor adverse comment on the application and relevant approval conditions and advisory clauses had been recommended to minimize the potential adverse impacts on the surrounding area.

68. Members had no question on the application.

#### Deliberation Session

69. 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 17.1.2018, 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 provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system of the proposed house to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the Director of Environmental Protection that construction of the proposed Small House shall not be commenced before the completion of the public sewerage system. Upon completion of the public sewerage system, the applicant should connect the proposed house to the public sewer at his own costs. Adequate land should be reserved for the future sewer connection work;
- (b) the applicant is required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots and resolve all necessary Government land (GL) issues with the Lands Department in order to demonstrate that it is both technically and legally feasible to install sewage pipes from the proposed house to the planned sewerage system via the concerned private lot(s) and GL;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage

Services Department that there is no public drain in the vicinity of the site. The applicant is required to maintain the drainage 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 failure of the systems. There is no existing public sewerage in the vicinity of the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;

- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the whole of foul effluent shall be conveyed through cast iron pipes with sealed joints and hatch boxes. Since the proposed Small House is less than 30m from the nearest watercourse, the house should be located as far away from the watercourse as possible. The applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewer pipes from the proposed Small Houses to the planned sewerage system via the relevant private lots. For provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (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 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 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/484          Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” and “Village Type Development” zones, Lots 625 S.B ss.1 RP and 625 S.B ss.2 in D.D. 15, Shan Liu, Tai Po  
(RNTPC Paper No. A/NE-TK/484)

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

71.          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 two houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 11 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, two public comments were received from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited. They objected to the application mainly on the grounds that the proposed development was not

in line with the planning intention of “Green Belt” zone and would have adverse sewerage impact on the surrounding areas. 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 13 of the Paper. The footprint of the proposed Small Houses fell entirely within the village ‘environs’ of Shan Liu and there was insufficient land within the “V” zone of Shan Liu Village to meet the Small House demand; and the proposed Small Houses could be connected to the planned sewerage system in the area. Hence, sympathetic consideration could be given to the application. The proposed Small Houses were not incompatible with the surrounding area which was mainly rural in character. The proposed Small Houses were not expected to have adverse sewerage, landscape and geotechnical impacts on the surrounding areas and would also comply with the Town Planning Board Guidelines No. 10.

72. Members had no question on the application.

#### Deliberation Session

73. 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 17.1.2018, 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 provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system of the proposed house to

the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and

- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the Director of Environmental Protection (DEP) that construction of the proposed Small Houses shall not be commenced before the completion of the public sewerage system. Upon completion of the public sewerage system, the applicants should connect the proposed houses to the public sewer at their own costs. Adequate land should be reserved for the future sewer connection work;
- (b) the applicants are required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there is no public drain in the vicinity of the site. The applicants are required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There is no existing public sewerage in the vicinity of the site. DEP should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the whole of foul effluent shall be

conveyed through cast iron pipes with sealed joints and hatch boxes. Since the proposed Small Houses are less than 30m from the nearest watercourse, the houses should be located as far away from the watercourse as possible. The applicants shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewer pipes from the proposed Small Houses to the planned sewerage system via the relevant private lot. For provision of water supply to the proposed development, the applicants may need to extend their inside services to the nearest suitable Government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (e) to note the comments of the Director of Fire Services that the applicants 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;
  
- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil and Engineering Development Department that the proposed developments would affect existing slope features No. 3SE-C/C186 and 3SE-C/DT40. According to his records, the stability conditions of the two features are unknown and the site has been substantially modified by unauthorized site formation works. The applicants are required to make site formation submissions covering the investigation of stability of any man-made slopes/retaining walls and natural slopes within or near the proposed developments to the Building Authority and/or LandsD for approval as required under the provisions of the Buildings Ordinance. Any necessary stabilization works should be carried out and paid for as part of the developments; and

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

## **Agenda Item 24**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/485            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lots 646 S.F ss.1 and 646 S.G ss.1 in D.D. 15,  
Shan Liu, Tai Po  
(RNTPC Paper No. A/NE-TK/485)

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### **Presentation and Question Sessions**

75.            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 V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site had high potential for rehabilitation of agricultural activities. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development (“V”) zone as far as possible. Notwithstanding the above, the application only involved



construction of a Small House. C for T considered the application could be tolerated unless it was rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, two public comments from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation against the application were received. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone and would have adverse sewerage impact on the surrounding areas as well as adverse effect on the food production. 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. Although DAFC did not support the application as the site had high potential for rehabilitation of agricultural activities, it should be noted that the footprint of the proposed Small House fell entirely within the village ‘environs’ of Shan Liu and there was insufficient land within the “V” zone of Shan Liu Village to meet the demand of Small Houses. The proposed Small House was not incompatible with the surrounding area which was mainly rural in character. Besides, the application could be tolerated by C for T. Regarding the public comments against the proposed development mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone and would have adverse sewerage impact on the surrounding areas, the relevant Government departments including the Environmental Protection Department, the Water Supplies Department and the Drainage Services Department had no objection to nor adverse comment on the application and relevant approval conditions and advisory clauses had been recommended to minimize the potential adverse impacts on the surrounding area.

76. Members had no question on the application.

Deliberation Session

77. 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 17.1.2018, 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 provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system of the proposed house to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the Director of Environmental Protection that construction of the proposed Small House shall not be commenced before the completion of the public sewerage system. Upon completion of the public sewerage system, the applicant should connect the proposed house to the public sewer at his own costs. Adequate land should be reserved for the future sewer connection work;
- (b) the applicant is required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection

points on the lots concerned in the Land Registry against all affected lots and resolve all necessary Government land issues with District Lands Officer/Tai Po in order to demonstrate that it is both technically and legally feasible to install sewage pipes from the proposed house to the planned sewerage system via the concerned private lot(s) and Government land;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there is no public drain in the vicinity of the site. The applicant is required to maintain the drainage 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 failure of the systems. There is no existing public sewerage in the vicinity of the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; 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 Items 25 to 32**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/486 Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” zone, Lots 138 S.A ss.2 S.B and 138 S.B ss.3 in D.D. 28,  
Lung Mei, Tai Po  
(RNTPC Paper No. A/NE-TK/486)

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A/NE-TK/487 Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” zone, Lot 138 S.A ss.2 S.A in D.D. 28, Lung Mei, Tai Po  
(RNTPC Paper No. A/NE-TK/487)

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A/NE-TK/488 Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” zone, Lots 138 S.A ss.1 RP, 138 S.B ss.1 and 145 S.C in  
D.D. 28, Lung Mei, Tai Po  
(RNTPC Paper No. A/NE-TK/488)

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A/NE-TK/489 Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” zone, Lots 138 S.A ss.1 S.B and 145 S.B in D.D. 28,  
Lung Mei, Tai Po  
(RNTPC Paper No. A/NE-TK/489)

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A/NE-TK/490 Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” zone, Lots 138 S.A ss.1 S.A and 145 S.A in D.D. 28,  
Lung Mei, Tai Po  
(RNTPC Paper No. A/NE-TK/490)

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A/NE-TK/491 Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” zone, Lot 146 in D.D. 28, Lung Mei, Tai Po  
(RNTPC Paper No. A/NE-TK/491)

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A/NE-TK/492 Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” zone, Lots 149 and 150 S.A in D.D. 28, Lung Mei, Tai Po  
(RNTPC Paper No. A/NE-TK/492)

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A/NE-TK/493 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lot 150 RP in D.D. 28 and Adjoining Government Land, Lung Mei, Tai Po  
(RNTPC Paper No. A/NE-TK/493)

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79. The Committee noted that the eight 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

80. Mr C.T. Lau, 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 Houses – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) did not support the applications from the landscape planning point of view as the construction of the proposed Small Houses and the associated site formation works would likely involve tree felling and clearance of vegetation and thus result in deterioration of quality landscape and vegetation loss. The Director of Environmental Protection did not support the application as the applicants failed to demonstrate that the sewage discharge of the proposed Small Houses would have no adverse water quality impacts on the nearby natural stream to the immediate east of the sites in the Lung Mei area;
- (d) during the first three weeks of the statutory publication period of the applications, 80 comments were received for Applications No.

A/NE-TK/486 to 492 and 84 comments were received for Application No. A/NE-TK/493. 19 comments for Applications No. A/NE-TK/486 to 492 and 23 comments for Application No. A/NE-TK/493 opposed to the applications mainly for reasons that the proposed developments were not in line with the planning intention of the “GB” zone, the proposed developments would have adverse ecological, environmental, landscape, drainage, sewerage and geological impacts and approval of the applications would set an undesirable precedent for similar applications within the “GB” zone. There were 61 comments supporting the applications on the grounds that the sites were privately owned, the right of indigenous villagers to build Small Houses should be respected, there were successful applications in the vicinity, the construction of the Small Houses would beautify the environment and stabilise the slope, and the proposed Small Houses would be able to connect to the public sewerage system. No local objection/view was received by the District Officer/Tai Po; and

- (e) the Planning Department (PlanD)’s views – PlanD had did not support the applications based on the assessments set out in paragraph 12 of the Paper. The proposed developments were not in line with the planning intention of the “GB” zone which had a general presumption against development. They did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ (TPB-PG No. 10) in that the proposed developments would involve tree felling and clearance of vegetation that would deteriorate the landscape quality in the subject “GB” zone and also the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that the proposed development would cause adverse landscape and water quality impacts on the surrounding area. Moreover, TPB rejected a previous application (No. A/NE-TK/426) on review in 2013 on similar grounds as mentioned above. Since there was no change in planning circumstances, there was no strong reason to deviate from the TPB’s previous decision. The current applications also did not warrant the same considerations as those applications approved by the Committee (Nos. A/NE-TK/140, 192, 259 to

262, 362, 363, 367, 373, 440 and 450) between 2002 and 2013 in the vicinity of the sites as they did not involve tree felling and cutting slope.

81. In response to the Chairman's query, Mr C. T. Lau, with the aid of a site photo, described the site conditions as detailed in the Paper and said that the sites were heavily vegetated. Approval of the applications would involve extensive tree felling.

82. In response to a Member's query, Ms Anita K.F. Lam, Assistant Director/New Territories, Lands Department (LandsD) said that only an indigenous villager was eligible to build a Small House. Upon approval of an application for Small House development by the Committee, the applicant would need to apply to LandsD for Small House development on the concerned site. There were established procedures in LandsD to verify the applicant's indigenous villager status. Generally, a declaration from the Rural Committee's chairman/vice-chairman/indigenous inhabitant's representative would suffice and a site notice would be posted to invite public comments. If any public comment raising doubt on the applicant's indigenous villager status was received, LandsD would further investigate the status of the applicant and approval of the Small House application would only be granted with sufficient evidence of the indigenous village status. For the subject applications, according to the comments of the District Lands Officer/Tai Po (DLO/TP), LandsD in the Appendix V of the Paper, the applicants were all indigenous villagers. The Secretary further explained that there was no restriction on whom could submit a planning application under the Town Planning Ordinance. Approval of the planning application did not guarantee that approval would be given by LandsD for the Small House development. Verifying the applicant's status and eligibility for Small House development was under the jurisdiction of LandsD and outside the purview of the Committee.

#### Deliberation Session

83. A Member asked whether the public concern on the applicants' status as indigenous villagers might eventually constitute a false representation. In response, the Secretary said that in submitting the application form, an applicant was required to declare that the particulars given in the application were correct and true to the best of the applicant's knowledge and belief. In any event, the status of the applicants as indigenous villagers would be further verified by LandsD should the applications be approved by the Committee.

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve extensive clearance of existing natural vegetation and affect the existing natural landscape on the surrounding environment; and
- (c) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape and water quality impacts on the surrounding areas.”



**Agenda Item 33**

**Section 16 Application**

[Open Meeting]

A/NE-TK/494                      Temporary Barbecue Site and Car Park for a Period of 3 Years in “Agriculture” and “Road” zones, Lots 384 RP (Part), 388 (Part), 393 (Part), 394, 395, 396 RP in D.D. 17 and Lots 317, 318, 321, 322, 323 S.A, 323 S.B, 323 S.C, 324, 1016 RP (Part), 1019 RP, 1020 RP, 1022 to 1029, 1040 to 1045, 1049, 1050 in D.D. 29 and Adjoining Government Land, Ting Kok Village, Ting Kok Road, Tai Po  
(RNTPC Paper No. A/NE-TK/494)

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85.                      The Secretary reported that the applicant requested on 20.12.2013 for deferment of the consideration of the application for two months in order to allow more time to address comments from the Government departments. This was the first time that the applicant requested for deferment of the application.

86.                      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 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/543                      Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lots 102 S.A ss.7 and 102 S.A ss.1 S.F in D.D. 14, Tung Tsz, Tai Po  
(RNTPC Paper No. A/TP/543)

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Presentation and Question Sessions

87. 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 11 and Appendix V of the Paper. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development (“V”) zone as far as possible. Notwithstanding the above, the application only involved construction of a Small House. C for T considered the application could be tolerated unless it was rejected on other grounds and advised that sufficient space should be provided within the site for safe vehicle manoeuvring such that no reversing movement of vehicles, which was not permitted, from the site to Tung Tsz Road would be required.;
- (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. They objected to the application mainly on the grounds that the proposed Small House development fell within “Green Belt” zone which was intended for conservation and would cause ecological impacts on the locality; there was no relevant information on the environmental and traffic impact; no public gain had been established; and the approval of the case would set an undesirable precedent for similar applications. No local objection/view was received by the District Officer (Tai Po); and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 13 of the Paper. The footprint of the proposed Small House fell entirely within the village 'environs' of Tung Tsz and Tseng Tau Village and there was insufficient land within the "V" zone of the villages to meet the Small House demand. The proposed Small House was not incompatible with the surrounding area which was mainly rural in character. The proposed Small House development was also unlikely to have any significant adverse traffic and drainage impacts on the surrounding areas. Other relevant Government departments consulted had no objection or no adverse comment on the application. The proposed development also comply with the Town Planning Board Guidelines No. 10, and sympathetic consideration could be given to the application.

88. Members had no question on the application.

#### Deliberation Session

89. 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 17.1.2018, 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 provision of drainage facilities 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.”

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

- “(a) to note the comments of the Commissioner of Transport that the section of Tung Tsz Road connecting the site is not under the Transport Department's

management. The land status, management and maintenance responsibilities of that section of road should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes. Sufficient space should be provided within the site for safe vehicle manoeuvring such that no reversing movement of vehicles, which is not permitted, from the site to Tung Tsz Road is required;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply, and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no existing DSD maintained public drains available for connection in this area. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/owner is required to maintain the 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. For works to be undertaken outside the lot boundary, prior consent and agreement from Lands Department (LandsD) and/or relevant private lot owners should be sought. Public sewerage connection is available in the vicinity of the site;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred

by LandsD;

- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the section of Tung Tsz Road adjacent to the site is not maintained by HyD;
  
- (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 published by the Planning Department, 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; and
  
- (g) to note that the permission is only given to the development under the application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including

any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

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

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

[Ms Wendy W.L. Li, Mr Ernest C.M. Fung and Mr C.K. Tsang, Senior Town Planners/ Fanling, Sheung Shui and Yuen Long East (STPs/FS&YLE), were invited to the meeting at this point.]

#### **Agenda Item 35**

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

[Open Meeting]

A/NE-KTN/177      Social Welfare Facility (Residential Care Home for Persons with Disabilities ) in “Village Type Development” zone, Lot 1386 S.A, S.B, S.C, S.D, S.E, S.F and RP in D.D. 95, Ho Sheung Heung, Sheung Shui (RNTPC Paper No. A/NE-KTN/177)

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91.            The Secretary reported that the applicant requested on 3.1.2014 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 comments from the Transport Department. This was the first time that the applicant requested for deferment of the application.

92.            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.

[Ms Janice W.M. Lai left the meeting temporarily at this point.]

**Agenda Item 36**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/357      Proposed Public Utility Installation (Indoor Substation) in “Village Type Development” zone, Government Land in D.D. 92, Kam Tsin Village, Kwu Tung  
(RNTPC Paper No. A/NE-KTS/357)

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**Presentation and Question Sessions**

93.            Ms Wendy W.L. Li, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (indoor substation);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period. The District Officer (North) relayed that the incumbent North District Council Constituency member, the Chairman of the Sheung Shui District Rural Committee, the Indigenous Inhabitant Representatives of Kam Tsin and the Resident Representative of Kam Tsin had no comment on the application.; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

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 17.1.2018, 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 drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of proposals for fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or to the TPB.”

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

- “(a) to note the comments of the District Lands Officer/North, Lands Department to apply to his office for a Short Term Tenancy (STT) for the proposed structure. There is no guarantee that the application for STT would necessarily be successful. If the STT 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 STT rental;
- (b) to note the comments of the Chief Building Surveyor/New Territories West,



Buildings Department (BD) that before any new building works are to be carried out on the site, prior approval and consent from the BD should be obtained, otherwise, they are unauthorized building works. An authorized person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. In this connection, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with the Building (Planning) Regulations (B(P)Rs) 5 and 41D 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;

- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Kam Tsin Road to the site is not maintained by his department;
- (d) to note the comments of the Director of Health 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. As such, the applicant 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;
- (e) to note the comments of the Director of Electrical and Mechanical Services that for the design and operation of electricity substation, the applicant has to comply with the Electricity Ordinance and relevant statutory requirements. 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 Chief Engineer/Development(2), Water Supplies Department that the site is located within the flood pumping gathering ground;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation to adopt good site practice and implement necessary measures as far as practicable to prevent causing adverse impacts to the *Ficus benjamina* to the north of the site.”

**Agenda Item 37**

**Section 16 Application**

[Open Meeting]

A/YL-MP/224      Eating Place (Restaurant) and Shop and Services (Ancillary Photographic Studio and Make-up Room for Wedding Ceremony in “Open Storage” zone, Lots 2562 S.B. RP and 2564 RP in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/224A)

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97.            The Secretary reported that the applicant requested on 2.1.3014 for deferment of the consideration of the application for one month in order to allow more time for the applicant to make clarifications on the detailed calculations of gross floor area (GFA) of the proposed development. This was the applicant’s second request for deferment. Since the last deferment, the applicant on 26.11.2013, had submitted further information including clarifications on the GFA and car parking arrangement, and provision of a revised master layout and landscape plan and a revised drainage plan. The applicant still needed time to make clarifications on the detailed calculations of GFA of the proposed development.

98. 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 more month was allowed for preparation of the submission of the further information, and since a total period of two months had been allowed, no further deferment would be granted unless under very special circumstances.

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting]

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

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99. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as she had current business dealings with the Civil Engineering and Development Department, the applicant. The Committee noted that Ms Lai had refrained from joining the meeting.

100. The Committee noted that the applicant requested on 20.12.2013 for further deferment of the consideration of the application for two months as the applicant needed more time to discuss with relevant Government departments to resolve comments received on the application and to consult the departments. The Secretary said that it was the fifth deferment of the application. The application had been deferred for a total of 5 months upon the requests of the applicant/Planning Department (PlanD), with the second deferment requested by the PlanD for 1 month and the other deferments were requested by the applicant. Since the last deferment in September 2013, the applicant was engaged in on-going

discussion with relevant departments to resolve the comments received on the application.

101. 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 applicants that two months were allowed for preparation of the submission of the further information. Since this was the fifth deferment of the application and the Committee had already allowed a total of 6 months for preparation of submission of further information, this was the last deferment and no further deferment would be granted.

### **Agenda Item 39**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/226      Temporary Container Tractors/Trailers Park for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 1212 S.D RP (Part) and 1212 S.D Encroached Area (Part) in D.D. 115, Nam Sang Wai , Yuen Long  
(RNTPC Paper No. A/YL-NSW/226)

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

102. Mr Ernest C.M. Fung, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary container tractors/trailers park for a period of 3 years;

[Mr K.C. Siu 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 in the vicinity of the site along the access road, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation to the application from the landscape planning perspective as the site was situated within the Wetland Buffer Area (WBA). Tree groups and fish pond were found to the immediate east of the site, the proposed container tractors/trailers park would likely further degrade the landscape environment and integrity of the WBA.
  
- (d) during the first three weeks of the statutory publication period, three public comments objecting the application were received from San Tin Rural Committee (STRC), Designing Hong Kong Limited and a private individual. They objected to the application mainly on the grounds that the heavy vehicles would reach Chung Yip Road via Hong Yip Street and an unnamed single lane road. The above road sections were narrow and the Hong Kong School of Motoring was located nearby, the use of heavy vehicles will create potential danger to the nearby residents; the site was zoned “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) and approval of the application would set undesirable precedent; no environmental assessment had been submitted by the applicant to demonstrate that the proposed development would not cause adverse environmental and drainage impacts to the surrounding area; and the site was close to Kam Tin River and the wetlands in the area were famous for birds and mangrove. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that approval of the application might set undesirable precedent encouraging other similar development in the WBA area. No local objection/view was received by the District Officer (Yuen Long); and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as set out in paragraph 12 of the Paper

and highlighted below:

- (i) the development was not in line with the planning intention of the “OU(CDWRA)” zone which was intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It was also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay. The applicant had not provided strong planning grounds to justify a departure from the planning intention, even on a temporary basis.

[Ms Janice W.M. Lai returned to join the meeting at this point.]

- (ii) the site fell within Category 3 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). DEP did not support the application on environmental ground because there were sensitive receivers along the access road and environmental nuisance was expected. The container vehicles of the development travelling to and from the site would have to route through Chung Yip Road and Tak Yip Street which were close to the nearby residential development. DAFC considered that approval of the application might set undesirable precedent encouraging other similar developments in the WBA area. CTP/UD&L, PlanD had reservation on the application from landscape planning perspective as the submitted landscape proposal not acceptable and the development would likely further degrade the landscape environment and integrity of the WBA. The applicant failed to demonstrate that the development would not have adverse environmental and landscape impacts on the surrounding areas. The development did not meet TPB PG-No. 13E since there were adverse departmental comments on the environmental and landscape aspects;

- (iii) 6 applications were rejected by the Committee or the Board upon review between 2002 and 2005 as there was insufficient information in the submission to demonstrate that the development would not have adverse environmental/traffic/drainage/landscaping impacts on the surrounding areas. There was no change in planning circumstances to justify a departure from the Committee/Board's previous decisions. A similar application to the immediate southwest of the site for temporary container tractors/trailers park was rejected by the Board upon review as the proposed development was not in line with the planning intention of the "OU(CDWRA)" zone;
- (iv) the transformation of the "Residential (Group E)1" zone in Tung Tau Industrial Area to the further south of the site was beginning to take place; and
- (v) all the three public comments received objected to the development mainly due to adverse traffic safety, environmental and ecological impacts on the surrounding areas.

103. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development on the site is not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone which is intended to phase out existing sporadic

open storage and port back-up uses on degraded wetlands and there is no strong planning grounds to justify a departure from the planning intention, even on a temporary basis;

- (b) the approval of the development is not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there are adverse departmental comments on the environmental and landscape aspects and also objection from local residents;
- (c) the applicant fails to demonstrate that the development would not have adverse environmental and landscape impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “OU(CDWRA)” zone. The cumulative effect of approving such applications would result in general degradation of the environment of the area.

**Agenda Item 40**

**Section 16 Application**

[Open Meeting]

A/YL-ST/442

Temporary Public Vehicle Park (including private cars, container vehicles and heavy goods vehicles) with Ancillary Facilities (including vehicle repair area, site offices and canteen), Storage of Metal Ware and Construction Material, and Cargo Handling and Forwarding Facilities for a Period of 3 Years in “Undetermined” zone, Lots 253, 254, 255, 256, 257, 258, 259, 260, 261 (Part), 262 (Part), 264 (Part), 265, 266, 267, 268, 270, 279 S.B RP (Part), 280 and 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/442)

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105. The Secretary reported that Ms Anita K.F. Lam, Assistant Director of Lands, had declared an interest in this item as she had current private business dealings with Lanbase Surveyors Ltd. (Lanbase), the consultant of the applicant. As the applicant had requested for deferment of consideration of the application and Ms Lam had no involvement in this application, the Committee agreed that Ms Lam could stay in the meeting.

106. The Committee noted that the applicant requested on 27.12.2013 for deferment of the consideration of the application for two months in order to allow more time for the applicant to address departmental comments. This was the first time that the applicant requested for deferment of the application.

107. 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 41**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/410      Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of 5 Years in “Agriculture” zone, Lots 1486 (Part), 1489 (Part), 1493 (Part) and House Lot Block (Part) in D.D. 107 and Adjoining Government Land, Kam Tin, Yuen Long  

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(RNTPC Paper No. A/YL-KTN/410)

### **Presentation and Question Sessions**

108. Mr C.K. Tsang, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary animal boarding establishment with ancillary facilities for period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from the tenant (i.e. Waston Trading Company) and manager of Lot 1493 and the contractor (i.e. Lead On Limited) of the site. They objected to the application as the site/concerned lot was occupied illegally by the applicant without the consent from the tenant/manager and the site was not reverted to the contractor upon the expiry of the contracts (for using the site); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary animal boarding establishment with ancillary facilities could be tolerated for a period of 2 years based on the assessments made in paragraph 11 of the Paper. Apart from the existing residential dwelling to the north, a proposed development for 33 Small Houses to the southeast of the site was currently under construction. To monitor the situation of the site, it was recommended that a shorter approval period of 2 years instead of 5 years as proposed by the applicant. As regards the public comments on land issues, the applicant should be advised to resolve the land issues relating to the development with the concerned owners of the site, should the application be approved by the Committee.

[Professor Edwin H.W. Chan and Mr K.C. Siu returned to join the meeting at this point.]

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years, instead of 5 years sought, until 17.1.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the implementation of the approved tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.4.2014;
- (b) the submission of proposal on appropriate mitigation measures to avoid disturbance/contamination to the fish ponds nearby within 3 months from the date of planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 17.4.2014;
- (c) in relation to (b), the implementation of appropriate mitigation measures to avoid disturbance/contamination to the fish ponds nearby within 6 months from the date of planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 17.7.2014;
- (d) the implementation of the approved drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.4.2014;
- (e) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.4.2014;
- (f) in relation to (e), the provision 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 17.7.2014;
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not

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

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) a shorter approval period is granted to monitor the situation on the site given there are residential dwelling/developments in the vicinity of the site;
- (c) shorter compliance periods are imposed so as to monitor the progress on fulfillment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (d) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under application comprises Old Scheduled Agricultural Lot held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the government. No approval has been given for the proposed specified single-storey structures as office, function rooms, groom room, storage rooms, pump room, training room, kennels and canopy. No permission has been given for the occupation of the occupation of Government land (GL) within the site. The act of

occupation of GL without Government's prior approval should not be encouraged. Besides, the site is accessible from Kam Tai Road via private land and GL. LandsD does not provide maintenance work on this GL nor guarantee right of way. In addition, the lot owner and occupier of the GL concerned will need to apply to LandsD to permit structures to be erected or regularize any irregularities on the site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (f) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of road which is not managed by Transport Department. The land status of the road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers of Goods Vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Chi Ho Road;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that there are a number of ponds near the site. From fisheries point of view, care should be taken not to cause any disturbance or pollution to the adjoining ponds. Since the licence of the boarding establishment for animals under Cap. 139 has recently been ceased voluntarily, the applicant is required to obtain the licence for operation of the development;

- (i) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (j) to note the comments of the Director of Environmental Protection that all wastewaters from the site shall comply with the requirements of the Water Pollution Control Ordinance;
- (k) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is required to rectify the drainage system 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 drainage system. The proposed development would neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas. The applicant should consult District Lands Officer/Yuen Long and seek consent from relevant lot owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (l) to note the comments of the Director of Fire Services that based on the submitted information, the structures 9, 10, 13 and 14 are interconnected with aggregate floor area exceeding 230m<sup>2</sup>. In this connection, automatic sprinkler system, hose reel system, emergency lighting and exit sign should be provided accordingly;
- (m) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, prior approval and

consent of the Building Authority (BA) should be obtained. Otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. 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. If the applied use is subject to the issuance of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The proposed structures may be considered as temporary buildings and are subject to control under the B(P)R Pt. VII; and

- (n) 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 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, 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 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 42**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/426      Proposed Temporary Public Vehicle Park for Private Car and Ancillary Car Beauty Service for a Period of 3 Years in “Village Type Development” zone, Lot 455 RP (Part) in D.D. 109 and Adjoining Government Land, Kam Tin Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/426)

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**Presentation and Question Sessions**

112.      Mr C.K. Tsang, STP/FS&YLE, 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 for private car and ancillary car beauty service 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 no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary public vehicle park for private car and ancillary car



beauty service could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper.

113. In response to the Chairman's query, Mr C. K. Tsang said that the graded historic buildings, i.e. entrance gates of Wing Lung Wai, Chung Shing Temple and Kang Sam Tong were not located within the site. While the application site was adjoining one of the enclosing walls of Wing Lung Wai, the enclosing walls were not historic building. The proposed temporary use would not have adverse impact on the graded historic buildings.

#### Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.1.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation of the car beauty service between 7:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic (Regulation and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (c) 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 stored/parked at or enter/exit the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that 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 all times during the planning approval period;

- (e) no dismantling, maintenance, repairing or paint spraying activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (g) the implementation of the approved landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2014;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2014;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2014;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (g), (h) and (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing

the applied use at the site;

- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lot within the site is an Old Schedule Agricultural Lot held under the Block Government Lease under which no structure is allowed to be erected without prior approval of LandsD. No approval has been given for the specified structures used as parking, site office (with cockloft) and ancillary car beauty service. 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 to Kam Tin Road via Government land. LandsD does not provide maintenance works for this access nor guarantees any right-of-way. The lot owner will need to apply to his office to regularize any irregularities on the site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application is approved, it will be subject to such terms and conditions including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;

- (f) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that the development should neither obstruct the overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should also consult the District Lands Officer/Yuen Long and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
  
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, he is required to provide justifications to his department for consideration. If the proposed structure(s) is/are required to comply with the Buildings Ordinance (BO), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
  
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that all unauthorized building works/structures should be removed. All building works are subject to compliance with BO. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorized works in the future; and
  
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans 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 site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulation 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 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 43**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/428      Renewal of Planning Approval for Temporary Storage of Logistics Products and Goods with Ancillary Office for a Period of 3 Years in “Agriculture” zone, Lots 409 S.A (Part) and 413 in D.D. 110, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/428)

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

116.      Mr C.K. Tsang, STP/FS&YLE, 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 storage of logistics products and goods with ancillary office under previous Application No. A/YL-KTN/352 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 sensitive receivers, i.e. residential structures were found to the immediate west (about 15m away) of the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, a public comment was received from the villagers of Tsat Sing Kong Tsuen who supported the application for reasons of better land management and improved hygiene conditions for the village. 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 storage of logistics products and goods with ancillary office could be tolerated for a further period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, there was no environmental complaint against the site over the past three years and no local objection was received during the statutory publication period. Since the development was mainly operated within the enclosed structure, it was unlikely that it would generate significant environmental nuisance on the surroundings. Approval conditions restricting the operation hours and types of vehicles, as well as prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended to minimize the possible nuisance generated. 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 adopt the “Code of Practice on Handling Environmental Aspects of Temporary

Uses and Open Storage Sites” to alleviate any potential impact.

117. Members had no question on the application.

Deliberation Session

118. After deliberation, the Committee decided to approve the application on a temporary basis for a 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 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, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be stored/parked at or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (e) the existing trees and landscape planting on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of the record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning

approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2014;

- (h) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 28.7.2014;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 28.10.2014;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long that the lots on site are Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. Lot No. 409 S.A in D.D. 110 is covered by Short Term Waiver No. 3580 to allow the use of land for the purpose of temporary storage of logistics products and goods with ancillary office use with permitted built-over area not exceeding 1,393.7m<sup>2</sup> and height not exceeding 8m. The site is accessible to Kam Tai Road via



Government land and private land for which Lands Department (LandsD) provides no maintenance works on the access nor guarantees right-of-way. The lot owner will need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. 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;

- (b) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (c) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of local access road which is not managed by the Transport Department. The land status of the road leading to the site should be checked with the Lands Department. Moreover, the management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers of Goods Vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department shall not be responsible for the maintenance of the existing vehicular access connecting the site and Kam Tai Road;
- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and

depicted with dimensions and nature of occupancy; 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, the applicant is required to provide justifications to his department for consideration. However, if the proposed structure(s) is/are required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works are subject to compliance with the BO. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action may be taken to effect the removal of all unauthorized works in the future.”

[Mr H.M. Wong left the meeting temporarily at this point.]

#### **Agenda Item 44**

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

[Open Meeting]

A/YL-KTS/624 Proposed Temporary Filling of Pond and Filling of Land for Temporary Open Storage of Recycled Vehicles and Metal Scaffolding/Machinery for Construction for a Period of 3 Years in “Agriculture” zone, Lot 403 RP in D.D. 103, Ko Po San Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/624)

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120. The Secretary reported that on 4.11.2013, the applicant submitted the current application to seek planning permission to fill the pond and land within the application site

for temporary open storage of recycled vehicles and metal scaffolding/machinery for construction for a period of 3 years. The application was scheduled for consideration by the Committee at this meeting.

121. The Secretary said that as could be seen from the site plan and aerial photo taken on 30.6.2013 (Plans A-2 and A-3 of the Paper), the site was originally covered with vegetation and some trees, and with a pond and a few structures. However, the site photos taken on 29.11.2013 (Plans A-4a and A-4b of the Paper) revealed that part of the site was filled/formed and some of the vegetation on the site had been cleared.

122. The Secretary continued to say that on 24.6.2011, the Town Planning Board (the Board) considered the Town Planning Board Paper No. 8843 on ‘Proposed Measures against the “Destroy First and Build Later” Approach’ and agreed that in order to send a clear message to the community that the Board was determined to preserve the rural and natural environment and would not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development, the Board would defer a decision on a planning application in order to allow investigation of a case of unauthorized development (UD) where there was prima facie evidence to indicate that the UD was of such a nature that it might constitute an abuse of the process so as to determine whether the application might be rejected for such reason.

123. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration within one month after the investigation.

#### **Agenda Item 45**

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

[Open Meeting]

A/YL-KTS/626 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 1184 S.A. in D.D. 113, Tai Wo Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/626)

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124. The Secretary reported that on 10.12.2013, the applicant submitted supplementary information to clarify the indigenous villager status of the applicant. As the submitted information involving clarifications on the indigenous villager status of the applicant, which was essential for the consideration of the application, more time would be required for concerned departments to verify and/or provide comments on the proposal in conjunction with the submitted supplementary information. The Planning Department (PlanD) therefore requested the Committee to defer making a decision on the application for one month in order to allow more time to consult the concerned departments on the proposal.

125. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration within one month from the date of this meeting.

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

#### **Agenda Item 46**

##### Section 16 Application

[Open Meeting]

A/YL-KTS/627 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 1184 S.B in D.D. 113, Tai Wo Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/627)

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126. The Secretary reported that on 10.12.2013, the applicant submitted supplementary information to clarify the indigenous villagers’ status of the applicant. As the submitted information involving clarifications on the indigenous villager status of the applicant which was essential for the consideration of the application, more time would be required for concerned departments to verify and/or provide comments on the proposal in conjunction with the submitted supplementary information. The Planning Department (PlanD) therefore requested the Committee to defer making a decision on the application for one month in order to allow more time to consult the concerned departments on the proposal.

127. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration within one month from the date of this meeting.

[Mr H.M. Wong returned to join the meeting and Dr Wilton W.T. Fok left the meeting at this point.]

### **Agenda Item 47**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/681            Proposed Temporary Open Storage of Construction Machinery for a Period of 3 Years in “Residential (Group D)” zone, Lot 91 in D.D. 108 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/681)

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

128. Mr C.K. Tsang, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery 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 sensitive receivers, i.e. residential structures, were located to the immediate west and southwest (the nearest one about 1m away), and environmental nuisance was expected.
- (d) during the first three weeks of the statutory publication period, a public

comment was received objecting mainly on the grounds that the development would cause noise nuisance and pollution and the entrance gate would block the local passageway. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 12 of the Paper and highlighted below:
  - (i) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
  - (ii) the development was not compatible with the surrounding land uses comprising residential structures/dwellings and vacant/unused land. While there were storage/open storage yards, a warehouse, workshops, a factory and parking lots in the area, they were suspected unauthorized developments subject to enforcement actions taken by the Planning Authority;
  - (iii) the site fell within Category 3 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application did not comply with the TPB PG-No. 13E in that there was no previous approval granted at the site and there were adverse departmental comment and public objection against the application. The applicant failed to demonstrate that the development would not generate adverse environmental and drainage impacts. Hence, the current

application did not warrant sympathetic consideration;

- (iv) approval of the current application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area; and
- (v) An objecting public comment was received during the statutory publication period mainly on the grounds that the development would cause adverse environmental impacts and blockage to the local passageway.

129. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guideline No. 13E in that no previous approval has been granted at the site and there are adverse departmental comment and public objection against the application. The development is also not compatible with the surrounding

land uses comprising residential structures/dwellings;

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

### **Agenda Item 48**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/682            Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Machinery with Ancillary Office for a Period of 3 Years in “Agriculture” and “Open Storage” zones, Lots 371 RP, 373 (Part) and 385 in D.D. 110, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/682)

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

131.        Mr C.K. Tsang, STP/FS&YLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of construction materials and machinery with ancillary office under previous Application No.A/YL-PH/618 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 such as residential structures and a church in the vicinity of the site and within 50m of the access road to the site. Also, loading and unloading activities were expected to be carried out within the site during operation. Therefore, environmental nuisances were expected. The Director of Agriculture, Fisheries and Conservation (DAFC) had some concerns on the application from the agricultural point of view as the site was a piece of farmland with an area of 4,763m<sup>2</sup> and farming activity in the vicinity was still active although the site had been hard-paved and was currently used for storage purpose;

- (d) during the first three weeks of the statutory publication period, a public comment was received from the villagers of Tsat Sing Kong Tsuen who supported the application for reasons of better land management and improved hygiene conditions for the village. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the open storage of construction materials and machinery with ancillary office could be tolerated for a further period of 3 years based on the assessments made in paragraph 12 of the Paper. To address DAFC's concern on the need to preserve agricultural land as far as possible, an approval condition requiring the applicant to reinstate the site to a condition which was suitable for agricultural use was recommended. Although DEP did not support the application, there was no environmental complaint against the site over the past three years and no local objection was received during the statutory publication period. The applicant indicated that no heavy goods vehicles exceeding 24 tonnes would be used to transport materials to the site. Approval conditions restricting the operation hours and types of vehicles, and prohibiting dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities were recommended to address the concern of DEP on the possible nuisance generated by the temporary use. 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 adopt the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to alleviate any potential impact.

132. Members had no question on the application.

#### Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years 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 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, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be stored/parked at or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (e) the existing boundary fencing should be maintained at all times during the planning approval period;
- (f) the existing trees and landscape plantings on-site should be maintained at

all times during the planning approval period;

- (g) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of the record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2014;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2014;
- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 28.7.2014;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 28.10.2014;
- (l) 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;
- (m) if any of the above planning conditions (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site at the

applicant's own cost to a condition which is suitable for agricultural use to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with the concerned owners of the site;
  
- (b) to note the comments of the District Lands Officer/Yuen Long that the lots on site are Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. Lot No. 373 in D.D. 110 is covered by Short Term Waiver No. 3722 to allow the use of land for the purpose of temporary open storage of construction materials and machinery with ancillary office use with permitted built-over area not exceeding 306.25m<sup>2</sup> and height not exceeding 7.62m. The site is accessible to Kam Tin Road via Government land and private land for which Lands Department (LandsD) provides no maintenance works on the access nor guarantees right-of-way. The lot owner will need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. 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;
  
- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
  
- (d) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of local access road which is not managed by the Transport Department. The land status of

the road leading to the site should be checked with LandsD. Moreover, the management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers of Goods Vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;

- (e) 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 his/her 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. Water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. 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 to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from provision of FSIs as prescribed by his department, the applicant is required to provide justifications to his department for consideration. If the proposed structure(s) is/are required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be

designated for any use under the subject 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 unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by the 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.”

**Agenda Item 49**

**Section 16 Application**

[Open Meeting]

A/YL-PH/683      Temporary Open Storage of Building Materials, Second-hand Vehicles and Automotive Parts with Ancillary Staff Canteen for a Period of 3 Years in “Agriculture” zone, Lots 1832 RP (Part), 1840 (Part), 1860 S.B RP (Part), 1861, 1864 RP (Part), 1865 (Part) , 1866 (Part), 1867 (Part) and 1868 (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/683)

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135.      The Secretary reported that on 20.12.2013 and 30.12.2013, the applicant submitted supplementary information to clarify the applied use, the development parameters and operation details of the proposal. As the submitted information involving clarifications

on the development parameters which was essential for the consideration of the application, more time would be required for verification and for concerned departments to provide comments on the proposal in conjunction with the submitted supplementary information. The Planning Department (PlanD) therefore requested the Committee to defer making a decision on the application for one month in order to allow more time to consult the concerned departments on the application.

136. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration within one month from the date of this meeting.

[The Chairman thanked Ms Wendy W.L. Li, Mr Ernest C.M. Fung and Mr C.K. Tsang, STPs/FS&YLE, for their attendance to answer Members' enquires. They left the meeting at this point.]

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

[A short break of 3 minutes was taken at this point.]

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

#### **Agenda Item 50**

##### **Section 12A Application**

[Open Meeting]

Y/TM/13                      Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/31, rezoning from "Green Belt" to "Government, Institution or Community" for a Religious Institution and Columbarium, Lots 1744 S.A to S.C and 1744 S.F to S.I in D.D. 132, Tuen Mun  
(RNTPC Paper No. Y/TM/13)

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137. The Secretary reported that the applicant requested on 24.12.2013 for deferment of the consideration of the application for one month in order to allow time to undertake

further traffic assessments, to provide landscape improvement, and to respond to public comments. This was the first time that the applicant requested for deferment of the application.

138. 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 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 51**

#### **Section 12A Application**

[Open Meeting]

Y/YL/7

Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/21, to rezone the application site from “Other Specified Uses” annotated “Business” to “Residential (Group E)1”, 21-35 Wang Yip Street East, Yuen Long (Yuen Long Town Lot 362)  
(RNTPC Paper No. Y/YL/7A)

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139. The Secretary reported that Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealing with Environ Hong Kong Ltd., the consultant of the applicant. As the applicant had requested for deferment of consideration of the application and Mr Fu had no involvement in this application, the Committee agreed that Mr Fu could stay in the meeting.

140. The Committee noted that the applicant requested on 31.12.2013 for deferment of the consideration of the application for two months in order to allow time to update the Traffic Impact Assessment (TIA) to address the comments from the Transport Department (TD). This was the applicant’s second request for deferment. Since the last deferment, the applicant had submitted supplementary information including a revised TIA and



environmental assessment and addressed the concerns of TD, the Environmental Protection Department and the Urban Design and Landscape Section of Planning Department. The applicant needed more time to further update the TIA to address the latest comments from TD.

141. 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 more months were allowed for preparation of the submission of the further information, and since a total period of four months had been allowed, no further deferment would be granted unless under very exceptional circumstances.

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

## **Agenda Item 52**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/316            Religious Institution (Temple) with Ancillary Staff Quarters in  
“Agriculture” zone, Lot 1446 in D.D. 116, Shek Tong Tsuen, Yuen  
Long  
(RNTPC Paper No. A/YL-TT/316A)

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### **Presentation and Question Sessions**

142. Ms Bonita K.K. Ho, STP/TM&YLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the religious institution (temple) with ancillary staff quarters use comprising 7 structures/blocks designated for staff accommodation, toilet, worship hall, storeroom, meeting room, kitchen and indoor hydroponics farm uses with a gate (Pai Lau 牌樓) erected at the front entrance of the temple;

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation and the agricultural activities in the vicinity were very active. The existing structure at the site was also considered not suitable for the indoor hydroponics farm use. The Commissioner for Transport (C for T) considered that given the operation of the subject temple, the numbers of visitors and vehicular trips together with the additional trips that might be generated from visits to the ancestral tablets on festival days were expected to be significant and the resulting cumulative adverse traffic impact could be substantial. There was no technical assessment to ascertain the development could cater for the additional vehicular and pedestrian traffic. The Chief Town Planner/ Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application as the development was not compatible with the surrounding agricultural environment, and approval of the application would set an undesirable precedent for similar applications in the “Agriculture” (“AGR”) zone which would further deteriorate the landscape quality. Other concerned Government departments had no adverse comment on or no objection to the application;
- (d) public comments – during the statutory publication periods of the application, a total of 15 public comments were received. The comment from a Yuen Long District Council (YLDC) member expressed no comment on the application, while the remaining 14 comments from local villagers/residents raised objections to the application on the grounds that

the proposed development was not compatible with the surrounding areas; would affect the rural character of the area; and generate adverse environmental and traffic impacts; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment set out in paragraph 11 of the Paper. The development was not in line with the planning intention of the “AGR” zone and there was no strong planning justification provided in the submission to justify a departure from the planning intention. The applicant also failed to demonstrate that the development would not have adverse vehicular and pedestrian traffic impacts and generate environmental nuisances to residents in the surrounding areas. Approval of the application would set an undesirable precedent for other similar applications within the subject “AGR” zone. The cumulative impacts of approving such similar applications would result in a general degradation to the environment of the area.

143. In response to the Chairman's query, Ms Bonita K. K. Ho said that the religious institution use currently found on the site was subject to investigation on unauthorised development. Warning letters against the suspected unauthorised development of religious institution use were issued to the concerned parties on 21.11.2012 and 6.2.2013 respectively. Collection of further evidence was underway with a view to pursuing enforcement action against the suspected unauthorised development.

#### Deliberation Session

144. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zoning for the area which is primarily intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good

potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification provided in the submission to justify a departure from the planning intention;

- (b) the applicant fails to demonstrate that the proposed development would not pose adverse vehicular and pedestrian traffic impacts and cause environmental nuisances to residents in the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the subject “AGR” zone. The cumulative impacts of approving such similar applications would result in a general degradation to the environment of the area.”

### **Agenda Item 53**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/318            Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot 32 RP in D.D. 118 and Adjoining Government Land, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/318)

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

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

- (a) background to the application;
- (b) the 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

no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop and services (real estate agency) could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper.

146. Members had no question on the application.

#### Deliberation Session

147. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.1.2017, 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 open storage at the uncovered areas, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (c) 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 17.4.2014;
- (d) in relation to (c) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2014;
- (e) the submission of drainage proposal within 3 months from the date of

planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.4.2014;

- (f) in relation to (e) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2014;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.4.2014;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2014;
- (i) if any of the above planning conditions (a) and (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods are allowed to monitor the progress on

compliance with approval conditions. Sympathetic consideration may not be given by the Committee to any further application if the planning permission is revoked again due to non-compliance of approval conditions;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease with restriction that no structures are allowed to be erected without prior approval of the Government. No approval has been given for the proposed use and/or 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 lot owner concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site abuts directly onto Tai Tong Road. His office does not provide maintenance work on this access nor guarantees right-of-way;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (e) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) that the spacing for the proposed trees (*Bauhinia blakeana*) along the western perimeter is too close.

Spacing of 3m to 4m should be allowed for the proposed trees;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that according to the submitted drainage proposal plan, the runoff collected within the site will be conveyed to the nearby stormwater manhole at Tai Tong Road for discharge. Based on his drainage record, there is no public stormwater drain maintained by his Department in the vicinity of the site. Please check who is the maintenance party for the stormwater drain and seek the maintenance party's comment on the drainage proposal plan;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed 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 FSI as required, the applicant shall provide justifications to his Department for consideration. If the proposed structure(s) is/are required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department's (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the subject planning application. Before any new building works (including containers as temporary building) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the



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

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

**Agenda Item 54**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/655 Proposed Temporary Warehouse and Open Storage for Storage of Construction Material and Machinery with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lot 1495 (Part) in D.D. 119 and Adjoining Government Land, Kung Um Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/655)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary warehouse and open storage for storage of construction material and machinery with ancillary site office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, and environmental nuisance was expected.
- (d) during the first three weeks of the statutory publication period, a public comment was received from a member of the Yuen Long District Council who considered the application should be rejected in view of the repeated revocations of the previous planning approvals due to the applicant’s insincerity to comply with the approval conditions. He also queried whether the Short Term Tenancy had been granted for the Government land involved in the application. No local objection/view was received by

the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary warehouse and open storage for storage of construction material and machinery with ancillary site office could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, there was no environmental complaint concerning the site in the past three years. Besides, most of the materials would be stored in the two warehouses on site and the nearest residential structure was located close to the warehouse rather than the open storage area, and the applicant undertook not to carry out workshop activities at the site. As such, it was not expected that the development would generate significant environmental impact on the surrounding areas. Approval conditions restricting the operations hours, the type of vehicles used and prohibiting the carrying out of workshop activities at the site were recommended to address DEP's concerns. 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 adopt the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize any potential environmental impact and to keep the site clean and tidy at all times. Regarding the public comments on the repeated revocations and occupation of Government land, the uses under the previous approvals had been discontinued and the applicant had made efforts to submit relevant technical proposals, and the applicant will be advised to apply for a formal approval from the Lands Department prior to the actual occupation of the Government land portion of the site.

150. Members had no question on the application.

Deliberation Session

151. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.1.2017, 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 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (d) no repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2014;
- (g) in relation to (f) above, the implementation of a drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2014;
- (h) 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 17.7.2014;

- (i) in relation to (h) 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 17.10.2014;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.2.2014;
- (k) 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 17.7.2014;
- (l) in relation to (k) 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 17.10.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

- (b) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private lot within the site is an Old Schedule 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 structures for site office, warehouse, guard room, toilet and warehouse for storage of construction material. No permission has been given for the occupation of the Government land (GL) within the site. Should the application be approved, lot owner concerned will still need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible from Kung Um Road via a piece of Government land. His office does not provide maintenance works for such track nor guarantees right-of-way;
- (e) to note the comments of the Commissioner of Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from 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 comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that 12 existing trees (*Ficus microcarpa*) at the site are found topped. The topped trees should be replaced with healthy trees of well balanced form with straight and upright leader and branches. Moreover, vines covering the tree crowns of 2 existing trees at the southwestern corner of the site should be cleared;
- (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 minimize any potential environmental nuisances;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted “As-built Drainage Plan” (Drawing A-3 of the Paper). The applicant should state which one is the existing or proposed 300mm U-channel shown on plan. According to the flow path, the surface runoff flows to the west direction. As such, surface channel should be provided at the west to intercept the runoff falling onto and passing through the site. Also, catchpit should be provided at the turning points along the proposed 300mm U-channels and the routing of discharge points should also be shown on plan. DLO/YL and the relevant lot owners should be consulted as regards all proposed drainage works outside site boundary or outside the applicant’s jurisdiction;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant

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

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



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

### **Agenda Item 55**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/656      Temporary Warehouse for Storage of Machinery and Spare Parts with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 805RP (Part) and 806RP (Part) in D.D. 117 and Adjoining Government Land, Kung Um Road, Yuen Long  
(RNTPC Paper No. A/YL-TYST/656)

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

153.            Ms Bonita K.K. Ho, STP/TM&YLV, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of machinery and spare parts with ancillary site office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the northwest, north and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and 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 warehouse for storage of machinery and spare parts with ancillary site office could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. Although DEP did not support the application, there was no environmental complaint concerning the site in the past three years. Besides, the development was mainly for storage purpose in an enclosed warehouse structure with some ancillary facilities and the applicant undertook not to use vehicles exceeding 5.5 tonnes including container trailer/tractor, and not to carry out open storage and workshop activities within the site. As such, it was not expected that the development would generate significant environmental impact on the surrounding areas. Approval conditions restricting the operations hours, the type of vehicles used and prohibiting the carrying out of workshop activities and open storage within the site were recommended to address DEP's concerns. 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 adopt the "Code of Practice on Handling Environmental Aspects of Temporary

Uses and Open Storage Sites” to minimize any potential environmental impact.

154. Members had no question on the application.

#### Deliberation Session

155. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.1.2017, 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 9:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (d) no open storage, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no packaging, repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle is allowed on public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;

- (h) the submission of a record of existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2014;
- (i) 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 17.7.2014;
- (j) in relation to (i) 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 17.10.2014;
- (k) the implementation of the accepted landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2014;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2014;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2014;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. The lot owners concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible from Kung Um Road via a piece of Government land. His office does not provide maintenance works for such track nor guarantees right-of-way;
- (d) to note the comments of the Commissioner of Transport that sufficient space should be provided within the site for manoeuvring of vehicles;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the 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 site and Kung Um Road. Also, adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that all the stored materials at the base of tree trunk should be removed and kept at least 1m away from the tree trunk in order to avoid affecting the tree growth;
- (g) 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 minimize any potential environmental nuisances;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (i) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location where the proposed FSIs to be installed should also be clearly marked on the layout plans. 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/are required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorized under the BO and should not be designated for any approved use under the subject planning application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (k) to note the comments of the Director of Electrical and Mechanical Services that if there are any works involved, 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 site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD, prior consultation and arrangement with the electricity supplier is necessary. 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 56**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/658 Proposed Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal, Construction Machinery and Building/Recycling Materials with Ancillary Packaging Activities for a Period of 3 Years in “Undetermined” zone, Lots 1447 S.A&B (Part), 1448 (Part), 1454 (Part), 1455 to 1457, 1458 (Part), 1459 (Part), 1460 to 1462, 1463 S.A, 1463 S.B RP, 1463 S.B ss.1, 1464 to 1466, 1468, 1471 (Part), 1472 S.B, 1477 RP, 1478 (Part), 1479 (Part) and 1480 in D.D. 119, and Lots 1682 (Part), 1683 (Part) and 1684 (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/658)

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157. The Secretary reported that the applicant requested on 3.1.2014 for deferment of the consideration of the application for one month in order to allow time for him to resolve further comments from concerned departments on the application. This was the first time that the applicant requested for deferment of the application.

158. 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 57**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/659      Proposed House (New Territories Exempted House - Small House) in  
“Residential (Group D)” zone, Lot 1536 S.B ss.11 in D.D. 121, Shan  
Ha Tsuen, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/659)

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159.        The Secretary reported that on 20.12.2013, the applicant submitted supplementary information to clarify the location and area of the site together with a revised layout plan. As the submitted information involving clarifications on the location and area of the site as well as a revised layout of the proposed development which were essential for the consideration of the application, more time would be required for verification and for concerned departments to provide comments on the proposal including the submitted supplementary information. The Planning Department (PlanD) therefore requested the Committee to defer making a decision on the application for one month in order to allow time to consult concerned departments on the application.

160.        After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration within one month from the date of this meeting.

**Agenda Item 58**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/661 Temporary Open Storage of Recycled Goods (Used Electronic Appliances) with Ancillary Workshop and Site Office for a Period of 3 Years in “Undetermined” zone, Lots 326 (Part), 327 S.A (Part), 327 S.A ss.1 (Part), 327 S.B (Part), 327 S.C (Part), 327 S.D (Part), 328 (Part), 334 (Part) and 335 (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/661)

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161. The Secretary reported that on 27.12.2013, the applicant submitted supplementary information to clarify the applied use and operation details of the proposal together with a revised layout plan. As the submitted information involved clarifications on the applied use, operation details and a revised layout of the proposed development which were essential for the consideration of the application, more time would be required for verification and for concerned departments to provide comments on the proposal including the submitted supplementary information. The Planning Department (PlanD) therefore requested the Committee to defer making a decision on the application for one month in order to allow time to consult concerned departments on the application.

162. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration within one month from the date of this meeting.

**Agenda Item 59**

**Section 16 Application**

[Open Meeting]

A/YL-HT/864 Proposed Sewage Treatment Plant in “Government, Institution or Community” zone, Lots 515 RP (Part), 521, 522, 523, 524, 525, 526, 1250, 1251 RP, 1252, 1253, 1254, 1255, 1256 (Part), 1257, 1258 RP, 1259, 1260, 1261 and 1262 RP in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/864)

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163. The Secretary reported that the application was submitted by the Drainage Services Department (DSD) and AECOM Asia Co. Ltd. (AECOM) was the consultants of the applicant. Ms Janice W.M. Lai had declared an interest in this item as her spouse owned two pieces of land in Ha Tsuen and she had current business dealings with DSD and AECOM. Mr Ivan C.S. Fu had also declared an interest in this item as he had current business dealings with AECOM but no involvement in this application. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Ms Lai and Mr Fu could stay in the meeting but Ms Lai should be refrained from involving in the discussion.

164. The Committee noted that the applicant requested on 8.1.2014 for deferment of the consideration of the application for two months in order to allow more time to address departmental comments. This was the first time that the applicant requested for deferment of the application.

165. 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 60**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/866 Proposed Temporary Logistic Centre and Ancillary Parking of Vehicles for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3150 RP (Part), 3151 RP (Part), 3152 RP (Part), 3162 RP, 3163 RP (Part), 3164 (Part), 3165, 3166, 3167 S.A (Part), 3168 (Part), 3169 (Part), 3177 (Part), 3178 (Part), 3179 (Part), 3180, 3181 S.A (Part), 3181 RP (Part), 3182, 3183 (Part), 3184 (Part), 3187 RP (Part) and 3188 RP in D.D. 129 and Adjoining Government Land, Ha Tusen, Yuen Long  
(RNTPC Paper No. A/YL-HT/866A)

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**Presentation and Question Sessions**

166. Mr Vincent T.K. Lai, STP/TM&YLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary logistic centre and ancillary parking of vehicles for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings within the vicinity and along the access road (Ping Ha Road). Environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary logistic centre and ancillary parking of vehicles could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, there was no environmental complaint pertaining to the site over the past three years and no local objection was received during the statutory publication period. Approval conditions on restrictions of operation hours and prohibition of workshop activities on-site were recommended to address DEP's concerns. 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 adopt the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize the possible environmental impacts on the nearby sensitive receivers.

167. Members had no question on the application.

#### Deliberation Session

168. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.1.2017, 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 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activity, as proposed by the applicant, is allowed at any time on the site during the planning approval period;
- (d) no material/vehicle is allowed to be stored/parked within 1m of any tree on

the site, as proposed by the applicant, is allowed at any time during the planning approval period;

- (e) 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;
- (f) the existing drainage facilities on site should be maintained at all times during the approval period;
- (g) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2014;
- (h) the submission of the tree preservation and landscape proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2014;
- (i) in relation to (h), the implementation of the tree preservation and landscape proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2014;
- (j) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2014;
- (k) in relation to (j), the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2014;
- (l) the submission of a run-in/out proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 17.7.2014;

- (m) in relation to (l) above, the implementation of the run-in/out proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 17.10.2014;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No approval has been given for the 6 numbers of specified structures as shown in the Executive Summary attached to the Application Form. No permission has been given to the proposed use and/or occupation of Government land (GL) (about 242 m<sup>2</sup> subject to verification) included in the site. Attention is drawn to the fact that the act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Lau Fau Shan Road via a local track

of GL. His office provides no maintenance work to this track and does not guarantee right-of-way. No applications for Short Term Waiver and Short Term Tenancy were received as far as the subject planning application is concerned. Should planning approval be given to the subject planning application, the lot owner(s) would need to apply to this office to permit structures to be erected or regularize any irregularities on site. Further, the applicant has either to exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such applications would be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such applications 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;

- (c) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) to construct a run-in/out at the access point at Ping Ha Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement, and 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;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and



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

**Agenda Item 61**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/871 Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (For Works Including Compacting and Dismantling, and Repairing of Tyre) and Canteen for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 57 (Part), 66 (Part), 67 (Part), 68, 69, 70 (Part), 71 (Part), 73 (Part), 74 (Part), 75 (Part), 76 S.A (Part), 76 S.B, 77 (Part), 78, 79, 80 (Part), 84 (Part), 85, 86, 87, 88, 89 (Part), 91 (Part), 781 S.B RP, 782 S.B RP, 783 S.B RP, 784 S.B RP, 785, 786, 787, 788, 789, 790, 791, 792 and 793 in D.D. 125, Lots 3212 RP (Part), 3228 (Part), 3234 (Part), 3235 (Part), 3237 (Part), 3238, 3239 (Part), 3240 (Part), 3241 (Part), 3251 RP (Part), 3281 (Part), 3282 (Part), 3283 (Part), 3284 (Part), 3285 (Part), 3286 (Part), 3287 RP (Part), 3288 RP (Part), 3289 S.B RP (Part) and 3442 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/871)

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**Presentation and Question Sessions**

170. Mr Vincent T.K. Lai, STP/TM&YLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary logistics yard, open storage of containers, container vehicle park with ancillary workshop (for works including compacting and dismantling, and repairing of tyre) and canteen 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 (about 3m to the north) and along the access road (Ping Ha Road). Environmental nuisance was expected.

- (d) no public comment was received during the first three weeks of the statutory publication period and the further information publication period. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary logistics yard, open storage of containers, container vehicle park with ancillary workshop (for works including compacting and dismantling, and repairing of tyre) and canteen could be tolerated for a period of 1 year based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, there was no environmental complaint pertaining to the site in the past three years and no local objection was received during the statutory publication period. Approval conditions on restrictions of operation hours, restricting the types of workshop activity on site and the stacking height of containers on-site were recommended to address DEP's concerns and 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 "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize the possible environmental impacts on the nearby sensitive receivers. Given this application involved two previous consecutive revoked cases, a cautious approach should be adopted. A shorter approval period of 1 year instead of 3 years sought and shorter compliance periods for approval conditions were recommended to monitor the site.

171. Members had no question on the application.

172. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 3 years sought, until 17.1.2015, 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. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activities other than tyre repairing, compacting and dismantling, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no storage of container within 5m of the periphery of the site, as proposed by the applicant, is allowed at any time during the planning approval period;
- (e) the stacking height of containers stored within the site should not exceed 8 units, as proposed by the applicant, at any time during the planning approval period;
- (f) the existing fencing on site should be maintained at all times during the approval period;
- (g) 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;
- (h) the existing drainage facilities on site should be maintained at all times during the approval period;

- (i) the submission of the 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 17.4.2014;
- (j) the submission of a landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.4.2014;
- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2014;
- (l) 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 28.2.2014;
- (m) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.4.2014;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2014;
- (o) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 17.4.2014;
- (p) in relation to (o) above, the implementation of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 17.7.2014;
- (q) if any of the above planning conditions (a), (b), (c), (d) (e), (f), (g) or (h) is not complied with during the approval period, the approval hereby given

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

- (r) if any of the above planning conditions (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 expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before continuing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) shorter approval of 1 year is granted in order to monitor the situation of the site;
- (d) 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 he fail to comply with the approval condition(s) resulting in the revocation of the planning permission;
- (e) the site should be kept in a clean and tidy condition at all times;
- (f) a canteen is found at the site. Although the canteen is in small scale and serving mainly staff working at the site and individuals visiting the site, the permission does not condone general restaurant use serving the general

public and any other use/development not covered by the application;

- (g) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the private land under the site (except Lot No. 3442 in D.D. 129) comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lot No. 3442 in D.D. 129 is a New Grant Agricultural Lot held under New Grant No. 635 restricted for agricultural purpose only and no structure shall be erected. No approval has been given for the 14 numbers of specified structures proposed in the application form. Letters of Approval Nos. MT/LM 6902, MT/LM 14526 and MT/LM 15206 were issued Lot Nos. 80, 85 and 3382 in D.D. 129 respectively for the erection of agricultural structures. If planning permission is given for the subject application for non-agricultural uses, he will arrange to terminate the permits as appropriate. No permission has been given to the proposed use and/or occupation of Government land (GL) (about 1,480m<sup>2</sup> subject to verification) included in the site. Attention is drawn to the fact that the act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Ping Ha Road via a local track which transverses Government Land Allocation (GLA) No. GLA-TYL 825 granted to the Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) for Ping Ha Road Improvement and Related Works. CE/LW, CEDD should be consulted for access arrangement or any interface problem. His office provides no maintenance work to this track and does not guarantee right-of-way; and application for Short Term Waiver and Short Term Tenancy (STT) were received in relation to the previous planning applications (A/YL-HT/616 and A/YL-HT/689) to permit structures to be erected or regularize any irregularities on site. Should planning approval be given to the subject planning application, his office will continue to process the applications. Such applications will be considered by LandsD acting in the capacity as the Landlord at its sole discretion and there is no guarantee that such applications 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. Furthermore, the applicant should avoid erecting structures on GL as occupation of GL without Government's permission is not encouraged and STT applications with unauthorized structures will generally be rejected;

- (h) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (i) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles;
- (j) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should construct a run-in/out at the access points at Ping Ha Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, 5134 and H5135, whichever set is appropriate to match with the adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads/drains; and HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (k) 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 the good practice guidelines for open storage attached in Appendix V of the Paper should be adhered to. Furthermore, should the applicant wish to apply for exemption from the provision of FSI 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/are required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (1) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application; if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the 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 site, the prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; 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. If the proposed use under application is subject to the issue of a licence, the applicant is reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.

[Mr Timothy K.W. Ma and Dr C.P. Lau left the meeting at this point.]

**Agenda Item 62**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/877            Renewal of Planning Approval for “Temporary Open Storage of Scrap Metal and Plastic” for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 2938 RP (Part), 2939 RP, 2940 RP (Part), 2946, 2947 (Part), 2950 S.B (Part) and 2950 RP (Part) in D.D. 129, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/877)

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**Presentation and Question Sessions**

174.            Mr Vincent T.K. Lai, STP/TM&YLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of scrap metal and plastic under previous Application No.A/YL-HT/708 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 (the nearest dwelling being less than 25m away) and the access road (Lau Fau Shan Road). Environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of scrap metal and plastic could be tolerated for a further period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application and there were two pollution complaints against the site in 2012, no further environmental complaint had been received since 2013 and the application for renewal was in line 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 which there had been no material change in planning circumstances since the previous temporary approval had granted and all the approval conditions had been complied with within the required timeframe. Approval conditions on restrictions on operation hours, stacking height and types of materials stored, and prohibition of workshop activities on-site were recommended. 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 “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the possible environmental impact on the adjacent areas.

175. Members had no question on the application.

#### Deliberation Session

176. After deliberation, the Committee decided to approve the application on a temporary basis for a 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 night-time operation between 7:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, at any time during the planning approval period;
- (d) no handling (including loading, unloading and storage) of used car batteries is allowed on the site at any time during the planning approval period;
- (e) no cutting, dismantling, melting, cleansing, repairing and other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) the existing fencing on site should be maintained at all times during the approval period;
- (g) 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;
- (h) the existing drainage facilities on site should be maintained at all times during the approval period;
- (i) the submission of a condition record 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 29.7.2014;
- (j) the submission of the landscape and tree preservation proposals 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 29.7.2014;

- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposals 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 29.10.2014;
- (l) 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 12.3.2014;
- (m) the submission of fire service installations proposals 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 29.7.2014;
- (n) in relation to (m) above, the implementation of fire service installations proposals 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 29.10.2014;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (i), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long that the private land under the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected prior without the prior approval of the Government. Short Term Waiver No. 2257 with a permitted built-over-area not exceeding 20m<sup>2</sup> and a height not exceeding 5m was granted on Lot No. 3939RP (Portion) for a “workshop for vehicle repairing (excluding paint spraying)” purpose. No approval has been given for the 5 numbers of proposed structures. The site abuts on Lau Fau Shan Road. His office provides no maintenance work for the Government land at the ingress/egress and does not guarantee right-of-way. Should the application be approved, the lot owner would still need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (d) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site;
- (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 Lau Fau Shan Road;

- (g) 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; the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and the good practice guidelines for open storage attached in Appendix VI of the Paper should be adhered to. Furthermore, should the applicant wish to apply for exemption from the provision of FSI 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/are required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
  
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Buildings Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD, they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including converted containers and open sheds) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works

(UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) 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.

### **Agenda Item 63**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/879            Temporary Open Storage of Construction Materials with Ancillary Office for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 844 RP (Part), 845 (Part) and 850 S.B RP (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/879)

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

178.            Mr Vincent T.K. Lai, STP/TM&YLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials with ancillary office for a period of 3 years;



- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users along the access road (Ping Ha Road) and environmental nuisance was expected.

[Professor K.C. Chau and Mr K.C. Siu left the meeting temporarily at this point.]

- (d) no public comment was received during the first three weeks of the statutory publication period and the further information publication period. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction materials with ancillary office could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, there was no environmental complaint pertaining to the site over the past three years and no local objection was received during the statutory publication period. Approval conditions on restrictions on operation hours and workshop activities on-site 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 “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts on the adjacent areas.

179. Members had no question on the application.

#### Deliberation Session

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

temporary basis for a period of 3 years until 17.1.2017, 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 from 6:00 p.m. to 9:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, and workshop activity is allowed on the site at any time during the planning approval period;
- (d) no vehicle queuing is allowed to queue back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (e) the implementation and maintenance of the proposed drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.7.2014;
- (f) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2014;
- (g) in relation to (f) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2014;
- (h) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.2.2014;
- (i) 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 17.7.2014;

- (j) in relation to (i) 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 17.10.2014;
- (k) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.7.2014;
- (l) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) planning permission should have been obtained before continuing the development on site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Scheduled Agricultural Lots held under the Block Government Lease upon which no

structure is allowed to be erected without the prior approval of the Government. No approval has been given for the 4 numbers of structures specified in the Application Form. The site is accessible to Ping Ha Road via a short stretch of Government land. Access to the site also requires traversing through Government Land Allocation No. TYL-825 granted to the Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) for “Ping Ha Road Improvement – Remaining Works”. CE/LW, CEDD should be consulted for any interface problem. Moreover, 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 the application be approved, the lot owner would still need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. The application would be subject to such terms and conditions, including among others, the payment of premium or fees, as may be imposed by LandsD;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners from any works to be carried out outside the lot boundary before commencement of the drainage works;
- (e) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the site;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided at the site entrance 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 the road near Fung Kong Tsuen Road;
  
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage attached in Appendix IV of the Paper should be adhered to. Should the applicant wish to apply for exemption from the provision of FSI, the applicant is required to provide justifications to his Department for consideration. The applicant is also reminded that if the proposed structure(s) is/are required to comply with the Buildings Ordinance (BO), detailed fire service requirements would be formulated upon receipt of formal submission of general building plans;
  
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the proposed tree planting is quite sparse. Tree planting opportunity is available along the site boundary; and
  
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including

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

#### **Agenda Item 64**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/267 Temporary Shop and Services (Retail Shop and Ancillary Storage Use) for a Period of 3 Years in “Other Specified Uses” annotated “Petrol Filling Station” zone and area shown as ‘Road’ , No. 121 Castle Peak Road, Lot 2792 RP (Part) in D.D.130 and Adjoining Government Land, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/267A)

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

182. Three missing pages of attachments of Appendix I of the Paper were tabled at the meeting. Mr K.C. Kan, STP/TM&YLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (retail shop and ancillary storage use) 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 no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a public comment was received from a member of the Tuen Mun District Council which stated support to the application without giving reason. No local objection/view was received by the District Officer (Tuen Mun); and

[Professor K.C. Chau and Mr K.C. Siu returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop and services (retail shop and ancillary storage use) could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper.

183. Members had no question on the application.

#### Deliberation Session

184. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.1.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2014;
- (b) in relation to (a) above, the implementation of fire service installations

proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2014; and

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

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

- “(a) prior planning permission should have been obtained before commencing the development/use at the site;
- (b) the planning permission is given to the structure under application. It does not condone any other structure which currently occurs on the site but not covered by the application;
- (c) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the site is partly on Lot 2792 RP in D.D.130 and partly on Government land in which its occupation is being held under a No-objection Letter of 18.5.1999 (M/N 909123). Lot 2792 RP in D.D. 130 under New Grant No. 2923 as varied by the Modification Letter of 22.3.2002 is restricted for use as a petrol filling station excluding any lubricating, servicing, repairing or vehicles washing facilities. According to the No-objection Letter, the concerned Government land (GL) may be used for the purposes of a petrol filling station office for its lifetime or until the expiration of the lease term of the said lot. The proposed retail shop and ancillary storage use does not conform with the lease conditions in respect of Lot 2792 RP in D.D.130 or the provisions in the No-objection Letter of 18.5.1999 (M/N 909123). If planning approval is given, the applicant will need to apply to LandsD for a temporary waiver/permission for the applicant’s proposal. He would advise that the proposal will only be considered upon his receipt of formal application from the applicant. He should also advise that there is no guarantee that the applications, if



received by LandsD, will be approved and he reserves his comment on such. The application, involving GL, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of fees, waiver fees, and administrative fees etc.;

- (d) to note the comments of the Chief Estate Surveyor/Railway Development, LandsD that the proposed development should not encroach into the vested air space;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (f) to note the comments of the Director of Environmental Protection that the site is within an area where no public sewer is available, the applicant is reminded that all wastewaters from the site shall be properly collected, treated and disposed of in compliance with the requirements under the Water Pollution Control Ordinance;
- (g) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that the applicant should comply with the MTR Corporation Limited’s requirements with respect to the future construction, operation and maintenance and safety of the West Rail;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised that: (i) the layout plans should be drawn to scale and depicted with dimensions and

nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is/are required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for requisition of cable plans/overhead line alignment drawings to find out whether there is any underground electricity cable and/or overhead electricity line within or in the vicinity of the site. For sites within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the 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) Regulations shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines."

**Agenda Item 65**

**Section 16 Application**

[Open Meeting]

A/TM-LTY Y/272 Proposed Temporary Private Vehicle Park (Private Cars and Motorcycles) for a Period of 3 Years in “Village Type Development” zone, Lot 651 (Part) in D.D. 130 and Adjoining Government Land, Tuen Mun San Tsuen, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/272)

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186. The Secretary reported that on 13.1.2014, the applicant submitted further information in response to the comments of the Assistant Commissioner for Transport/New Territories, Transport Department. The further information involved responses to comments of relevant Government department and was received less than one week from the scheduled meeting. More time was required for concerned departments to provide comments on the further information. The Planning Department (PlanD) therefore requested the Committee to defer making a decision on the application for one month in order to allow time to consult concerned departments on the further information.

187. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration within one month from the date of this meeting.

**Agenda Item 66**

**Section 16 Application**

[Open Meeting]

A/YL-PS/407 Proposed Residential Development in “Undetermined” zone, Lot 636 S.B ss.5 in D.D. 124, Kiu Tau Wai, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/407B)

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188. The Secretary reported that the application was submitted by Beautiglory Investment Ltd., which was a subsidiary of Sun Hung Kai Properties Limited. Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) were the consultants of the applicant.

Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with SHK, Environ and MVA. Ms Janice W.M. Lai had also declared an interest in this item as she had current business dealings with SHK. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Mr Fu and Ms Lai could stay in the meeting but should be refrained from involving in the discussion.

189. The Committee noted that the applicant requested on 31.12.2013 for further deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of concerned Government departments and the public comments received during the public statutory publication period regarding the further information submitted in November 2013, and to allow sufficient time for concerned Government departments to review the further information. This was the third time that the applicant had requested for deferment. Since the Committee's agreement to the last deferment request, the applicant, on 14.11.2013 and 19.11.2013, submitted further information involves the submission of Visual Impact Assessment, Air Ventilation Assessment Expert Evaluation, revised Environmental Assessment, and Sewerage Impact Assessment in response to comments from concerned Government departments. More time was required by the applicant to prepare further information to address the comments of concerned departments and public comments received and for concerned departments to review the further information.

190. 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 applicants that two months were allowed for preparation of the submission of the further information. Since this was the third deferment of the application requested by the applicant and the Committee had already allowed a total of six months for preparation of submission of further information, no further deferment would be granted unless under very special circumstances.

**Agenda Item 67**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/430            Renewal of Planning Approval for Temporary ‘Cultivation Ground’ for a Period of 2 Years in “Comprehensive Development Area” and “Open Space” and “Residential (Group A) 2” zones, Government Land near Aster Court in Hung Shui Kiu, Yuen Long  
(RNTPC Paper No. A/YL-PS/430)

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**Presentation and Question Sessions**

191.        Mr K.C. Kan, STP/TM&YLW, 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 ‘Cultivation Ground’ for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received. The chairpersons of the Incorporated Owners of Yuen Long Beauty Court and the Incorporated Owners of Aster Court objected to the application and requested the Government to implement the open space on the site for local residents as early as possible. An individual supported the application on the ground that Hong Kong was in lack of sites for cultivation ground. 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 'Cultivation Ground' could be tolerated for a further period of 2 years based on the assessments made in paragraph 12 of the Paper. As regards the objection from the resident organisations of two nearby residential developments, the major concerns were on the delay to the implementation of the subject "Open Space" zone. As there was currently no development programme for the subject open space and the Director of Leisure and Cultural Services had no in-principle objection to the application, and granting approval to the application would not cause delay to the implementation of the open space. Besides, the applicant should be advised to liaise with the neighbouring residential developments to explain their proposal.

192. Members had no question on the application.

#### Deliberation Session

193. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years from 30.1.2014 until 29.1.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Mondays, Wednesdays, Fridays and Lunar New Year's Day, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no public announcement system, loudspeaker or any form of audio amplification system, as proposed by the applicant, is allowed to be used on the site at any time during the planning approval period;
- (d) the maintenance of existing landscape planting at all times during the planning approval period;

- (e) the maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (f) the submission of the condition record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.7.2014;
- (g) the submission of fire service installation proposal within 6 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2014;
- (h) in relation to (g) above, the provision of fire service installations proposed within 9 months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.10.2014;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the planning permission is given to the development/use and structures

under application. It does not condone any other and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;

- (b) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize the potential environmental impacts;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant is reminded to provide adequate drainage measures along the site boundary to prevent surface water flowing from the site onto the nearby public footpaths and drains;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Buildings Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the planning application. Before any new building works (including container as temporary building) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as 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 EVA in accordance with Regulations 5 and 41D of the



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

- (e) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plan. Should the applicant wish to apply for exemption from the provision of certain FSI 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/are required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Director of Leisure and Cultural Services that the site will be resumed without compensation when the Yuen Long District Council decides to kick off the development programme of the planned open space at the site. The applicant should exercise every effort to ensure the access, daily operation and users of the Hung Tai Road Sitting-out Area (GLA-TYL 503) to the south-west of the site will not be obstructed or affected; and
- (g) to liaise with Incorporated Owners of Yuen Long Beauty Court and Incorporated Owners of Aster Court explaining the development proposal and addressing their concerns.”

**Agenda Item 68**

**Section 16 Application**

[Open Meeting]

A/YL-PS/432

Temporary Open Storage of Construction Equipment and Materials for a Period of 3 Years in “Government, Institution or Community” and “Residential (Group B) 2” and “Residential (Group C)” zones, Lots 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3109, 3110, 3125, 3127, 3128, 3129, 3130, 3131, 3132 RP, 3134 RP and 3901 in D.D. 124, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/432)

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195. The Secretary reported that the application was submitted by Team Harvest Ltd., which was a subsidiary of Sun Hung Kai Properties Limited. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they had current business dealings with Sun Hung Kai Properties Limited. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Mr Fu and Ms Lai could stay in the meeting but should be refrained from involving in the discussion.

196. The Committee noted that the applicant requested on 31.12.2013 for deferment of the consideration of the application for two months in order to address the departmental comments. This was the first time that the applicant requested for deferment of the application.

197. 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 69**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/434            Proposed Temporary Open Parking and Storage of Private Car and Light Van for a Period of 3 Years in “Residential (Group B) 1” zone, Lot 107RP in D.D. 121, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/434)

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**Presentation and Question Sessions**

198.        Mr K.C. Kan, STP/TM&YLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open parking and storage of private car and light van 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 no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views –PlanD did not support the applications based on the assessments made in paragraph 12 of the Paper. The site fell within Category 4 areas under the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) where open storage applications would normally be rejected. The intention of Category 4 areas was to encourage the phasing out of such non-conforming uses as early as possible. The development was not in line with the TPB PG-No. 13E in that no

previous approval had been granted at the site for storage of vehicles. Also, the proposed development was not in line with the planning intention of the “Residential (Group B) 1” (“R(B)1”) zone which was primarily for sub-urban medium-density residential developments in rural areas. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. Approval of the application, even on temporary basis, would set an undesirable precedent for similar applications within the “R(B)1” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

199. Members had no question on the application

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

- “(a) the proposed development is not in line with the planning intention of the “Residential (Group B)1” zone which is primarily for sub-urban medium-density residential developments in rural areas. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development does not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses under s.16 of the Town Planning Ordinance (TPB PG-No. 13E) in that the site falls with Category 4 areas and no previous planning approval has been granted for storage of private cars and light vans on the site. The applicant also fails to demonstrate that the proposed development would not generate adverse drainage and landscape impacts on the surrounding area. There are no exceptional circumstances which warrant the approval of the application; and
- (c) approval of the application, even on temporary basis, would set an

undesirable precedent for similar applications within the “Residential (Group B) 1” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

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

**Agenda Item 70**

Any Other Business

201. There being no other business, the meeting closed at 5:10 p.m.